



**Committee:** Directly to Council  
**Committee Review:** N/A  
**Staff:** Amanda Mihill, Legislative Attorney  
**Purpose:** Final action – vote expected

AGENDA ITEM #4  
August 4, 2020  
**Introduction/Action**

## **SUBJECT**

Proposed Amendment to County Charter – County Council – Election of Council President

Lead Sponsor: Councilmember Riemer

**EXPECTED ATTENDEES:** N/A

## **COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION:**

- Suspension of Rule 7(c) is required to introduce the resolution and act on it the same day.
- Vote expected on whether to adopt a resolution to place on the 2020 general election ballot a question to provide for the direct election of the Council President.

## **DESCRIPTION/ISSUE**

The resolution would place on the ballot a question that, if approved by the voters, would amend the County Charter to:

- provide that the Council President is directly elected by the qualified voters of the entire County;
- specify that the Council President is an At-Large Councilmember; and
- specify that for purposes of term limits, Council President and Councilmember are separate offices.

## **This report contains:**

Resolution

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Resolution No.: \_\_\_\_\_  
Introduced: \_\_\_\_\_  
Adopted: \_\_\_\_\_

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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Lead Sponsor: Councilmember Riemer

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**SUBJECT:** Proposed Amendment to County Charter – County Council – Election of Council President

**Background**

- (1) Section 5 of Article XI-A of the Maryland Constitution, §7 -102(c)(3)(i) of the Election Law Article of the Maryland Code, and § 16-14 of the Montgomery County Code provide that amendments to the Charter of Montgomery County may be proposed by a resolution of the County Council. Section 5 of Article XI-A of the Constitution also provides that amendments to the Charter may be proposed by a petition signed by at least 10,000 registered voters of the County and filed with the President of the County Council.
- (2) Under § 7-103(c)(3)(i) of the Election Law Article of the Maryland Code, ballot questions for proposed Charter amendments must be certified to the State Board of Elections.
- (3) The Council intends to submit for inclusion on the 2020 general election ballot:

Question E: County Council – Election of Council President

**Action**

The County Council for Montgomery County, Maryland approves the following resolution:

1) Subject to the approval of the County Attorney as to the form of the question, the following Charter amendment must be placed on the 2020 general election ballot:

**County Council – Election of Council President**

Sec. 102. Composition and Election.

The Council shall be composed of nine members, each of whom shall be a qualified voter of Montgomery County. Four Councilmembers, including a Council President, shall be nominated and elected by the qualified voters of the entire County. Each of the five other members of the Council shall, at the time of Nomination and election and throughout the member's term of office,

reside in a different Council district, and shall be nominated and elected by the qualified voters of that district. Any change in the boundaries of a Council district after a member is elected shall not render the member ineligible to complete the term for which the member was elected. No member of the Council shall hold any other office of profit in state, county or municipal government. No member of the Council shall be eligible for appointment during the member's term of office to any other office or position carrying compensation created by or under this Charter, except to County Executive in the event of a vacancy.

\* \* \*

Sec. 105. Term of Office.

Members of the Council shall hold office for a term beginning at noon on the first Monday of December next following the regular election for the Council and ending at noon on the first Monday of December in the fourth year thereafter. In no case shall a [Councilmember] person be permitted to serve more than three consecutive terms as a Councilmember or as the Council President. For the purposes of term limits, Council President and Councilmember must be considered separate offices. [Any member of Council who will have served three or more consecutive terms at noon on the first Monday of December 2018 shall be prohibited from commencing to serve a successive term of office at that time.] For purposes of this Section, service of a term includes complete service of a full term and partial service of a full term. Partial service of a full term means service by a Councilmember of more than two years of a term.

\* \* \*

Sec. 108. Officers of the Council.

The Council [shall elect, from among its members, a president of the Council, who] President shall preside over meetings of the Council. The Council may provide for the selection of such other officers or employees as it may deem desirable for the exercise of its powers. The Council may employ or retain special legal counsel to assist it in the exercise of its powers, and may provide by law for special legal counsel to assist, advise, or represent any office of the legislative branch in the exercise of its duties. Any special legal counsel employed or retained under this section shall be subject to appropriation and is not subject to Section 213.

*The ballot for this question must be designated and read as follows:*

**Question E**

**Charter amendment by Council**

**County Council – Election of Council President**

Amend the County Charter to

- provide that the Council President is directly elected by the qualified voters of the entire County;
- specify that the Council President is an At-Large Councilmember; and

- specify that for purposes of term limits, Council President and Councilmember are separate offices.

**FOR**

**AGAINST**

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2) Language included within [brackets] is proposed to be deleted from the Charter. Language that is underlined is proposed to be added to the Charter.

This is a correct copy of Council action.

Approved as to form and legality:

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Selena Mendy Singleton, Esquire  
Clerk of the Council

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Marc P. Hansen  
County Attorney