

CHARTER REVIEW COMMISSION
Wednesday, January 13, 2021 – 8:00 a.m.
Remote/Virtual Meeting via Microsoft Teams

Minutes

Commission Members Present: George Margolies, Chair Laura Goddeeris, Vice Chair Christopher Danley Katherine Gugulis David Hill Larry Lauer Perry Paylor Ronald Stubblefield Nichole Thomas Susan Miles	Staff Present: Ed Lattner, Office of the County Attorney Christine Wellons, Office of the County Council Marie Jean-Paul, Office of the County Council
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Commission Chair George Margolies called the meeting to order at 8:05 a.m.

I. ADMINISTRATIVE ITEMS

Mr. Margolies acknowledged the presence of a quorum. The agenda was approved without objection. The minutes for December 9, 2020 were approved without objection.

**II. POTENTIAL CHARTER AMENDMENT REGARDING
IRRECONCILIBLE CHARTER AMENDMENTS**

The Commission considered the following potential Charter amendment to address situations in which irreconcilable Charter amendments are approved during the same election.

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

Mr. Hill and Ms. Goddeeris moved to approve the language tentatively, subject to input from the public. Mr. Lauer proposed removing the language “during or” from the first line of the amendment. The Commission members unanimously agreed to recommend the language proposed above, with the amendment suggested by Mr. Lauer. The recommended language, subject to public input, is:

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 higher number of favorable votes must take effect and amend the Charter.

III. POTENTIAL CHARTER AMENDMENT TO ALTER RESIDENCY REQUIREMENTS FOR THE COUNTY EXECUTIVE AND COUNCILMEMBERS

Mr. Perry suggested that the residency requirement for individuals to qualify to run for the positions of County Executive or Councilmember should be 3 years. Ms. Thomas moved, with a second from Mr. Stubblefield, to recommend a requirement of 3 years cumulatively over a 5-year period.

Ms. Goddeeris raised a question about whether the proposal of reviewing years cumulatively would be difficult to administer. Mr. Margolies agreed and suggested a 3-year requirement, without a “cumulative” component.

Mr. Hill, seconded by Mr. Perry, moved to recommend a 3-year requirement for the County Executive and the Councilmembers. Mr. Danley, seconded by Ms. Gugulis, moved to recommend a 5-year requirement for the County Executive and the Councilmembers.

After discussion, a majority of Commission members voted in favor of Mr. Hill’s proposal to recommend (subject to public input) a 3-year residency requirement for both the County Executive and the Councilmembers.

Voting in favor of the 3-year requirement were Mr. Hill, Mr. Paylor, Mr. Stubblefield, Mr. Margolies, Ms. Goddeeris, and Mr. Lauer. Mr. Danley and Ms. Gugulis supported the option of a 5-year requirement, and Ms. Miles abstained.

IV. DISCUSSION OF THE GROUNDS FOR REMOVAL OF THE COUNTY EXECUTIVE AND COUNCILMEMBERS

Mr. Stubblefield introduced the topic of whether to expand the grounds under the Charter for removing the County Executive and Councilmembers.

Mr. Lattner noted that the topic previously was considered by a Charter Review Commission in 2014. Mr. Lattner advised that the Charter could be amended regarding the grounds to impeach a County Executive or Councilmember. However, pursuant to an opinion of the Attorney General, a voter recall of county elected officials would be incompatible with the Maryland Constitution.

Ms. Gugulis expressed that expanding grounds for impeachment is a slippery slope; she would prefer a recall provision. Ms. Miles also expressed concern that impeachment could be used as a political weapon.

Mr. Margolies noted that Section 206 of the Charter already allows for impeachment based upon physical or mental disability; he believes that the grounds should be expanded to include misconduct in office and neglect of duty, as is the case in Baltimore City

Mr. Stubblefield stated that he would bring specific language regarding the grounds for removing the County Executive to the next meeting for the Commission's consideration.

V. CONCLUSION

Mr. Margolies reminded the Commission that the next meeting is scheduled for February 10, 2021. The topic for the next meeting will be a continuation of the discussion about the grounds for removal of the County elected officials. The meeting adjourned at 9:27 a.m.

Additional information can be found on the official CRC website at
<http://www.montgomerycountymd.gov/crc/>