

CHARTER REVIEW COMMISSION
Wednesday, September 11, 2019 – 8:00 a.m.
6FL.CONF. POTOMAC RIVER
Council Office Building

Minutes

<p>Commission Members Present: George Margolies, Chair Laura Goddeeris, Vice Chair Christopher Danley Katherine Gugulis David Hill Larry Lauer Susan Miles Perry Paylor Ronald Stubblefield Nichole Thomas</p> <p>Commission Member Not Present: Courtney Walker</p>	<p>Staff Present: Ed Lattner, Office of the County Attorney Marie Jean-Paul, Office of the County Council Christine Wellons, Office of the County Council</p> <p>Guests Present: Marc Elrich, County Executive Joy Nurmi, Chief of Staff, Office of Councilmember Albornoz Mark Pierzchala, Councilmember, Rockville City Council Dale Tibbitts, Office of the County Executive Debbie Spielberg, Office of the County Executive</p>
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Commission Chair George Margolies called the meeting to order at 8:00 a.m.

I. Opening Remarks

Mr. Margolies acknowledged the presence of a quorum and welcomed Commission members, guests, and staff.

The agenda, with one amendment, was adopted without objection. The amendment to the agenda was that the County Executive, Marc Elrich, would join the meeting at approximately 8:45 a.m. The draft minutes of the July 10, 2019 meeting were approved without objection, having been sent out in advance to Commissioners.

The Chair called for a moment of silence in observation of 9/11 and the work of first responders.

II. Review of Chart of Potential Topics

Staff presented a chart outlining the topics that Commission members previously identified as potential areas of study for the Commission. Mr. Lattner responded to questions of the Commission members related to issues of law and potential State preemption.

III. County Executive Recommendations

County Executive Marc Elrich joined the meeting at approximately 8:45 a.m. Mr. Elrich outlined several recommendations for the Commission's consideration:

(1) Charter Section 102. The County Executive encouraged the Commission to review the composition of the County Council under Section 102 – a topic which the Commission previously had identified as a potential topic for study. Mr. Elrich recommended increasing the number of district seats on the Council. He argued that having more district seats would give residents better access to their elected officials.

(2) Non-Merit System Appointees. The County Executive encouraged the Commission to study whether more County employee positions should be non-merit. He stated that converting certain positions to be non-merit would increase the responsiveness of those positions to the Executive's mission.

(3) Inspector General. The County Executive questioned whether the Montgomery County Public Schools (MCPS) should be subject to the County's Inspector General. He believes that MCPS contracts should be subject to scrutiny by the County's Inspector General.

(4) Park and Planning. Mr. Elrich stated that the County should have more direct control over planning. He questioned whether the current bi-county planning commission, the Maryland-National Capital Park and Planning Commission, should be dissolved in favor of a County commission.

(5) Campaign Finance and Ethics. The County Executive suggested reviewing ethics laws to address conflicts of interest that may arise when an elected official decides upon a matter affecting the official's campaign donor.

IV. Discussion of Potential Topics for Review

The Commission members discussed the composition of the County Council (Charter Section 102), which is a topic that Members had identified at prior Commission meetings as a potential area for study. Several members – including Mr. Danley, Ms. Thomas, Ms. Gugulis, and Mr. Lauer – argued that the issue is ripe for review because redistricting will occur in 2022. Ms. Thomas noted that the Commission could build upon the work of prior Commissions, including a minority report contained within the Commission's 2018 report.

Mr. Hill and Mr. Paylor argued against studying the composition of the Council. Mr. Hill pointed out that changes recently were made to the redistricting process under Section 103, and that these changes should proceed before evaluating whether to change the composition of the Council. Mr. Paylor argued that under the current Section 102, the Council is highly diverse. He also noted a lack of empirical evidence that increasing the number of districts would result in Councilmembers who are more responsive to residents.

Mr. Danley made a motion for the Commission to study whether Section 102 should be amended to alter the composition of the Council. Five members voted in support of the motion: Mr. Danley, Ms. Gugulis, Mr. Lauer, Ms. Thomas, and Ms. Miles. Five members voted against the motion: Mr. Margolies, Ms. Goddeeris, Mr. Paylor, Mr. Hill, and Mr. Stubblefield. The motion failed for lack of a majority.

Mr. Lauer suggested studying whether Charter Section 305 should be amended to provide a “health contingency” exception to the requirement that “all current Councilmembers” approve certain property tax increases. Several members, including Mr. Margolies, argued against studying the topic.

Ms. Goddeeris suggested that further consideration be given to whether there is sufficient time to study Section 102 for the Commission’s 2020 report. Mr. Margolies stated that the Commission is free to reconsider whether to study Section 102 at its October meeting upon receipt of additional information. Mr. Margolies stated that reconsideration of the defeated motion to study Section 102 could occur at the next meeting if a member of the prevailing side of the defeated motion moves to reconsider.

V. Administrative Items

Mr. Margolies noted that the next scheduled meeting, October 9, 2019, falls on Yom Kippur. Accordingly, Members decided to reschedule the meeting to October 2, 2019.

Mr. Paylor asked counsel to remind Members that the Open Meetings Act applies to all Commission meetings. Counsel stated that the Act applies to all Commission meetings.

The next meeting will be devoted to continuing to decide upon [a] Charter amendment topic(s) for the Commission to consider in 2019-2020. Prior to the October meeting, staff will research: (1) the timeline for considering any amendments to Charter Section 102, as that timeline relates to redistricting; and (2) prior Commissions’ reviews of Section 102.

Meeting adjourned at 10:28 a.m.