

Approved 10/20/05

**CHARTER REVIEW COMMISSION
MEETING
Thursday, September 15, 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
Julie Davis
Cheryl Kagan
Michael McKeehan
Robert Reeder
Randy Scritchfield
Robert Skelton
Shelton Skolnick
Sally Sternbach

Commission Members Absent:

Mollie Habermeier

Staff:

Justina Ferber, Legislative Analyst
Carol Edwards, Legislative Services
Coordinator
Michael Faden, Senior Legislative Attorney
Kathleen Boucher, Senior Legislative Attorney

Guests:

Dale Tibbitts, Montgomery County Civic
Federation
Peggy Denis

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

I. Welcome New Member

Chairman Muir introduced the new commission member, Robert Reeder from Silver Spring. Mr. Reeder replaces Javier Miyares, who resigned.

II. Public Forum

The Commission's Public Forum was originally scheduled for October 17; however, because of possible conflicting events on the same evening, the Commission decided to change the date.

Action: Council staff was directed to search for at least two other dates – preferably after October 17 and report back to the Commissioners. Staff was also directed to confirm that cable television coverage could be provided on the new date. Individuals who signed up to testify on October 17 will be informed about the date change, and a revised press release will be mailed to community groups and media outlets.

A. Review Opinion-Editorial Pieces (Chairman Muir)

Action: The Chairman asked the Commissioners to review two draft opinion-editorial pieces and provide comments. Council staff will email the Op-Ed document to the Commissioners. October 1 is the deadline to submit comments to the Chair. Commissioner Sternbach volunteered to track changes in the Op-Ed piece.

Commissioners made the following suggestions: (1) merge two of the issues—structure of the County Council and full-time versus part-time Council service; (2) add the proposal on the ballot signature issue; and (3) include background information on the Charter Review Commission (i.e. how it is appointed and describe the role and responsibilities of the Commission).

III. Discussion of Issues and Subcommittee Assignments

A. Proposals to Change the Structure of the Council

Subcommittee paper to be completed for the entire Commission to review.

B. Full-Time versus Part-Time Compensation for Councilmembers

Subcommittee paper to be completed for the entire Commission to review.

Note: Robert Reeder was added to the Subcommittee on Full-Time versus Part-Time Compensation.

Action: The Commission Chair suggested that the subcommittee touch base with Linna Barnes, Chair of the League of Women Voters’ subcommittee about the League’s study on the structure of the Council. He also asked the subcommittee to obtain information related to various counties (from the League’s chart) concerning the full-time/part-time issue.

Action: Commissioners would like to exchange information on the full-time versus part-time issue with the Committee to Study Compensation.

Action: Commissioners asked Council staff to obtain data on the amount of time Councilmembers spend on official Council business (formal meetings).

C. Congruency of Petition/Ballot Language

The Commission discussed Commissioner McKeehan’s proposal to have a determination on the ballot language prior to signature collection. This proposal would create an early decision on ballot language and shift approval responsibility from the Council to the County Attorney. Michael Faden, the Council’s Senior Legislative Attorney, distributed a memorandum to the Commission for the purpose of clarifying the relationship of Charter amendment petitions and the ballot wording that voters ultimately see.

Specific points under current law (see Mr. Faden’s memorandum, which is attached):

- The petition language and the ballot wording are legally two different things.
- The petition signer does not see the actual ballot wording.

- The ballot wording must convey with reasonable clarity the actual scope and effect of the measure, if adopted.

Mr. Faden stated that the Courts are strict on standards for ballot language. The language must be accurate and clear and cannot be argumentative or misleading. Mr. Faden acknowledged that shifting responsibility to the County Attorney to make the decision on ballot language could create the potential for political conflict since the County Attorney reports to the County Executive. Revising the timeline would require a change in State law.

Dale Tibbitts, representative from the Civic Federation, suggested that the petitioning party could write the ballot language. The petitioning party would be required to follow State law.

Action: The Commission Chair asked Mr. Faden to meet with the subcommittee on this issue and requested that Mr. Tibbitts be involved in the meetings also.

D. Number of signatures Required to Petition a Charter Amendment
Subcommittee paper to be completed for the entire Commission to review.

IV. Administrative Items

A motion was made to approve the July 28 minutes. The motion was seconded and the minutes were approved with technical/minor corrections.

- Subcommittee papers should be ready for the next meeting.
- Council staff will email an updated membership list to the Commissioners.
- Council staff was asked to update materials distributed in 2003-2004 (chart comparing the County to other jurisdictions) on compensation.
- Council staff was directed to give the Compensation Committee the 2004 Charter Review Commission Report.

The next meeting is scheduled for October 20 at 8:00 a.m.

Meeting adjourned at 9:14 a.m.