

Resolution No.:	<u>18-1216</u>
Introduced:	<u>July 24, 2018</u>
Adopted:	<u>July 24, 2018</u>

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: County Council

SUBJECT: Proposed Amendments to County Charter

Background

- (1) Section 5 of Article XI-A of the Maryland Constitution, §7-102(c)(3)(i) of the Election Law Article of the Maryland Code, and §16-14 of the Montgomery County Code provide that amendments to the Charter of Montgomery County may be proposed by a resolution of the County Council. Section 5 of Article XI-A of the Constitution also provides that amendments to the Charter may be proposed by a petition signed by at least 10,000 registered voters of the County and filed with the President of the County Council.
- (2) Under §7-103(c)(3)(i) of the Election Law Article of the Maryland Code, ballot questions for proposed Charter amendments must be certified to the County Board of Elections on or before the third Monday in August in the year of a general or Congressional election at which those Charter amendments will be submitted to the voters. County Code §16-16 provides that a ballot title or summary, prepared by the County Council, of all proposed Charter amendments must appear in print on the voting machine or ballot.
- (3) The Council intends to submit to the County Board of Elections for inclusion on the 2018 general election ballot:

Question A: Redistricting Procedure – Composition of Redistricting Commission, which would amend §104 of the Charter;

Question B: Property Tax Limit – Votes Needed to Override, which would amend §305 of the Charter; and

Question C: Merit System – Councilmembers' Aides, which would amend §401 of the Charter.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

1) Subject to the approval of the County Attorney as to the form of the questions, the following Charter amendment must be placed on the 2018 general election ballot:

A

Redistricting Procedure – Composition of Redistricting Commission

The County Council proposes to amend Section 104 of the Charter of Montgomery County as follows:

Section 104 Redistricting Procedure

The boundaries of Council districts shall be reviewed in 1972 and every tenth year thereafter. Whenever district boundaries are to be reviewed, the Council shall appoint, not later than February 1 of the year before the year in which redistricting is to take effect, a commission on redistricting. The Commission shall be composed of [four members from each political party chosen from a list of eight individuals submitted by the central committee of] eleven registered voters who reside in the County. The Commission shall include at least one but no more than four members of each political party which polled at least fifteen percent of the total vote cast for all candidates for the Council in the last preceding regular election. [Each list shall include at least one individual who resides in each Council district. The Council shall appoint one additional member of the Commission. The Commission shall include at least one member who resides in each Council district, and the number of members of the Commission who reside in the same Council district shall not exceed the number of political parties which submitted a list to the Council.] At least one member of the Commission shall reside in each Council district. The Commission shall, at its first meeting, select one of its members to serve as its chair. No person who holds any elected office shall be eligible for appointment to the Commission.

By November 15 of the year before the year in which redistricting is to take effect, the Commission shall present a plan of Council districts, together with a report explaining it, to the Council. Within thirty days after receiving the plan of the Commission, the Council shall hold a public hearing on the plan. If within ninety days after presentation of the Commission's plan no other law reestablishing the boundaries of the Council districts has been enacted, then the plan, as submitted, shall become law. After any redistricting plan or any other law amending the boundaries of Council districts becomes law, the boundaries of the Council districts so established shall apply to the next regular election for Councilmembers and to any special election held or appointment made to fill a vacancy on the Council that occurs after those boundaries are established.

The ballot for this question must be designated and read as follows:

Question A

Charter amendment by act of County Council

Redistricting Procedure – Composition of Redistricting Commission

Amend Section 104 of the County Charter to remove party central committees from the process for selecting the Redistricting Commission appointed by the Council every ten years to review the boundaries of Council districts, and providing that the Redistricting Commission must:

- be composed of 11 County residents who are registered voters;
- include at least one, but no more than four members of each political party which polled at least fifteen percent of the total vote cast for all candidates for the Council in the last preceding regular election; and
- include at least one member from each Council district.

FOR AGAINST

2) Subject to the approval of the County Attorney as to the form of the question, the following Charter amendment must be placed on the 2018 general election ballot.

B

The County Council proposes to amend Section 305 of the Charter of Montgomery County as follows:

Sec. 305. Approval of the Budget; Tax Levies.

The Council may add to, delete from, increase or decrease any appropriation item in the operating or capital budget. The Council shall approve each budget, as amended, and appropriate the funds therefor not later than June 1 of the year in which it is submitted.

An aggregate operating budget which exceeds the aggregate operating budget for the preceding fiscal year by a percentage increase greater than the annual average increase of the Consumer Price Index for all urban consumers for the Washington-Baltimore metropolitan area, or any successor index, for the twelve months preceding December first of each year requires the affirmative vote of six Councilmembers. For the purposes of this section, the aggregate operating budget does not include: (1) the operating budget for any enterprise fund; (2) the operating budget for the Washington Suburban Sanitary Commission; (3) expenditures equal to tuition and tuition-related charges estimated to be received by Montgomery College; and (4) any grant which can only be spent for a specific purpose and which cannot be spent until receipt of the entire amount of revenue is assured from a source other than County government.

The Council shall annually adopt spending affordability guidelines for the capital and operating budgets, including guidelines for the aggregate capital and aggregate operating budgets. The Council shall by law establish the process and criteria for adopting spending affordability guidelines. Any aggregate capital budget or aggregate operating budget that exceeds the guidelines then in effect requires the affirmative vote of seven Councilmembers for approval.

By June 30 each year, the Council shall make tax levies deemed necessary to finance the budgets. Unless approved by an affirmative vote of [nine, not seven] all current Councilmembers, the Council shall not levy an ad valorem tax on real property to finance the budgets that will produce total revenue that exceeds the total revenue produced by the tax on real property in the preceding fiscal year plus a percentage of the previous year's real property tax revenues that equals any increase in the Consumer Price Index as computed under this section. This limit does not apply to revenue from: (1) newly constructed property, (2) newly rezoned property, (3) property that, because of a change in state law, is assessed differently than it was assessed in the previous tax year, (4) property that has undergone a change in use, and (5) any development district tax used to fund capital improvement projects.

The ballot for this question must be designated and read as follows:

Question B

Charter amendment by act of County Council

Property Tax Limit – Votes Needed to Override

Amend Section 305 of the County Charter to require an affirmative vote of all current Councilmembers, rather than the specific nine votes currently required, to levy a tax on real property that will produce revenue that exceeds the annual limit on property tax revenue set in that section.

FOR AGAINST

3) Subject to the approval of the County Attorney as to the form of the questions, the following Charter amendment must be placed on the 2018 general election ballot:

C

The County Council proposes to amend Section 401 of the Charter of Montgomery County as follows:

Sec. 401. Merit System.

The Council shall prescribe by law a merit system for all officers and employees of the County government except: (a) members of the Council, the County Executive, the Chief Administrative Officer, the County Attorney; (b) the heads of the departments, principal offices and agencies, as defined by law; (c) any officer holding any other position designated by law as a non-merit position; (d) one or more confidential [aide] aides for each member of the Council; (e) two senior professional staff members for the Council as a whole as the Council may designate from time to time; (f) three special assistants to the County Executive as the Executive may designate from time to time; (g) special legal counsel employed pursuant to this Charter; (h) members of boards and commissions; and (i) other officers authorized by law to serve in a quasi-judicial capacity.

Any law which creates a new department, principal office, or agency, or designates a position as a non-merit position, requires the affirmative vote of six Councilmembers for enactment. Any law which repeals the designation of a position as a non-merit position requires the affirmative vote of five Councilmembers for enactment.

The ballot for this question must be designated and read as follows:

Question C

Charter amendment by act of County Council

Merit System – Councilmembers’ Aides

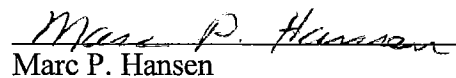
Amend Section 401 of the County Charter to permit each Councilmember to have one or more aides as non-merit employees, rather than the one confidential aide currently permitted.

FOR AGAINST

This is a correct copy of Council action.

Approved as to form and legality:


Megan Davey Limarzi, Esq.
Clerk of the Council


Marc P. Hansen
County Attorney