

APPROVED

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND**  
**MANAGEMENT AND FISCAL POLICY COMMITTEE**

Thursday, July 30, 1998  
9:05 A.M. – 11:40 A.M.  
Council Conference Room

PRESENT

Marilyn J. Praisner, Chair

William E. Hanna, Jr.

Neal Potter

OTHER COUNCILMEMBER PRESENT

Michael L. Subin

**SUBJECT: Office of Legislative Oversight FY 99 Work Program**

The Committee had before it the memorandum and attachments from Ms. Orlansky, Director, Office of Legislative Oversight (OLO) on the Status Report and FY 99 Work Program, dated July 28, 1998.

**ACTION:** Reviewed OLO's Work Program, including a detailed review of the components of the Police Department's Response to Citizen's Complaints Concerning the Conduct of Department Employees project. Discussed the issues that relate to the Office of Legislative Oversight Resource Committee, including the survey that will be conducted with individuals who interacted with the Police Department within the past year; and requested that a copy of the survey be provided to the Council prior to its implementation.

Discussed the time table of the aforementioned project identified on page ©26 of OLO Staff's packet, the selection process for appointment to the Resource Committee, and the role of the Committee; noted the importance of informing applicants applying for membership on the Resource Committee of the commitment that will be expected; and agreed that the resolution will be clarified to indicate that the Council appoints the members of the Resource Committee.

Noted the request of Councilmember Subin that the Resource Committee should be given an official monitoring and tracking role in the process to assure the citizens that action is being taken in the interim while research is being conducted.

Received comments from Staff of the Police Department related to the project; and comments from Mr. Nix, interested citizen, related to his opposition to the scope of the project, the establishment of a Resource Committee, and his request to establish a relationship between the citizens and the Police Department. Noted the comments of Ms. Plummer, President, Montgomery County Chapter of the National Association for the Advancement of Colored People, on the scope of the project, and her concern regarding the operations of the Office of Internal Affairs and the need for an additional forum to be held, and her desire for a civilian review board to be established in Montgomery County.

Agreed with Councilmember Praisner's view that there is a need for feedback and communication within the community throughout the process, and that the data collected by the Resource Committee will be provided to OLO; and noted her comment on the importance of the role of the police-community facilitator.

Agreed that the language in Project #4 may require additional modification.

Continued review of the OLO projects, and noted Councilmember Hanna's opposition to Project 6, A Study of Extending Employee Benefits to Domestic Partners, and Councilmember Praisner's concern that identifying specific examples of other programs could lead to the development of a model. Agreed to amend page ©6 of the attachments by deleting the following language in the third bullet: [Provide specific examples of domestic partner benefit plans, including the fiscal impact in other jurisdictions (if known) of implementation.]

Recommended approval of the OLO FY 99 Work Program, as amended.

**SUBJECT: Bill 45-97, Collective Bargaining – Amendments**

The Committee had before it the memorandum and attachments from Senior Legislative Attorney Faden, dated July 30, 1998, providing background information and issues for discussion related to the subject bill.

**ACTION:** Discussed the service contract provision of the legislation; expressed concern about the excessive restrictions and procedures, and the opportunities for litigation; and agreed that the provisions of the legislation are already provided under the current law.

Discussed the collective bargaining amendments and agreed to oppose extending binding arbitration to non-public safety employees.

Agreed that if the Council approves the binding arbitration provisions of the bill, it be amended to reinstate the Council's role in the process.

Recommended disapproval of the bill.

Agreed that if the Council does not disapprove Bill 45-97, it be remanded to the Committee for further consideration of the amendments, noting that the Committee did not have the opportunity to review the details of the legislation.

**SUBJECT: Bill 43-97, Cable Communications – Franchise Procedures**

The Committee had before it the memorandum from Legislative Attorney Cogan, dated July 28, 1998, providing background information and issues for discussion related to the subject bill.

**ACTION:** Noted that the Committee previously agreed to delete the language under Section 8A-9(F)(2) which was not intended as a substantive change but was subsumed within the five items under (e) or the two additional items under (f), and that the County has the ability to determine the effect on the existing franchisee's operations or service when an applicant proposes to overbuild an existing cable system.

Reviewed the previous Committee recommendations for Bill 43-97.

Agreed to amend Section 8A-9(f)(2) of the bill, after the word "public" by deleting the following language: [, including any disruption to the public right-of-way].

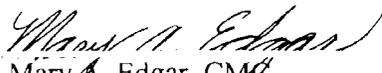
Discussed whether the deadlines for Council action should be more flexible and suspended when the Council is in recess; and agreed to amend the bill by providing that the 60-day period for Council action on a franchise not include any week when the Council is not in session, by providing the Council the option to extend the 60 day deadline for Council action when Council approval is required, and by limiting the number of extensions the Council can approve for an overbuild application to no more than one additional 60-day period.

Agreed to amend the bill, Section 8A-8)e)(4) as follows: Any other information necessary for the County to [make a determination on] [[consider]] determine whether to approve the [requested franchise] modification.

Agreed with the remaining amendments that were previously approved by the Committee and identified in Council Staff's memorandum.

Recommended approval of Bill 43-97, as amended.

This is an accurate account of the meeting:

  
Mary A. Edgar, CMC  
Secretary of the Council

Minutes written by: Elda Dodson, Assistant Secretary