

CHARTER REVIEW COMMISSION

Wednesday, June 12, 2019 – 8:00 a.m.
6FL.CONF .POTOMAC RIVER
Council Office Building

Commission Members Present:

George Margolies, Chair
Laura Goddeeris, Vice Chair
Christopher Danley
Katherine Gugulis
Susan Miles
Perry Paylor
Ronald Stubblefield
Nichole Thomas
Courtney Walker

Staff:

Jean Arthur, County Council
Edward Lattner, Office of the County Attorney
Marie Jean-Paul, County Council
Christine Wollens, County Council

Commission Members Absent:

David Hill
Larry Lauer

Commission Chair George Margolies called the meeting to order at 8:06 a.m.

I. Opening Remarks

Mr. Margolies 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

Jean Arthur described staff's role to the Commission, which is to facilitate decision-making, provide background information on issues that come up, and conduct research. Ms. Arthur and Mr. Lattner also briefed the new Commission members on the history of previous Charter Review Commissions. Ms. Arthur 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. Ms. Arthur 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, if the petition contains the requisite signatures of not less than 20 percent of registered voters or 10,000 whichever is less.

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 agreed not to meet during August. Commission members asked Council staff to distribute a list of future meeting dates. George requested that Members inform him or staff in advance if they cannot attend a meeting. He also stated that he would be starting meetings promptly.

Council staff discussed the County's parking arrangements, badges, reimbursement for travel and dependent care expenses for members of County boards, committees, and commissions.

Council staff discussed the online training requirements for members of County boards, committees and commissions.

With the concurrence of Members, George advised that the next meeting's agenda would be devoted to brainstorming—but not debating—issues that Members desire to place on the table for CRC to consider for 2019-2020. We will also hear, within the limits of time, from those Councilmembers who have accepted our invitation.

Meeting adjourned at 9:11 a.m.