

Approved 7/28/05

**CHARTER REVIEW COMMISSION
MEETING
Thursday, June 23, 2005; 8:00 a.m.
6th Floor Front Conference Room
Council Office Building**

Minutes

Commission Members Present:

Kenneth Muir, Chair
Barbara Smith Hawk, Vice Chair
Mollie Habermeier
Cheryl Kagan
Michael McKeehan
Randy Scritchfield (via telephone)
Shelton Skolnick
Robert Skelton

Commission Members Absent:

Julie Davis

Staff:

Sonya Healy, Legislative Analyst
Carol Edwards, Legislative Services
Coordinator
Marc Hansen, Chief, Division of General
Counsel, Office of the County Attorney

Guests:

Councilmember Michael Knapp
Dale Tibbitts, Montgomery County Civic
Federation
Sally Sternbach

Chairman Muir opened the meeting at 8:10 a.m.

Chairman Muir introduced Sally Sternbach to the members of the Commission. He noted that the Executive had selected Ms. Sternbach to replace Ms. Brown-Olivetti as a Commission member. The Council was scheduled to confirm Ms. Sternbach's appointment on June 28.

Chairman Muir reminded Commissioners that the final report is due to the Council in May 2006 and asked them to focus on the issues they wanted to study. Report recommendations need to be made by early March, so the report can be drafted and submitted on time.

I. Discussion of Potential Issues to Study

The Commissioners discussed the following recommendations:

- **Proposals to change the structure of the Council**
 - a) Former Councilmember Ike Leggett's proposal to expand the Council to 11 members – 8 districts and 3 at-large representatives.
 - b) Expand the size of the Council beyond 11 members
 - c) Maintain the size of the Council, but go to all district representation (as advocated by the Civic Federation)
 - d) Align Councilmanic districts with State legislative districts.

Chairman Muir asked the Commissioners to indicate which proposals the Commission should pursue.

Action: The Commissioners voted (8-0) to delete proposal (b) to expand the size of the Council beyond 11 members.

Action: Mr. Skolnick asked for a recalculation of the figures in the Council Staff memorandum (dated February 5, 2004) concerning the cost of adding additional Councilmembers. He asked that the cost be compared to other expenses in the County's budget (e.g. the Baltimore Symphony Orchestra).

Commission members noted that any decision to accept or reject the proposals to increase the size of the Council should be based not only on the fiscal impact of adding positions but also on whether this is good governance. Commissioners noted a variety of other factors that should also be considered such as the need for more space in the Council Office Building or relocation costs, the need for additional personal staff for Councilmembers, and the potential need for more Council central staff to accommodate a heavier workload.

Action: A motion was made and seconded (6-2) to delete proposal (d).

The Commission decided to focus on proposals (a) and (c) in a more general way (e.g. a mix of at-large versus all district, 9 members – 8 district 1 at large or some other combination with a maximum of 11 members).

- **Congruency of petition/ballot language**

The Commission reviewed Mr. McKeehan's draft proposal on the congruency of petition and ballot language. This proposal recommends that decision-making on ballot language occur early on in the process. Mr. Hansen noted that to change the process, the Council would have to lobby the State legislature to change the State Election Law.

Action: The Commission decided that the proposal to bring petition and ballot wording into better congruence will be an issue for further study.

Action: The Commission requested that Council staff edit Mr. McKeehan's proposal and circulate to select groups, such as the Civic Federation.

- **Deadlines to exercise an Executive Veto (Charter Section 208)**

Action: The Commission decided to recommend this proposal again in the 2006 Report.

▪ **Full-time vs. Part-Time Council Position**

Action: The Commission decided to keep the issue of whether a Councilmember’s position should be considered a full-time job or a part-time job for purposes of determining compensation.

Chairman Muir suggested that the Commission comment on the proposal, but noted that any changes would not be effective until the following Council is elected in 2008.

▪ **County’s budget process – whether the Council’s spending authority should be similar to what is done on the state level.**

Action: A motion was made and seconded (6 – 2) not to consider the budget process.

II. Meeting with Councilmember Knapp

Councilmember Knapp spoke to the Commission about the County’s budget process. He suggested that the Commission look into what drives the Charter limit numbers (e.g., inflation and population growth). He asked the Commission to consider if the calculation for the Charter limit (Section 305) is the correct calculation and if different factors should go into this calculation.

SECTION 305 – Approval of the Budget; Tax Levies

By June 30 each year, the Council shall make tax levies deemed necessary to finance the budgets. Unless approved by an affirmative vote of seven Councilmembers, the Council shall not levy an ad valorem tax on real property to finance the budgets that will produce total revenues 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.

Action: The Commission asked Council staff to invite Timothy Firestine, Director, Department of Finance, to attend the next meeting to explain how the County raises revenue and to discuss the Charter limit. The Commission decided to leave Councilmember Knapp’s proposal on the list for discussion items until the meeting with Mr. Firestine.

Action: Mr. Skolnick asked if Mr. Firestine could discuss if real estate taxes have increased at the same rate as other taxes in the County.

- **Other Issues**

Ms. Kagan suggested that the signature requirements for ballot questions versus Charter amendments remain on the Commission's list for further discussion. The issue is the disparity between the number of signatures required for a Charter Amendment vs. a referendum. Chairman Muir said he would talk to Delegate Charles Barkley, Montgomery County Delegation to get some information on the future of this issue in the Maryland General Assembly.

III. Administrative Items

Action: Commissioners decided to hold a public forum after they decide what issues they want to consider. Council staff will explore the possibility of providing Cable TV coverage for the forum.

The Commission will continue to meet on Thursday mornings (3rd Thursday) from 8 to 10 a.m., with the exception of July, depending on Mr. Firestine's availability. There will be no meeting in August.

- **Identify future meeting dates:**

- September 15
- October 20th
- November 17
- December 15

Chairman Muir suggested that the Commission should consider breaking up into subcommittees to work on particular issues for the final report. The Vice Chair suggested that the Commission should work on the issue of size and structure of the Council as a group.

- **Review and approve April 14th minutes.**

Ms. Kagan submitted corrections to the April 14th minutes. A motion was made and seconded to approve the April 14th minutes with Ms Kagan's revisions.

- **Membership vacancies**

Council Staff, Justina Ferber, is currently recruiting for the Council appointment to replace Javier Miyares who has resigned.

Meeting adjourned at 9:45 a.m.