

AGENDA
CHARTER REVIEW COMMISSION
Wednesday, April 9, 2025, 8:00 a.m.
Virtual Only
[Zoom Link](#) | Password: 699281

(All times are approximate)

8:00 a.m. – ADMINISTRATIVE MATTERS

- Acknowledgment of a Quorum
- Approval of agenda
- Approval of minutes of February 12, 2025 meeting

8:10 a.m.

I. REPORT ON OUTREACH TO CITIZEN ADVISORY BOARDS

- Virtual meetings held with members of the UpCounty Citizens Advisory Board (March 10, 2025) and the Mid-County Citizens Advisory Board (March 20, 2025)
- Additional requests sent to Silver Spring CAB, East County CAB and Western County CAB.

8:15 a.m.

III. Defining the Use of Special Taxing Districts as Authorized Under Existing Law

- Update from workgroup
- Questions and Discussion

8:30 a.m.

IV. Budget Reserves

- Update from workgroup (Commissioner Naftal)
- Questions and Discussion

8:45 a.m. – Issues Raised by the Public

- New Petition for Charter Amendment by the Committee to Control MoCo Spending (See attachment)
- For property taxes, treating tear-downs with re-builds as “new construction” for purpose of updating their tax assessment. (Previously raised by the Montgomery county Taxpayers’ League: <https://www.mctaxpayersleague.org>)
 - Compare the current text of Charter section 305 to that section’s wording before it was amended in 2020. (See attachment)
- Lowering the voting age to allow 16 and 17-year olds to vote in the November General Election for the non-partisan Montgomery County School Board races.

9:20 a.m. – Staff Updates or Comments

- Any public comments received in response to March 6 Press Release?

ADJOURN

REMINDER FOR NEXT MEETING

- Next scheduled meeting May 14, 2025 at 8:00 a.m.; Guest Speaker, Council President Stewart.

ATTACHMENT**Current wording of County Charter****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 seven 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 eight 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 all current Councilmembers, the Council shall not levy an ad valorem weighted tax rate on real property to finance the budgets that exceeds the ad valorem weighted tax rate on real property approved for the previous year.** The weighted tax rate is calculated by determining the sum of each property tax rate adjusted by the proportion of assessable base that is charged that tax rate. (Election of 11-7-78; election of 11-6-84; election of 11-6-90; election of 11-3-92; election of 11-8-94; election of 11-3-98; election of 11-4-08; election of 11-6-18; election of 11-3-20; election of 11-3-20.)

Wording of Section 305 Prior to 2020 Amendment

By June 30 each year, the Council shall make tax levies deemed necessary to finance the budgets. Unless approved by an affirmative vote of 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. (Election of 11-7-78; election of 11-6-84; election of 11-6-90; election of 11-3-92; election of 11-8-94; election of 11-3-98; election of 11-4-08; election of 11-6-18.)

The entire Section 305 as it appeared in 2019

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 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. (Election of 11-7-78; election of 11-6-84; election of 11-6-90; election of 11-3-92; election of 11-8-94; election of 11-3-98; election of 11-4-08; election of 11-6-18.)

New Petition for Charter Amendment

A ballot issues campaign committee has recently been formed by Reardon Sullivan, who is currently Chair of the Montgomery County Republican Party and a former candidate for County Executive. Its name is the "Committee to Control Montgomery County Spending" (shortened to "Control MoCo Spending" or "CMS").

The Committee's stated objective: "We want to change the County Charter to ensure that the Montgomery County Executive and County Council cannot increase spending above the prior year CPI." Its website can be accessed using this link: <https://controlmocospending.com/>

It was reported in the media that Robin Ficker, a GOP activist who sponsored a charter amendment (Question B) in 2020, that voters rejected, is also involved with the CMS petition.

The current draft of the CMS petition, as it appears on its website, is reprinted below:

PROPOSED CHARTER AMENDMENT TO CONTROL SPENDING

This is a petition pursuant to Article XI-A, Section 5 of the Maryland Constitution and Section 507 of the Charter of Montgomery County to submit to voters of Montgomery County in the next general election a proposal to amend the Charter of Montgomery County to limit the authority of the County Council to approve 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, except by a vote of all current Councilmembers that a greater increase is justified by an emergency, by deleting “seven Councilmembers” from the first sentence in Section 305, Paragraph 2 of the Charter of Montgomery County and replacing that language with “all current Councilmembers, following a finding by all current Councilmembers that an emergency justifies such an increase.”

Upon amendment, Section 305, Paragraph 2 of the Charter of Montgomery County shall read:

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 (CPI-U) for all urban consumers for the Washington-Arlington-Alexandria Core Based Statistical Area (CBSA) , or any successor index, for the twelve months preceding December first of each year requires the affirmative vote of all current Councilmembers, following a finding by all current Councilmembers that a public emergency, as defined by Section 2-17(a) of the Montgomery County Code, justifies such an increase, after at least 3 public hearings in each County Council District with at least 30 days’ notice. 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.

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By Authority – Committee to Control MoCo Spending – Victoria Birkett, Treasurer.