

CHARTER REVIEW COMMISSION
Wednesday, October 10, 2012
6th Floor Conference Room
Council Office Building

Commission Members Present:

Molly Mahoney Matthews, Chair
Mark Feinroth, Vice-Chair
Jerry Cave
Barry Cohen
Diane Nash Dillon
Wendell Holloway

Thomas King

Albert Pearce
Shawn Sullivan

Staff:

Justina Ferber, County Council Staff
Marc Hansen, County Attorney
Marie Jean-Paul, County Council Staff
Amanda Mihill, County Council Staff

Guests

Bruce Goldensohn, Committee Evaluation and
Review Board

Commission Members Absent:

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Commission Chair Molly Mahoney Matthews called the meeting to order at 8:05 a.m. Chair Matthews welcomed the Commission's newest member, Shawn Sullivan.

I. Report from Disability Hiring Subcommittee/Discussion/Recommendation

Commission members discussed a draft report and letter to the Council regarding the charter amendment that would allow a special hiring authority for people with disabilities. The letter expressed support for the charter amendment, but also expressed caution about the unknown costs associated with the program. Members discussed that the County and State have current fiscal issues and some members thought it was irresponsible to embark on a program that had unknown costs. Some members felt that the draft letter was too positive and did not express enough caution. Commission members agreed to make changes to the letter to reflect that the Commission was not taking a position on the actual amendment, but expressed concerns over the costs that could be associated with the program. The final letter will be made part of the meeting minutes.

The Commission agreed to send the revised letter to the Council. Motion made by Mark Feinroth and seconded by Thomas King.

In Favor

Barry Cohen, Mark Feinroth, Wendell Holloway, Thomas King, Molly Mahoney Matthews, Albert Pearce, and Shawn Sullivan.

Opposed

Jerry Cave, Diane Dillon

II. Discussion of Response to Information Request by the Committee Evaluation and Review Board

The Committee Evaluation and Review Board send a letter requesting certain information about the work of the Commission. The Commission had before it a draft letter from Ms. Matthews responding to the letter request. The Commission discussed the letter and agreed to send it to the Committee Evaluation Review Board. Motion made by Barry Cohen and seconded by Diane Dillon. Motion approved unanimously. A copy of the letter will be made part of the meeting minutes.

III. Report from Subcommittees

On behalf of the subcommittee looking at whether to amend the charter to provide for the removal of a Councilmember for a serious ethics violation, Barry Cohen reported that the subcommittee has agreed on a work plan and is in the process of doing a survey of other jurisdictions.

IV. Administrative Items

For its next meeting, the Commission agreed to discuss any other pending issues or new issues and to discuss the concern about diversity on the Commission. Regarding diversity, Mr. Goldensohn indicated that this was an issue that the Committee Evaluation and Review Board was reviewing.

The meeting adjourned at 9:06 a.m.

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CHARTER REVIEW COMMISSION

October 11, 2012

Council President Roger Berliner
Stella Werner Council Office Building
100 Maryland Avenue, 6th Floor
Rockville, Maryland 20850

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RECEIVED
MONTGOMERY COUNTY

2012 OCT 11 AM 9:15

Dear Council President Berliner:

The Montgomery County Charter Review Commission has studied amending the Montgomery County Charter to allow for a disability hiring preference. We note that a charter amendment question proposed by Councilman Andrews will be presented to voters this coming November 4th. We therefore wish to share with councilmembers our recommendations concerning this issue in the event that the voters approve this charter amendment.

We recommend that should Montgomery County voters approve the ballot question amending the Charter to allow for disability hiring preference program, such a program should be implemented on a pilot basis while costs and benefits are carefully tracked and controlled. We also recommend that the County Council provide a limited annual appropriation during the initial implementation period in order to ensure that direct and indirect costs are audited, compared and evaluated.

We found very little data on the costs of providing employment opportunities to employees with physical or mental handicaps. There is data reported on the savings associated with federal and state programs that benefit these individuals. Savings are captured when a beneficiary becomes employed and receives either a smaller benefit or none at all because the fact of employment or improved employment for these individuals renders them ineligible for some benefit programs or eligible for a smaller less expensive benefit.

No studies were found that directly examined a local or municipal government that tracked costs of providing accommodations to handicap employees or indirect costs such as training provided to managers and coworkers as to working with disabled employees. Proponents told us that Montgomery County would be the first local or municipal government to adopt this type of hiring preference.

We were able to closely examine the Federal government disability hiring program known as "Schedule A." We believe there is ample evidence of this programs success and cost savings but we point out that even Federal government managers have found it challenging to provide cost data for this initiative. We are concerned that we have not been able to locate an accurate barometer to realistically measure costs associated with implementing a disability hiring program for Montgomery County. We therefore recommend a cautious approach to implementation.

Montgomery County Council

We thank you and the entire membership of the County Council for considering our view point on this issue and we would be happy to share our research with the Council.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Molly Mahoney Matthews". The signature is written in a cursive, flowing style with some overlapping letters.

Molly Mahoney Matthews, Chair
Charter Review Commission



CHARTER REVIEW COMMISSION

MEMORANDUM

October 11, 2012

TO: Odessa Shannon and Bruce Goldensohn, Chairs
Committee Evaluation and Review Board

FROM: Molly Mahoney Matthews, Chair
Charter Review Commission

SUBJECT: Response to Request for Information

This memorandum is in response to your August 6, 2012 request for information about the Charter Review Commission.

Request #1: A description of the work the board does, citing the enabling legislation, the membership and makeup of the board, and sub-committee structure (if any).

Response #1: The Commission is created in Section 509 of the County Charter. A new Commission is appointed every 4 years within 6 months after the Council assumes office. There are 11 members on the Commission: 5 are Executive appointees, confirmed by the Council; and 6 are Council appointees. Not more than 6 members can be from the same political party. The Council designates the Chair; the Executive designates the Vice-Chair.

The Commission's sole purpose is to study the Charter. The Charter requires the Commission to submit a report not later than May 1 of every even-numbered year. The reports must contain recommendations concerning any proposed Charter amendments.

The Commission meets as a whole once a month for approximately 1.5 hours. After the Commission decides to study an issue, an informal subcommittee is formed to study the issue in more detail. The subcommittees meet separately to research and gather additional information and present recommendations to the full Commission. The full Commission reviews the information subcommittees provide and make recommendations that are reflected in the report.

Request #2: Justification why the board should continue. This may include a general statement concerning why the board was established, and why its efforts are still needed.

Response #2: The Commission provides an opportunity for regular review of the County Charter, which is the County's governing document. The Commission issues press releases soliciting input from residents and past Commissions have held public forums which provide residents an opportunity to address the Commission. No other County board, committee, or commission is focused on reviewing the Charter.

Request #3: A list of accomplishments from the prior 2 years, including any direct service provided by volunteers to residents;

Response #3: The Commission typically does not provide direct service to residents. In the past 2 years, the Commission has issued a report to the Executive and Council. Also, in the past, the Commission has provided the opportunity for residents to learn about and debate Charter issues that were placed on the County ballot. This is the only "direct service" the Commission might provide.

Request #4: A statistical review of the board members' workload. Include in the review a list of how many regular and sub-committee meetings are held per month/quarter, and the length of the meetings. In addition, list any other board or sub-committee activities. Finally, include a listing of materials produced by the board, such as research reports, newsletters, etc.

Response #4: As noted above, the Commission meets once a month for approximately 1.5 hours. Subcommittee meetings are irregular, but a fair approximation is that members that are on subcommittees spend approximately 10-40 hours a month (depending on the topic) attending meetings (or conference calls), doing research, and writing. The only materials the Commission produces, aside from press releases is a report to the Council and Executive every even-numbered year.

Request #5: As done in typical annual reports, provide a 2-year work program outlining planned activities and goals for the future.

Response #5: During the next 2 years, the Commission will continue to meet and discuss Charter-related issues. Its findings will be available in the next report, due May 1, 2014.

Request #6: A description of the amount of County government resources, including County employee staff time, currently being used. Include an outline of a plan to reduce the use of these resources. Note that "staff time" and "resources" includes preparing for and attending meetings, setting up meeting space, office supplies expended, photocopying, and any other monetary costs for equipment rental, parking, etc.

Response #6: The Commission has a non-departmental account that fluctuates depending on whether a report will be issued that fiscal year. In years that a report is not issued, the non-departmental account is budgeted at \$500. In years in which a report is issued, the non-departmental account is budgeted about approximately \$1,500. These funds are used primarily for printing costs. A total of 4 County employees attend the monthly Commission meetings; County employees do not regularly attend sub-committee meetings. Of the 4 employees, one is from the County Attorney's Office, and 3 are from the Council Office. 2 (of the 4) County employees regularly prepare for meetings (including gathering and copying meeting materials), prepare minutes, and do other tasks

as Commission members request. The Commission often meets with additional County employees as necessary and when it relates to an issue the Commission is studying.

Reducing the use of resources would require not providing Commission members with copies of relevant material or cutting back on the number of reports that are printed for Councilmembers, Executive staff, and interested constituents. Since the Commission is fairly independent (Commission members perform their own research and draft their own reports), meaningfully cutting the number of staff hours allocated to the Commission would essentially require some staff to no longer attend the meetings. Staff members provide advice, guidance, and legal counsel necessary for the functioning of the volunteer Commission.

If you require further information or wish to schedule time to speak with the Charter Review Commission members, please contact staff member Amanda Mihill at (240) 777-7815 or amanda.mihill@montgomerycountymd.gov.