

CHARTER REVIEW COMMISSION
Wednesday, September 9, 2015 – 8:00 a.m.
6th Floor Conference Room
Council Office Building

Commission Members Present:

Paul Bessel, Chair
Sharon Freeman, Vice-Chair
Wendy Cohen
Jennifer Hunt
Joshua Lipsky
Timothy Lighter
Randy McDonald
Angela Rey
Aryeh Shudofsky

Staff:

Ed Lattner, Office of the County Attorney
Marie Jean-Paul, County Council
Amanda Mihill, County Council
Josh Hamlin, County Council

Guest:

Barbara Braswell

Commission Chair Paul Bessel called the meeting to order at 8:09 a.m.

I. Opening Remarks

Mr. Bessel opened the meeting by welcoming the Commission Members and staff and asked everyone to give a brief introduction.

II. Mission of the Charter Review Commission

Josh Hamlin described staff's role to the Commission, which is to facilitate decision-making, provide background information on issues that come up, and conduct research. Mr. Hamlin and Ms. Mihill also briefed the new Commission members on the history of previous Charter Review Commissions. Ms. Mihill noted that the Commission does not receive instructions from the Council; however, past Commissions have met with elected officials to obtain their ideas and recommendations. Mr. Hamlin also noted that previous Commissions have solicited public comments on potential charter review issues by holding public forums and issuing press releases requesting input on potential Charter changes.

Commission members discussed ways to generate ideas for the Commission to study. The Commission decided to solicit input from current Councilmembers and the current County Executive, and directed staff to extend invitations for this purpose.

Ed Lattner briefed the Commission members on the history of local government in Maryland and the relationship between the state and local governments. Mr. Lattner explained that the Express Powers Act gives home rule counties the power to legislate in areas that the

State and federal governments have not preempted. Mr. Lattner further explained that the County and the State have concurrent authority, but under the doctrine of preemption by conflict, the County cannot permit something the State has expressly prohibited nor can the County prohibit something the State has expressly permitted.

The Charter is basically the County's constitution. The Court of Appeals has held that a Charter should deal with the organization of local government and the allocation of the powers granted to the County by the State among the entities or agencies created in the Charter. Legislative material should not be found in the Charter. Legislative power must primarily reside in an elected Council, but this power can be shared. For example, legislative power may be shared with the County Executive, who has the power to veto legislation. In addition, the Council's legislative power can be shared with the people through the power of referendum. The County Charter provides that the people of Montgomery County can share the legislative power by petitioning laws passed by the County Council to referendum.

Mr. Lattner explained that a proposed Charter Amendment must be approved by the registered voters of the County. A Charter Amendment is placed on the ballot in one of two ways:

1. The County Council may place a proposed Charter Amendment on the ballot. The Charter Review Commission may advise the Council about existing Charter proposals or make independent suggestions for Charter amendments.
2. Citizens may petition a Charter Amendment, as long as the petition contains the requisite signatures of not less than 20 percent of registered voters or 10,000 whichever is less.

Commission members briefly discussed potential issues for consideration presented by the Chair, including the question of prioritizing consideration of a possible Charter amendment to provide for the filling of a vacancy in the office of County Executive by election by the citizens rather than appointment by the County Council.

III. Administrative Items

Commission members agreed to meet on the second Wednesday of every month between 8:00 a.m. and 9:30 a.m.

Commission members discussed the agenda for the October meeting and agreed to share suggestions for issues to be considered by the Commission.

Council staff discussed the County's parking arrangements and badges and attendance policies at Commission meetings.

Meeting adjourned at 9:07 a.m.