

CHARTER REVIEW COMMISSION
Wednesday, March 9, 2022 – 8:00 a.m.
Remote/Virtual Meeting via Zoom

Minutes

Commission Members Present: George Margolies, Chair Ronald Stubblefield Christopher Danley David Hill Perry Paylor Galina Teverovsky Anita Cox Susan Miles Larry Lauer Nichole Thomas Katherine Gugulis	Staff Present: Christine Wellons, Office of the County Council Stephen Mathany, Office of the County Council Marie Jean-Paul, Office of the County Council
---	--

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 February 16, 2022, were approved with one correction.
- b. New Commission Member Anita Cox introduced herself
- c. Schedule for remainder of term
 - i. Meeting on April 13, 2022, to approve the final Charter Review Commission Report to send to the Council
 - ii. Possible to meet in fall to discuss issues that may be relevant to the next Commission (To be decided in May)

II. DISCUSSION AND REVIEW OF DRAFT 2022 COMMISSION REPORT

- a. **ussion on Page 23, Section 26 – Removal of the County Executive**
 - i. Ms. Gugulis concerned about elected officials removing other elected officials and about the meaning of “misconduct” as the term is open ended. Also, removal of County Council Members mirrors this issue
 - ii. Ms. Miles agreed, and MS. Cox asked if the term “misconduct had been defined. Ms. Teverovsky asked whether there should be discipline for lesser forms of misconduct.
 1. Mr. Hill confirmed that misconduct was added to address the Baltimore City situation, where Mayor Catherine Pugh pressured people to buy her book.

- iii. Ms. Miles was concerned about due process and Ms. Cox concerned that the Council, which generally votes together as a block, could coordinate to vote out a County Executive. These concerns were shared by Ms. Thomas
- iv. Mr. Margolies stated that the previously mentioned concerns had been discussed at length in previous commission meetings and that the language had been significantly altered based on these concerns
 - 1. Ms. Thomas concerned that “groupthink” could overcome the super-majority needed to remove the County Executive. Concerned that these changes have not fully addressed the issues with the removal of the County Executive.
 - 2. Mr. Hill stated that it is unfair to assume that the Council would all vote together and that they too are accountable to the voters
 - 3. Mr. Stubblefield stated that there are already provisions in the Charter allowing for elected officials to remove other elected officials.
- v. Mr. Lauer argued that the Charter provides a distribution of power between the branches, most of which resides with the County Council. As there is sufficient ambiguity in the language, Mr. Lauer didn’t think that the removal provision was necessary.
- vi. Mr. Danley was still not comfortable with the language after the debate. Since all eleven members of the commission were present, he suggested a vote on the language. This was seconded by Mr. Hill
- vii. Vote on language on Page 23, section 26 – Removal of the County Executive
 - 1. **Yay** – Mr. Paylor, Mr. Stubblefield, Mr. Hill, Mr. Margolies
 - 2. **Nay** – Ms. Cox, Ms. Gugulis, Ms. Miles, Ms. Thomas, Mr. Danley, Mr. Lauer
 - 3. **Abstain** – Ms. Teverovsky
- viii. Language will not be included as part of the Charter Commission’s recommendations. Mr. Margolies will change the language in the report.
- ix. Mr. Hill brought up that the vote referred to the County Executive (Section 26) – is the vote the same for Section 118, County Council Members
- x. The Commission members were polled as follows
 - 1. **Aye** - Mr. Paylor, Mr. Stubblefield, Mr. Hill
 - 2. **Nay** –Ms. Gugulis, Ms. Miles, Ms. Thomas, Mr. Danley, Mr. Lauer, Mr. Margolies
 - 3. Ms. Teverovsky, Ms. Cox
- b. Page 22, regarding two irreconcilable amendments on a ballot being resolved by whichever gets the higher number of votes
 - i. Ms. Miles feels is concerned that giving the decision to a side that may get only one more vote is not responsible, thus she is against this amendment
 - 1. Currently if both are approved, neither would pass
 - ii. Ms. Gugulis agrees and thinks that we should keep the current system in place for irreconcilable charter amendments
 - iii. Mr. Lauer thinks agrees with the Charter Review draft recommendations and does not want to leave the issues to the courts, thus remains in favor of the language

- iv. Mr. Hill agrees with Mr. Lauer, adding that there are well organized minorities of voters that can take down positive changes that more voters want than not. Fully supports the language as drafted
- v. Mr. Margolies stated that winning with a small margin happens all the time with candidates. That is democracy and it is also how ballot questions are decided.
- vi. **Vote for/against language on page 22 – irreconcilable ballot questions.**
 - 1. **Aye** – Mr. Lauer, Ms. Teverovsky, Ms. Thomas, Mr. Hill, Mr. Stubblefield, Mr. Paylor, Mr. Margolies
 - 2. **Nay** – Ms. Cox, Ms. Miles, Ms. Gugulis, Mr. Danley
- vii. **The recommendation for irreconcilable ballots remains**

III. CONCLUSION

- a. Mr. Margolies will re-draft the Charter Review Commission Report based on the recommendations from the discussion and review.
- b. Should be in a position to meet in person for the next meeting.
- c. The meeting adjourned at 9:16 AM

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