

APPROVED

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

Thursday, June 28, 2001
2:05 P.M. – 3:04 P.M.
Council Conference Room

PRESENT

Marilyn J. Praisner, Chair

Phil Andrews

Howard A. Denis

Councilmember Denis in the Chair.

SUBJECT: Bill 13-01, Collective Bargaining – Fire/Rescue Employees

The Committee had before it the memorandum and attachments from Senior Legislative Attorney Faden, dated June 28, 2001.

ACTION: Discussed with Mr. Sparks, Fire and Rescue Service, the comments in the letter from the Montgomery County Fire Board, dated June 17, 2001, attached to Staff's memorandum on pages 13-15; and received information from Mr. Aoyagi, Fire Administrator, that the Fire Board was involved in the process.

Agreed that fire supervisors have the right to bargain collectively, and that captains and lieutenants be placed in the "rank and file" bargaining unit. Councilmember Praisner recommended that the captains and lieutenants be placed in a separate bargaining unit.

Received comments from Mr. Sparks in support of the captains and lieutenants being placed in the "rank and file" bargaining unit.

Agreed that management who would not be included in the bargaining unit are those captains or lieutenants whose primary assignment involves sensitive issues such as labor relations, budget, personnel, internal affairs, public information, and quality assurance.

Discussed whether captains and lieutenants should vote on their bargaining unit; and recommended that captains and lieutenants be automatically placed in the bargaining unit without any opportunity to vote on the issues.

Recommended approval of Bill 13-01, as introduced.

Councilmember Praisner in the Chair.

SUBJECT: Bill 11-01, Ethics – Political Activities – Quasi-Judicial Officers

The Committee had before it the memorandum and attachments from Mr. Faden, dated June 28, 2001.

ACTION: Discussed the testimony that was presented at the public hearing, including the testimony of Mr. Leventhal, Montgomery County Democratic Central Committee, attached on page ©57 and 58 of Staff's memorandum.

Agreed that it is appropriate to have some restrictions on political activities of quasi-judicial officials and that there should be a close nexus between the restrictions and the ability of the person who is being restricted to impact a business or person. Recommended that the restrictions be limited to a business or person who does business or appears before a board or commission or is under the authority or regulated by the board or commission.

Discussed the current restrictions on public employees for soliciting or accepting gifts and how the Committee recommendation could be constructed to parallel Section 19A-16 of the Montgomery County Code. Requested Mr. Faden to draft language that would amend the bill by making it more limiting, and that the revised draft be submitted to the Committee members, the County Attorney's Office, Ethics Commission, quasi-judicial boards and commissions, and other individuals who commented on the bill.

Discussed whether to limit the prohibition to particular boards or commissions; and received information from Mr. Faden that the approach the Committee recommended would be self-limiting.

Discussed the restriction that any quasi-judicial official cannot be a candidate for a federal, state, or county elected office without resigning from the quasi-judicial position; and deferred consideration of whether language should be included in the bill extending the restriction to a candidate for a municipal office.

Discussed the status of the financial disclosure form modifications with Ms. Keller, Vice-Chair of the Ethics Commission; and received information that there is a subcommittee working on modifications to the form. Noted Councilmember Praisner's request that the modifications to the form be completed in the November/December time period; and received comments from Staff of the County Attorney's Office on the status of the modifications and the limitations that exist. Received information that the changes to the form suggested by Council Staff Director Farber were accepted and will be implemented and that the form and directions will be available on the Commission's website. Requested a briefing be scheduled in September to discuss the status of the modifications to the financial disclosure form.

Recommended approval of Bill 11-01, as amended subject to the redraft.

This is an accurate account of the meeting:

Mary A. Edgar, CMC
Clerk of the Council

Minutes written by: Elda Dodson, CMC, Deputy Clerk