

CHARTER REVIEW COMMISSION
Wednesday, March 10, 2010
6th Floor Conference Room
Council Office Building

Commission Members Present:

Nancy Soreng, Chair
Michael Cogan
Karen Czapsanskiy (by phone)
Wilbur Friedman
Mollie Habermeier
Robert Shoenberg
Judith Vandegriff
Anne Marie Vassallo
Charles Wolff

Absent:

Moshe Starkman

Staff:

Bob Drummer, County Council
Justina Ferber, County Council
Marie Jean-Paul, County Council
Marc Hansen, County Attorney's Office
Amanda Mihill, County Council

Guests

Joan Karasik, Transition Work Group
Karen Leggett, Transition Work Group
Betsy Luecking, Disability Policy Specialist,
County Dept. of Health and Human Services
Mark Maxin, Chair, Commission on People
with Disabilities
Leslie Rubin, Office of Legislative Oversight

Commission Chair Nancy Soreng began the meeting at 8:05 a.m.

I. Meeting with Mark Maxin, Commission on People with Disabilities

The Commission met with Mark Maxin, Chair of the County Commission on People with Disabilities. Mr. Maxin introduced himself and noted that he is the Assistant General Counsel for Administration at the U.S. Nuclear Regulatory Commission and past Council for Labor Relations at the U.S. Department of Labor.

Mr. Maxin argued that in Montgomery County, the prevalence of hiring people with disabilities is so small that it is difficult to measure, but he noted that the problem is not just a County-wide problem. Mr. Maxin explained that in 1994, 1.24% of federal employees were people with disabilities. After 15 years, the federal workforce has grown by 10%, but the number of disabled employees has dropped to 0.88%. Mr. Maxin argued that of all of the protected groups (e.g., race, gender, national origin, age), organizations have done the worst when it comes to hiring people with disabilities and stated that the numbers will get worse without action. Mr. Maxin explained his view that the issue was not just one of hiring, but of integration. Mr. Maxin acknowledged that the hiring preference bill recently enacted by the Council was an important and necessary step, but argued that it was not sufficient by itself to address the problem.

In explaining the proposed special hiring authority, Mr. Maxin explained that it is not in anybody's interest to hire a person with disabilities who can't perform the job. Under the proposed program, people could only be hired if they were qualified and able to do the job and be certified as "job ready". Mr. Maxin argued that by using the federal government's Schedule

A program as a model, the County would be using a program that has been utilized for 20 years and was a well worn path.

Mr. Maxin explained the process by which a manager hires a person with a disability in the Schedule A program and distributed a brochure entitled “The ABCs of Schedule A For the Hiring Manager”. Mr. Maxin noted that the use of the Schedule A program is at the discretion of the manager, who does not have to use Schedule A and does not have to hire any specific person that is identified as qualified to fill the position. If the person hired does not work out, the manager can remove the employee with little due process because the employee is on a 2 year probation period, though Mr. Maxin noted that the employee could file an EEOC complaint. Mr. Maxin noted that one benefit of the Schedule A program for managers is that it can be used to fast track hiring because the manager does not have to compete Schedule A positions.

Commissioners discussed with Mr. Maxin the reasons that people with disabilities are underrepresented in the workforce. Commissioners asked whether the reason people with disabilities are underrepresented is because they are not applying or they are not being selected. Mr. Maxin responded that there has not been a study of the Montgomery County workforce and Ms. Luecking noted that it was probably for both reasons. They explained that disabled people can rank “qualified” for a job, but find it difficult to reach the “highly qualified” because they may not have the years of experience because the difficulty they have with being hired in the first place.

Responding to Commissioner concerns that the proposed program could be subject to abuse, Mr. Maxin noted that the proposal would require an individual seeking to be hired under a County Schedule A process would be certified by the Maryland Department of Rehabilitation Services as being disabled.

II. Administrative Items

The Commission discussed the January 15 minutes and amended them by correcting the date and staff attendance. The Commission approved the minutes. Motion made by Judith Vandegriff and seconded by Wilbur Friedman.

In favor: Michael Cogan, Karen Czapanskiy, Wilbur Friedman, Mollie Habermeier, Robert Shoenberg, Nancy Soreng, Judith Vandegriff, Anne Marie Vassallo, Charles Wolff (9)

The Commission discussed the January 29 minutes and amended them by correcting the date and staff attendance. The Commission approved the minutes. Motion made by Wilbur Friedman and seconded by Judith Vandegriff.

In favor: Michael Cogan, Karen Czapanskiy, Wilbur Friedman, Mollie Habermeier, Robert Shoenberg, Nancy Soreng, Judith Vandegriff, Anne Marie Vassallo, Charles Wolff (9)

Mr. Cogan stated that he has taken a temporary assignment with a Senate committee and is working on veteran’s disability compensation issues. Mr. Hansen confirmed that there are no ethical/conflict of interest issues.

III. Action on recommendations for Charter Amendments/Assignment of Drafting Responsibilities

Inspector General

The Commission reaffirmed its earlier vote not to recommend a Charter change relating to the Office of the Inspector General. Motion made by Wilbur Friedman and seconded by Mollie Habermeier.

In favor: Wilbur Friedman, Mollie Habermeier, Robert Shoenberg, Nancy Soreng, Judith Vandegriff, Anne Marie Vassallo, Charles Wolff (7)

Abstain: Michael Cogan, Karen Czapanskiy (2)

Special Taxing Districts

The Commission recommended that no further exclusions should be made for special taxing districts from the Charter limit in §305. Motion made by Anne Marie Vassallo and seconded by Charles Wolff.

In favor: Michael Cogan, Karen Czapanskiy, Wilbur Friedman, Mollie Habermeier, Judith Vandegriff, Anne Marie Vassallo, Charles Wolff (7)

Oppose: Robert Shoenberg, Nancy Soreng (2)

Unanimous Vote Requirement to Increase §305 Property Tax Revenue Limit

The Commission generally agreed to include a statement in the 2010 Report reiterating the Commission's position about the passage of a Charter amendment that increased from 7 to 9 the number of Councilmember votes needed to exceed the §305 property tax revenue limit and reference the Commission's 2008 Report.

Mr. Cogan requested the record reflect his view that the amendment is anti-democratic and bad government, and should be repealed at the earliest opportunity.

Supermajority Concerns

The Commission generally agreed to include a statement in the 2010 Report that a number of Commission members were concerned about the supermajority requirements in the Charter.

Charter §310

The Commission reaffirmed its earlier vote not to pursue the issue of whether the Charter should be amended to allow the County to set aside funding above the 5% limit in §310 to be used when revenue collections do not meet revenue projections. Motion made by Michael Cogan and seconded by Wilbur Friedman (©16).

In favor: Michael Cogan Wilbur Friedman, Mollie Habermeier, Robert Shoenberg, Nancy Soreng, Judith Vandegriff, Anne Marie Vassallo (7)

Oppose: Charles Wolff (1)

Abstain: Karen Czapanskiy (1)

Redistricting Commission

The Commission reaffirmed its earlier vote not to pursue the issue of whether there was a need for a Charter amendment to change the way redistricting is done in Montgomery County. Motion made by Wilbur Friedman and seconded by Anne Marie Vassallo.

In favor: Michael Cogan Wilbur Friedman, Mollie Habermeier, Robert Shoenberg,
Nancy Soreng, Anne Marie Vassallo (6)
Oppose: Charles Wolff, Judith Vandegriff (2)
Abstain: Karen Czapanskiy (1)

The following members will draft sections of the 2010 Report:

- Judith Vandegriff (Inspector General)
- Anne Marie Vassallo (Special taxing districts)
- Robert Schoenberg (§305 Property Tax Revenue Limit and Supermajority Concerns)
- Wilbur Friedman (§310)
- Nancy Soreng (Redistricting Committee)

The Commission scheduled a tentative meeting date of April 7 from 5:00 p.m. to 7:30 p.m. to discuss the draft report. The meeting will be cancelled if no substantive issues are presented in the draft report. Council staff requested that the draft report sections be e-mail to staff no later than March 26.

The meeting was adjourned at 9:40 a.m.

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