

CHARTER REVIEW COMMISSION
Wednesday, February 16, 2022 – 8:00 a.m.
Remote/Virtual Meeting via Zoom

Minutes

<p>Commission Members Present: George Margolies, Chair Ronald Stubblefield Christopher Danley David Hill Perry Paylor Galina Teverovsky</p> <p>Commission Member Absent: Anita Cox Susan Miles Larry Lauer Nichole Thomas Katherine Gugulis</p>	<p>Staff Present: Ed Lattner, Office of the County Attorney Christine Wellons, Office of the County Council Stephen Mathany, Office of the County Council Marie Jean-Paul, Office of the County Council</p>
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Commission Chair George Margolies called the meeting to order at 8:03 a.m.

I. ADMINISTRATIVE ITEMS

- a. Mr. Margolies acknowledged the presence of a quorum. The agenda was approved without objection. The minutes for October 13, 2021 were approved without objection.
- b. Mr. Margolies stated that he spoke with the new Commission Member, Anita Cox.

II. CONSIDERATION OF WRITTEN AND ORAL COMMENTS

- a. Lorraine Jaffee– suggested clarifying the proposed amendment to section 206 regarding removal of the County Executive
 - i. Expressed concern that this Section could be used politically
 - ii. Requested that language be clarified as to what constitutes serious misconduct or willful neglect
 - iii. Mr. Margolies noted that the Commission had avoided terms like “mere incompetence” with this in mind. “Willful” neglect for 180 consecutive days would be a high bar for removal
 - iv. Mr. Stubblefield added that another safeguard was that 80% of the council would be required for removal.

- v. Ms. Teverovsky expressed a concern that if a violation takes place, the Council should not have to wait 180 for removal.
- b. **Melissa King** – expressed that language could be used to “get rid of someone the Council doesn’t agree with.” Therefore, the public should have a recall option.
 - i. Mr. Lattner had previously advised that recall is not permissible under State law.
- c. **Mark Loughtman** – Expressed opposition to proposal regarding irreconcilable ballot questions. Suggested withdrawing this recommendation.
 - i. Commission Members discussed that the irreconcilable ballot questions remain a possibility and, therefore, the Commission Members continue to support the recommendation.
- d. **Laura Mitchell** – Testified to charter language that she felt may be insensitive to those with mental health issues. Requested that the Commission review the charter language with an eye towards any language that may be insensitive to the mental health needs for those with drug and alcohol concerns. She did not have any alternative language to suggest and although she said she would email recommendations they were never received.
 - i. Mr. Margolies – since no language was sent, and upon review of Charter, suggested that this issue be left to a future Commission to decide. Mr. Stubblefield and Mr. Hill agreed.
- e. **David Tolman** – Submitted in writing a proposal to revise the manner of selecting at large Council members. This was the subject of the Commission’s 2020 report, and Commissioners stated that it was not the appropriate time to revisit the issue.
- f. **Ms. Herrera**
 - i. Suggested clarifying the votes needed to remove the County Executive for cause. Suggested adding “current” in front of Council.
 - 1. Mr. Margolies – Point is moot now that the Commission intends to specify a required number of Councilmembers instead of a percentage.
 - 2. Mr. Lattner – agreed that using a specific number instead of 80% takes care of this issue.
 - ii. Recommended that since winner of Democratic primary almost always determines the winner of the general election, and that the primary turnout is usually low, that the law be changed to move to a non-partisan primary. The two candidates with the highest votes would move on to the general election ballot.
 - 1. Mr. Lattner – stated this would require a change in state law (Section 8-202 of the Election Law Article).
 - iii. Recommended changing title of the “County Executive” to “Mayor”
 - 1. Mr. Lattner – stated that this would be impermissible under the State Constitution.

III. DISCUSSION OF PROPOSED CHARTER REVIEW ISSUES

- a. Irreconcilable Ballot Questions
 - i. Commission approved without objection the originally proposed language.

- b. Address length of qualification to serve as County Executive
 - i. Approved without objection
- c. Removal of County Executive or Council Members
 - i. Removed 80% and replaced it with 9 Councilmembers
 - ii. Mr. Danley – asked, outside of absenteeism, what would qualify as willful neglect? Noted that he does not agree with how the language is written.

IV. CONCLUSION

- a. A draft report will be finalized and issued by Mr. Margolies. It will be reviewed at next month's meeting. The report must be submitted to the Council by May thus must be finalized by the April meeting. Corrections and edits welcomed to have finalized before the meeting.
- b. The meeting adjourned at 8:47 a.m.

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