

# AGENDA

## CHARTER REVIEW COMMISSION

Wednesday, February 16, 2022  
8:00 a.m.

### Virtual Meeting Link:

<https://us06web.zoom.us/j/84452768073?pwd=Q09QZnF6QmhLZ1B3MmxUZGt1NXc2UT09>

(Times are approximate)

### I. ADMINISTRATIVE ITEMS

- Acknowledgment of Quorum
- Adoption of Agenda
- Approval of Minutes of October 13, 2021
- Welcome of Newest Commissioner: Anita Cox

### II. DISCUSSION OF FEEDBACK FROM LISTENING SESSIONS AND WRITTEN SUBMISSIONS:

- Lorraine Jaffee's written submission to clarify proposed amendment to Section 206 regarding the removal of County Executive
- Melissa King's written submission opposing amending Section 206 but in favor of recall option
- Mark Lautman's testimony in opposition to proposal as to irreconcilable ballot questions
- Laura Mitchell's testimony that we review Charter language that may be insensitive to mental health issues
- David Tolman's written submission to revise the manner of selecting at-large Councilmembers
- Mitsuko Herrera's testimony to clarify the votes needed to remove County Executive for cause
- Mitsuko Herrera's testimony to recommend a change to non-partisan primaries
- Mitsuko Herrera's testimony to change "County Executive" to "Mayor"

### III. REVIEW OF RECOMMENDED BALLOT LANGUAGE TO SUGGEST TO COUNTY COUNCIL ON ORIGINAL 3 ISSUES:

#### A. To clarify what occurs when two questions on the ballot are both approved by the voters but are irreconcilable:

"If, at a congressional or general election held after 2022, voters approve Charter amendments containing provisions so inconsistent that only one can be given effect, only the amendment that receives the highest number of favorable votes must take effect and amend the Charter."

- B. To increase the length of time that an individual must reside in the County in order to qualify to serve as County Executive under Section 203 or Councilmember under Section 102:**

Section 203 Qualifications

“The County Executive shall have been a resident of Montgomery County for **[the year] three years** preceding the election or appointment, shall not be less than thirty years of age, ...”

Section 102 Composition and Election

Add a new sentence as follows: “To be elected or appointed to the Council, one shall have been a resident of Montgomery County for three years preceding the election or appointment.”

- C. To amend Sections 118 and 206 regarding the removal from office of County Executive and Councilmembers:**

Sec. 206. Removal of the County Executive

The County Executive may be removed from office by the affirmative vote of not less than **[six members] 80%** of the **current** Council **after notice and an opportunity to be heard in** a public hearing and upon a finding that the County Executive: **(1)** is unable by reason of physical or mental disability to perform the duties of the office; **or (2) has committed serious misconduct in office or willful neglect of duty. Willful neglect of duty must be demonstrated to have occurred for 180 consecutive days.** The decision of the Council may be appealed by the County Executive within ten days to the Circuit Court by petition. Upon the filing of a petition, the Court may stay the removal pending its decision. Upon appeal, the Court may make *de novo* determinations of fact. The County Executive also may be suspended and removed from office in the manner provided in Section 2 of Article XV of the Constitution of Maryland.

Section 118. Removal of Councilmembers

A member of the County Council may be removed from office by the affirmative vote of not less than **[six members] 80%** of the **current** Council **after notice and an opportunity to be heard in** a public hearing and upon a finding that the Councilmember: **(1)** is unable by reason of physical or mental disability to perform the duties of the office; **or (2) has committed serious misconduct in office or willful neglect of duty. Willful neglect of duty must be demonstrated to have occurred for 180 consecutive days.** The decision of the Council may be appealed by the removed Councilmember within ten days to the Circuit Court by petition. Upon the filing of a petition, the Court may stay the removal pending its decision.

Upon appeal, the Court may make *de novo* determinations of fact. A member of the County Council also may be suspended and removed from office in the manner provided in Section 2 of Article XV of the Constitution of Maryland.

#### IV. ADJOURNMENT

- Next Commission meeting: March 9, 2022 at 8:00 a.m. Topic: Review of Draft Report