

CHARTER REVIEW COMMISSION
Wednesday, February 10, 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 8:04 a.m.

I. ADMINISTRATIVE ITEMS

Mr. Margolies acknowledged the presence of a quorum. The agenda was approved without objection. The minutes for January 14, 2021 were approved without objection.

II. POTENTIAL CHARTER AMENDMENT REGARDING GROUNDS FOR REMOVAL OF THE COUNTY EXECUTIVE

Mr. Stubblefield proposed the following amendment for the Commission's consideration:

Sec. 206. Removal of the County Executive.

The County Executive may be removed from office by the affirmative vote of not less than [six members] 80% of the Council after notice and an opportunity to be heard in a public hearing and upon a finding that the County Executive: (1) is unable by reason of physical or mental disability to perform the duties of the office; or (2) has committed misconduct in office or willful neglect of duty. Willful neglect of duty must be demonstrated to have occurred for 180 consecutive days. The decision of the Council may be appealed by the County Executive within ten days to the Circuit Court by petition. Upon the filing of a petition, the Court may stay the removal pending its decision. Upon appeal, the Court may make de novo determinations of fact. The County Executive also may be suspended and removed

from office in the manner provided in Section 2 of Article XV of the Constitution of Maryland.

Mr. Stubblefield noted that Baltimore City and Anne Arundel County have adopted similar provisions regarding removal from office. Commission members discussed the meaning of “misconduct” and whether to add “serious and repeated” to modify the term “misconduct”.

Mr. Lauer moved to modify the term “misconduct” with “serious”, and to recommend the amendment pending public input. Mr. Danley noted that the language would shift the balance of power in favor of the Council. Ms. Thomas questioned whether the removal decision could be made not solely by members of the Council. Mr. Lattner advised that a voter recall would be unconstitutional.

The Commission members approved (6-4) Mr. Lauer’s motion. In favor of the motion were Mr. Lauer, Mr. Margolies, Ms. Goodderis, Mr. Hill, Mr. Paylor, and Mr. Stubblefield. Opposed to the motion were Mr. Danley, Ms. Gugulis, Ms. Miles, and Ms. Thomas. The Commission will recommend the above-mentioned amendment – with the inclusion of the modifier “serious” to describe “misconduct” – pending public input.

The Commission decided by consensus to hold in abeyance, pending public feedback, the idea of also removing Councilmembers due to neglect or misconduct.

III. ADDITIONAL TOPICS, INCLUDING POLICE COLLECTIVE BARGAINING

Mr. Lauer proposed, as a subject of study, Section 510 of the Charter related to collective bargaining with the police department. In particular, should Section 510 be amendment to preclude bargaining related to officer discipline?

Council staff noted that a number of bills pending in the General Assembly might affect the County’s ability to modify Section 510. Mr. Margolies asked staff to review state legislation.

Ms. Gugulis proposed studying whether to prohibit county employees from accepting campaign donations from anyone doing business with the county, or over which they have some regulatory authority. Mr. Lattner noted that campaign donations are exclusively under the purview of state law.

V. CONCLUSION

Mr. Margolies reminded the Commission that the next meeting is scheduled for March 10, 2021. The topic for the next meeting will be a discussion of Section 510 of the Charter. The meeting adjourned at 9:21 a.m.

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