



2026
Report of the
Charter Review Commission

Montgomery County, Maryland

April 22, 2026

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**Montgomery County Council
Stella Werner Council Office Building
100 Maryland Avenue, 5th Floor
Rockville, Maryland 20850**

Dear Councilmembers:

On behalf of the Montgomery County Charter Review Commission, I am pleased to submit the Commission's 2026 Report as directed in Section 509 of the County Charter.

I wish to acknowledge the support received by the Commission from Council staff and staff in the Office of the County Attorney. Their diligence and professionalism have made the Commission's task easier.

I thank all of our Commissioners for their service, cooperation, and collegiality. Throughout our tenure they have participated fully, shared their experience and unique perspectives willingly, expressed their differences of opinion with respect for each other, and displayed camaraderie. It has been a privilege to lead such a group effort.

Following submission of this Report, the Commission intends to follow developments related to any ballot question petitions that propose Charter amendments. Accordingly, the Charter Review Commission might file a Supplemental Report in order to provide information about those proposed amendments to the Council and the public, including the Commissioners' views on the proposals.

Respectfully submitted,

A handwritten signature in black ink, reading "Jim Michaels". The signature is written in a cursive, flowing style with a small star-like mark above the "i" in "Michaels".

**Jim Michaels, Chair
Charter Review Commission**

**Montgomery County
Charter Review Commission
April 2026**

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I. INTRODUCTION

A. The County Charter

Article XI-A of the Maryland Constitution enables counties to adopt a charter that establishes a local government with approval of the voters. A county's charter effectively serves as its constitution and establishes the duties and responsibilities for the different branches of the county government. The Maryland Constitution provides that the General Assembly will enact into law its grant of express powers to the County, which the County can then use to form its charter. After a charter is adopted and approved by the voters, the County Council, acting as the legislative branch, has the authority to enact local laws on the matters specified in the General Assembly's grant of express powers (subject to the provisions of the Maryland Constitution and general laws of the state).

B. How the Charter is Amended

Under the Maryland Constitution, amendments to the Charter may be proposed by the County Council. An amendment also can be proposed by a petition of the voters that is signed by 20% or more of the County's registered voters but, in any case, 10,000 signatures is deemed to be legally sufficient. That standard was established in 1915. So a petition to amend a charter in a county with less than 50,000 registered voters requires signatures from 20% of the voters, and in counties with more than 50,000 registered voters, the 10,000 signature requirement applies.

By the 1970s, Montgomery County's population exceeded 500,000 and for the November 1976 election there were 309,326 registered voters.¹ Consequently a petition to change the County Charter in 1976 would have required only 10,000 signatures, representing 3.23% of registered voters. Montgomery County's population as of 2020 was 1,062,061. The Maryland Board of Elections reported that as of January 2026, there were 703,351 registered voters in Montgomery County, so a petition to change the Charter containing the required 10,000 signatures would represent only 1.42% of registered voters as of January 2026.² Some public officials have questioned the relative ease of having charter questions placed on the ballot by such a small number of voters, but that is a matter that must be addressed by the Maryland General Assembly by way of a Constitutional Amendment.

¹ According to the Maryland Department of Planning, the Census Bureau reported that Montgomery County had a population of 522,809 in 1970. See https://www.montgomeryplanning.org/research/data_library/population/po8b.shtm.

² The Census Bureau reports the Montgomery County population as 1,062,061 on April 1, 2020. <https://www.census.gov/quickfacts/fact/table/montgomerycountymaryland,US/POP010220>. Maryland Board of Elections voter registration statistics are available at: https://elections.maryland.gov/voter_registration/stats.html

If the County Council passes a resolution proposing an amendment to the Charter, or after a petition is filed with the required number of signatures, the proposed Charter amendment must be submitted to the voters for their approval at the next general election. If the majority of votes cast on the proposed amendment are in favor of it, the amendment will become a part of the Charter after the 30th day following the election.

C. The Role of the Charter Review Commission

The voters of Montgomery County first adopted a charter form of government in 1948. After voters adopted the initial charter, they adopted various amendments in subsequent elections. The current County Charter was adopted in 1968 and has been amended through the years. Charter §509, adopted by amendment in 1976, requires the quadrennial appointment of an eleven-member, multi-partisan Commission to study the Charter and make recommendations on potential Charter amendments. Commission members serve four-year terms, without compensation. No more than six of the eleven members may be from the same political party. The County Council nominates six members and the Chair, while the County Executive nominates five members and the Vice Chair.

The Commission researches and evaluates Charter issues raised by its Commissioners, the County Executive, Councilmembers, other government officials, and the public. A report on the Commission's activities is to be submitted to the Council by May 1 of every even numbered year. The biennial report outlines the issues that the Commission considered and any recommendations for changes.

By mid-August, the Council must determine whether to adopt a resolution approving any proposed charter amendment for inclusion on the General Election ballot in November. The Council, however, is not limited to considering the proposed amendments studied or recommended by the Charter Review Commission. The Council is also responsible for placing on the November ballot any proposed Charter amendment raised by a petition that was certified as meeting the signature and other legal requirements.

The Commission's regular meetings are held on the second Wednesday of the month at 8:00 a.m., in the Werner Council Office Building in Rockville, Maryland, and all meetings are open to the public. The Commission's agendas and meeting minutes are available on the Commission's webpage.³ Video recordings of public meetings can also be accessed on that webpage.

The Commission, as it is presently constituted, was appointed in July 2023 to serve until December 2026. It held its first meeting in September 2023 and submitted its first Report to

³ Charter Review Commission webpage; <https://www.montgomerycountymd.gov/council/bcc/crc/index.html>

the County Council on April 24, 2024.⁴ For the period covered by this Report, from May 2024 to April 2026, the Commission’s agendas and meeting minutes are included in Appendix B to this Report.

The Commission’s 2024 Report discussed and provided recommendations on three principal issues:

(1) Proposals for the direct election by voters of a Council President and lengthening the term of the President;

(2) A proposal to revise Charter section 305 concerning the budget and tax revenue so that all three actions listed in Section 305 require a consistent, two-thirds majority vote for approval. Such an amendment would eliminate the existing requirement for a unanimous vote to increase the property tax rate which currently permits a single-person to veto the decision of the ten other council members; and

(3) A proposal to revise Charter section 215 to allow the County Executive to make appointments to non-merit positions below the level of Department head or agency head without obtaining confirmation by the Council. The Commission also considered an alternative proposal to change Section 215 to provide that the Executive’s appointment to fill any non-merit position would become final if the County Council fails to reject the appointment within a specified time period.

On June 18, 2024, the Commission Chair testified before the Council to present the findings and recommendations made by the Commission in its April 2024 Report and in its June 2024 Supplemental Report. The video recording of the June 18, 2024 Council session and testimony by the Commission Chair can be viewed using this link:

https://montgomerycountymd.granicus.com/player/clip/17432?view_id=169&redirect=true

D. The Commission’s Proceedings from June 2024 – April 2026

1. The June 2024 Supplemental Report

In June 2024, the Commission made the decision to supplement its April 2024 Report in order to provide the County Council and the general public with the Commissioners’ views and recommendations concerning a Ballot Question Petition that was being circulated at that time to obtain voters’ signatures. That petition supported a Charter amendment to shorten the term limit for the County Executive from three consecutive terms to two consecutive terms. That petition drive was initiated by an organization known as “The Committee for Better

⁴ A copy of the Commission’s April 2024 Report can be accessed using this link:

<https://www.montgomerycountymd.gov/COUNCIL/Resources/Files/BCC/CRC/reports/2024CharterReviewCommissionReport.pdf>

Government” (“CBG”) which was led by Reardon Sullivan, the Republican candidate who ran unsuccessfully for County Executive in the 2022 election.

The June 2024 Supplemental Report stated that the Charter Review Commission unanimously opposed the ballot question petition seeking to reduce the term limit for the County Executive from three consecutive terms to two consecutive terms. In the Supplemental Report, the Commission also proposed an alternative amendment that would limit the Executive to a total of three terms without regard to whether those terms were served consecutively.⁵

The bipartisan Commission’s ten members were unanimous in finding that the petitioner’s proposal, which sought to prevent the sitting executive from serving a third term, was unnecessary.⁶ Some Commission members did not oppose term limits per se but they believed that the existing three-term limit was adequate and found no reason to change it. Other Commission members oppose term limits generally because they restrict voters’ ability to choose who represents them. They expressed the view that term limits are unnecessary because voters already have the power to replace officials through the electoral process if the voters believe the official has served too long or if they are dissatisfied with an official’s performance.

After rejecting the two-term limit proposed by CBG’s petition, the Charter Review Commission considered whether the existing Charter provision containing the three-term limit could be improved or clarified.

Montgomery County’s Charter was amended in 2016 to limit the number of consecutive terms that an Executive or member of the Council can serve in those individual offices. For example, an Executive who serves two consecutive terms can leave office, wait for four years, and then seek not just a third term, but also a fourth and even a fifth term. Some other jurisdictions, however, adopt “lifetime” term limits specifying the total number of terms an individual can serve. In those jurisdictions, if there is a three-term limit, after the official has served three terms, whether they were served consecutively or non-consecutively, the official is ineligible to hold the same office again.

Montgomery County’s three-term limit was approved by a 69% majority in 2016, after being rejected by voters in 2004. A ballot initiative in 2000 seeking to impose a two-term limit failed. Some Commission members questioned whether the voters who approved the three-term limit in 2016 believed that “three meant three” in total and they wondered whether voters contemplated that an official might serve four terms or five terms provided that only

⁵ A copy of the June 2024 Supplemental Report can be accessed using this link: <https://www.montgomerycountymd.gov/COUNCIL/Resources/Files/BCC/CRC/reports/Report06122024.pdf>

⁶ At the time, the eleven-member Commission had one vacancy.

three of them were served consecutively. A majority of the Commission believed that an alternative proposal should be put on the ballot to allow voters to decide that question directly.

Accordingly, the Commission voted 6 to 2 in favor of recommending that a question be placed on the ballot in 2024, asking voters to approve a Charter amendment allowing an Executive to serve three consecutive terms but allowing an individual to serve only three terms in total, whether or not they are served consecutively (either would be permissible).

The Commission considered whether the same option should be proposed at that time for Council members. While that could promote consistency, some Commission members were concerned that it might conflate two different issues and create confusion among some voters given that circulating ballot petition only applied to the Executive. For purposes of clarity in the upcoming election, the Commission deemed it preferable to allow voters to choose between these two different approaches within an identical context – the Executive’s position. That would allow whichever approach received voters’ approval in 2024 to be considered at a future election in the context of the legislative branch.⁷

2. Commission Meetings and Actions from June 2024 to April 2026

This Commission extended an open-invitation to members of the Council and the County Executive to address the Commission at any meeting to present their views on issues of concern. Successive Council Presidents and the County Executive have done so. Their participation has benefitted Commission members and has been greatly appreciated.

During the period covered by this Report, Councilmember Evan Glass addressed the Commission at its monthly meeting on January 8, 2025. As the sitting Council President, Kate Stewart addressed the Commission at its meeting on June 11, 2025. County Executive Marc Elrich addressed the Commission at its meeting on February 11, 2026. County staff with expertise on budget and finance matters also met with Commission members. The Council’s Deputy Director for Budget and Policy, Gene Smith, met with the Commission on July 9, 2025. The Director of the Montgomery County Department of Finance, Michael J. Coveyou, met with the Commission on December 10, 2025.

On March 6, 2025, the Commission issued a Press Release soliciting public comments on what matters the Commission should consider for possible revisions to the County Charter. A copy of the March 6 Press Release is included as Appendix C to this Report.⁸ Copies of the public comments received are included as Appendix D to this report.

⁷ A copy of the Commission’s June 2024 Supplemental Report can be viewed using this link:
<https://www.montgomerycountymd.gov/COUNCIL/Resources/Files/BCC/CRC/reports/Report06122024.pdf>

⁸ The March 6, 2025, Press Release can be viewed using this link:
https://www2.montgomerycountymd.gov/mcgportalapps/Press_Detail.aspx?Item_ID=46655&Dept=1

In April, 2025, the Chair of the Commission reached out to the Directors of the County's five Regional Service Centers and their Citizens Advisory Boards. The Citizen's Advisory Boards were invited to meet with the Chair to discuss the Commission's work so that the Citizens Advisory Boards could participate in identifying topics for the Commission to study. The Citizens Advisory Boards were also invited to attend the Commission's Public Listening Sessions and to provide their members' views on possible Charter Amendments that were under consideration by the Commission. Subsequently, the Chair of the Commission met with three of the Citizens Advisory Boards: the Upcounty Citizens Advisory Board, the Mid-County Citizens Advisory Board, and the Western Montgomery County Citizens Advisory Board.

On October 30, 2025, the Commission issued a Press Release announcing that it would hold two public listening sessions on November 19, 2025, to obtain input from the public on the need for and the potential benefits of amending the County's Charter to address how the County government manages budget reserves. One of the public listening sessions was held in-person on November 19, during the afternoon in the Council Office Building. The second session was held virtually during the evening on November 19. A more detailed description of the Commission's request for public input and the Listening Sessions is provided below in Part IV of this Report.

II. THE 2026 REPORT: ISSUES DISCUSSED

The Commission is not recommending any Charter amendments at this time. The following topics were considered and discussed by the Commission from June 2024 to April 2026.

A. Considering a Charter Amendment on Budget Reserves

1. Summary

The Commission spent significant time on the issue of reserve funds and the need to have adequate reserves to enable continuity of County services and rapid response and recovery from unforeseen events. There is no Charter provision requiring the establishment and use of reserve funds but the Council has enacted laws and policies with such requirements. After considering the potential benefits and drawbacks of a Charter amendment, the Commission was split on the issue. A majority of the Commission opposes a recommendation that the Council adopt an amendment to add reserve requirements to the Charter.

As originally drafted in 1968, Charter Section 310 recognizes that in any particular year the County's revenue might exceed its budgeted expenses, thereby resulting in surplus funds. Accordingly, Section 310 authorizes the accumulation of surplus funds in the Unrestricted General Fund ("UGF") up to a specified limit, which is 5 percent of General Fund revenue for the preceding year. Surplus funds exceeding that amount are allowed to accumulate in any other

fund. Section 301 is silent, however, with respect to budgetary reserves and the need to plan for such reserves.

The Commission's Budget Workgroup led the effort and discussions on this issue. The Commission reviewed the existing law and policy governing how the County maintains reserve funds. Commissioners also considered the potential benefits and drawbacks of a Charter amendment.

A motion was made and seconded that the Commission recommend that Charter Section 310 be amended by adding at the end of section 310 as it currently exists, the following new language:

"The annual budget shall include reserve funds for response to catastrophic events, repair of buildings and other capital assets, revenue shortfalls, and other events defined by the County Council. The amount of reserve funds shall be set by the County Council to enable continuity of County services and rapid response and recovery from unforeseen events. The County Council shall establish a process and criteria for determining when to use reserve funds. Balances in the reserve accounts shall be made public, at least annually, by the County Executive. The County Council shall conduct regular reserve assessments, no less than every five (5) years, to inform County operations as well as policy and practice regarding the County's reserve funds."

A majority of the Commission voted against recommending a Charter amendment on budget reserves with 6 votes opposed to the recommendation and 3 votes in favor of recommending the proposed amendment.

In Favor: Commissioners Alisha Figueroa, Jeffrey Naftal, and Michael Persh.⁹

Opposed: Chair Jim Michaels, and Commissioners Sherry Brett-Major, Howard Denis, Marvin Lynch, Jorge Quintana and Sarah Andrew Wilson.

2. Background

Financial reserves help ensure that the government remains resilient in the face of future challenges. Having adequate reserves preserves the County's ability to maintain services, respond to crises, and recover quickly from unforeseen events. Financial reserves can reduce the need for the County government to increase tax and fee revenue to cover unexpected financial emergencies. Reserves also help lower the interest rate that the County must pay on the bonds it issues to finance projects. Montgomery County has long maintained exceptionally strong financial reserves and consistently earns "Triple A" bond ratings from all three major

⁹ Commissioners David Nachtsheim and Dylan Presman were unable to attend the meeting held on April 22, 2026, but stated that if they had been present, they would have voted with the minority to recommend a Charter amendment on budget reserves.

rating agencies. The top bond ratings reflect the County's reputation for prudent fiscal management, conservative budgeting, and a demonstrated commitment to maintaining healthy reserves.

The County Council has enacted legislation with reserve requirements and adopted fiscal resolutions as its policy on how that law will be implemented. Those policies and practices on reserves are subject to revision by the Council. The County Charter contains no reference to reserves, minimum targets, or requirements for maintaining and using them. This absence prompted the Commission to examine whether the County should incorporate language from the existing law and policy into the Charter. A Charter amendment mandating reserve funds would limit the ability of the Council to change the law or its policies.

The County presently has two main sources of funds for "rainy day" contingencies. These are: (1) The Unrestricted General Fund Balance permitted by Charter Section 310, and (2) the Revenue Stabilization Fund ("RSF") established in the County Code.

The Unrestricted General Fund Balance or "UGFB" represents the excess or "surplus" funds that remain after budgeted expenses are paid out of the general revenue. Charter Section 310 expressly limits the surplus in the UGFB to a total of 5% of the General Fund revenue, although additional surplus may be maintained in other funds. In Fiscal Year 2026 the UGFB had a balance of about \$70 million. UGFB is the first line of monies to fund supplemental or special appropriations if no other source of funding is identified.

The amount of surplus currently in the Unrestricted General Fund is merely a small fraction of the Charter's 5% limit. However, the County Council intentionally sets aside other reserve funds for unexpected and emergent contingencies in a much larger amount than the amount of surplus in the Unrestricted General Fund. The Council had done this through legislation in which it created the RSF. That legislation has been incorporated into the County Code and the Council has also adopted resolutions with written policies on how that law is to be implemented.

The County Council manages the RSF by determining the dollar amount that should be contributed to the fund each year from available revenue. The law specifies a mandatory contribution that must be made each year, but the Council can choose to exceed that minimum. In Fiscal Year 2026 the RSF was about \$715 million. The RSF can be used to support appropriations that have become unfunded only after input from the County Executive and a public hearing to review the relevant economic indicators. The Council must approve the transfer of funds from the RSF to the General Fund with the votes of seven Council members (a super majority).

In 2025, Montgomery County once again achieved the highest possible bond ratings from all three major Wall Street credit rating agencies. Moody's Ratings, S&P Global Ratings, and Fitch Ratings each reaffirmed Montgomery County's top-tier Triple-A credit standing. Bond ratings directly affect borrowing costs and the County's ability to fund capital projects. The bond

rating agencies have noted that the County's strong reserve practices are a key factor in their assessments. Out of the over 3000 counties in the United States, only approximately 50 counties earned this level of distinction for strong fiscal governance. This marked 53 consecutive years of Triple-A ratings from Moody's, 40 consecutive years from S&P Global, and 35 consecutive years from Fitch, underscoring Montgomery County's long-standing reputation as one of the most financially stable and well-managed jurisdictions in the nation."¹⁰

3. Discussion of Pros and Cons

i. Potential Benefits

Some Commission members believe that embedding a reserve requirement in the Charter could offer several benefits. As the principal benefit they cite the durability of a Charter provision that could only be changed with voters' approval and could not be repealed, amended or weakened by a future Council in response to short-term political pressures. Charter formalization is intended to act as a safeguard against the erosion of prudent fiscal practices. They contend this might strengthen the County's standing with rating agencies.

The second advantage cited is the potential for a Charter amendment to strengthen the County's financial credibility and contribute to maintaining the County's high bond ratings. Codifying reserve requirements in the Charter can signal that the County's commitment to fiscal discipline is not merely a matter of current policy but a permanent structural feature of County governance. The amendment would reinforce the idea that reserves cannot be optional or discretionary because they are a core component of responsible fiscal management. This helps ensure continuity across administrations and Councils, even as leadership changes.

A proposed amendment could also offer a third benefit. The amendment could specify the process and criteria for determining when reserves may be used. The amendment also could mandate annual public reporting of reserve balances to increase transparency and accountability. Transparency helps build public trust, particularly when reserves are used during emergencies or economic downturns.

Finally, embedding reserve requirements in the Charter aligns with accepted best practices in long-term financial planning. Many jurisdictions across Maryland and the nation have moved toward more formalized reserve policies in response to increasing economic volatility, climate related risks, and the need for rapid response to emergencies.

Taken together, Charter formalization could strengthen the County's fiscal foundation, enhance public confidence, and reinforce the County's long-standing reputation for prudent financial management.

¹⁰ Montgomery County Press Release dated October 29, 2025,
https://www2.montgomerycountymd.gov/mcgportalapps/Press_Detail.aspx?Item_ID=47836

ii. Potential Drawbacks

A majority of the Commission did not support a recommendation for adding reserve requirements to the Charter. Some members stated that they did not believe an amendment was necessary because the existing law and policy are adequate and they could not identify an actual problem that would be corrected by such an amendment. They noted that the County's existing legislative framework has functioned effectively for many years, and the County has maintained exceptionally strong reserves without a Charter mandate. The County has already achieved the highest possible bond ratings, so a Charter amendment would not improve that. That raises the question of whether formalization in the Charter is necessary or whether it would reduce flexibility without solving an actual problem.

Finance professionals who were consulted expressed concern about the potential loss of flexibility if the controlling authority is the Charter instead of the County Code. If a Charter amendment is perceived to reduce flexibility that would likely raise concerns for bond rating agencies and investors. Charter provisions are intentionally difficult to change and they can be modified only with voter approval.

For example, if the Charter listed criteria for using reserve funds but that criteria did not accommodate a particular circumstance when it arose, the County government could find itself constrained and unable to make an adjustment without a lengthy Charter amendment process. That could limit the County's ability to deploy reserves strategically or adapt to evolving economic conditions. Some Commissioners noted that it would not be desirable to build into the Charter a mandate that unintentionally hinders the County's ability to respond appropriately in a fiscal crisis or other circumstance that calls for prompt action.

Another concern is whether the Charter is the appropriate place for fiscal policy. The Charter serves as the County's constitution and is intended to be a broad framework for County governance, not a repository for specific financial rules. Embedding reserve requirements in the Charter risks turning fiscal policy into a constitutional level debate on an ongoing basis, which would make it difficult to adjust fiscal policy as accepted practices evolve.

If a Charter amendment were adopted, it would not preclude future disagreements about whether the Charter sets minimum standards or acts as a limit on the County's authority. Such a debate might prevent timely intervention by the Council at the moment when prompt action is most needed. However, a disagreement of that nature would not be relevant if reserve requirements can be decided by the Council and are not governed by the Charter.

4. Public Input

The Commission held two public listening sessions on November 19, 2025.¹¹ One was held in-person during the afternoon in the Council Office Building. The second session was held virtually in the evening. The public listening sessions were announced in a Press Release issued on October 30, 2025.¹² That announcement stated that the Commission was seeking public input on the need for and the potential benefits of amending the County's Charter to address how the County government manages budget reserves. Specifically, the Commission requested public input on whether to revise the Charter to address the following three areas:

- **Minimum Reserve Requirement:** Should the County Charter be revised to establish a mandatory minimum threshold for surplus funds or total budget reserves, to ensure fiscal stability and preparedness for unforeseen expenditures? Currently, the Charter contains no target for minimum reserves although the Council has enacted legislation creating such a target and adopted a fiscal policy to implement that law. The Charter, in Section 310, specifies only a maximum for the amount of unappropriated surplus that may be in the Unrestricted General Fund, which is 5 percent of the previous year's revenues. Section 310 allows but does not mandate that the Council establish additional reserves by creating a surplus in funds other than the General Fund.
 - The Council has established by legislation a Revenue Stabilization Fund ("RSF") for reserves in addition to any surplus in the General Fund. The County Code requires that annual contributions be made to the RSF as needed to attain total budget reserves of 10% of the preceding year's governmental revenues. In addition, the Council has adopted Resolution 19-753 stating its policy for the establishment and use of the County Government Reserves and other fiscal policies to ensure budget flexibility and structural stability.
 - If a minimum reserve requirement is added to the Charter, that requirement would not be subject to repeal or weakening in future legislation enacted by the Council as a reaction to temporary fiscal pressure because changing the Charter's reserve requirement would need voter approval.
- **Access Protocols:** Should the Charter be revised to define a formalized process or set of criteria governing the conditions under which reserve funds may be accessed, as a means to promote transparency and accountability in fiscal decision-making?
- **Risk Management Review:** Should the Charter be revised to require the County to conduct regular, periodic risk management assessments to inform reserve policy and

¹¹ A video recording of the in-person public listening session on November 19, 2025 can be viewed on the Internet using this link: https://www.youtube.com/watch?v=kbXrP8n9-mc&list=PLvk-7RcdeRpSH4n8Grd_BzhZ68hXWkl18&index=4

¹² The October 30, 2025 Press Release can be accessed using this link: https://www2.montgomerycountymd.gov/mcgportalapps/Press_Detail.aspx?Item_ID=47837&Dept=1

ensure that fiscal planning adequately accounts for emerging risks and potential liabilities?

Only one member of the public attended to present their views at the in-person public listening session. That participant recommended a Charter amendment creating a mandatory minimum reserve requirement as a means to ensure long-term fiscal discipline. He stated that the amendment should only permit reserve funds to be accessed under emergency conditions that are explicitly defined in the Charter. He also favored requiring a super majority of seven or eight votes on the Council to approve the use of reserve funds. A copy of the participant's written statement submitted to the Commission is attached as Appendix G to this Report.

No member of the public attended the virtual listening session held in the evening on November 19, 2025. The Commission received no written comments from the public on the topic of budget reserves.

5. Final Vote on a Proposed Charter Amendment

The Commission reviewed the County's current law and policy on reserve funds and reviewed practices used in other jurisdictions. It also considered the input provided by the public officials and staff experts who addressed the Commission.

After weighing the perceived benefits against the potential drawbacks, the Commission members were split but the majority voted against recommending a Charter amendment on budget reserves, with 5 votes in favor of recommending an amendment and 6 votes opposed.

In Favor: Commissioners Alisha Figueroa, Jeffrey Naftal, and Michael Persh.¹³

Opposed: Chair Jim Michaels, and Commissioners Sherry Brett-Major, Howard Denis, Marvin Lynch, Jorge Quintana and Sarah Andrew Wilson.

6. Concurring Statement of Chair Jim Michaels on the Issue of Budget Reserves

I am grateful to the members of this Commission for their careful consideration and thoughtful discussion during the past year on the issue of budget reserves. It is a topic that deserved to be fully aired. In particular, I want to thank the Commission's Budget Work Group, comprised of Commissioners Naftal, Nachtsheim, Persh and Presman, for leading the study and discussion of this topic. I concur, however, with the majority in concluding that no action is needed by the County Council at this time on the issue of budget reserves.

¹³ Commissioners David Nachtsheim and Dylan Presman were unable to attend the meeting held on April 22, 2026, but stated that if they had been present, they would have voted with the minority to recommend a Charter amendment on budget reserves.

The Commission heard from finance professionals who emphasized the importance of maintaining flexibility and the County's ability to adapt to changing circumstances. How bond rating agencies and investors would perceive a possible Charter amendment on reserves is currently unknown. Whether a Charter amendment ultimately preserves or reduces flexibility could depend on its implementation or subsequent interpretation.

Reserve requirements are presently specified in the County Code. The details for how that law is implemented have been established in a series of Council resolutions that constitute the County's written policy on reserve funds. The Council has flexibility and the ability to act promptly if future circumstances warrant changes in the law or policy. That same flexibility does not exist with Charter amendments. The fact that other jurisdictions have chosen a less flexible approach in their charters does not signify that it is the best approach, only that it was the popular choice when their charters were drafted.

Advocates for a Charter amendment expressed concern about the possibility of a future Council deciding to ignore the existing law or repeal it for reasons of political expediency. But I do not believe a legislative body whose majority would act with such fiscal irresponsibility would be deterred by the text of the proposed Charter amendment. Charter language directing the Council to set the amount of reserve funds "to enable continuity of County services and rapid response and recovery from unforeseen events" is not necessarily a legal bar precluding a future Council from deciding there is insufficient need.

If I thought revising the Charter would deter irresponsible political actions, I still would refrain from recommending the Council take immediate action so the proposal is on the ballot in the November 2026 election. I believe we should use a high bar in determining when we need to ask voters to amend the Charter that serves as our County's constitution. This year, a proposed Charter amendment would need to be certified for the ballot by July 31, 2026 which is a few days more than three months before the November general election. The distribution of mail-in ballots will begin by September 21, 2026 and shortly afterward voters will begin voting. There would be a relatively short time for the general public to hear about the issue of reserves and become informed.

The subject of reserves is unfamiliar to most people and the policy question of whether reserve requirements should be in the Charter instead of the County Code is esoteric. Resources for voter education campaigns are typically scarce or nonexistent. Meanwhile, well-funded special interests could advertise and dominate the public discourse. When there is no urgency, as in this case, if I were to support such an amendment I would allow more time for voters to become better informed before putting such an esoteric question on the ballot this year.¹⁴

¹⁴ The Council can adopt a proposed Charter amendment at any time. If an amendment were adopted after the 2026 ballot certification date or adopted during a non-election year, the question would simply appear on the ballot in the following general election. That would provide considerably more than 60 to 90 days to achieve public awareness and education on the issue.

I believe there is also a unique risk associated with having a question about budget reserves on the November 2026 ballot. The minority political party is currently circulating a citizen's petition for signatures that seeks a different 2026 Charter amendment concerning the County budget. Their petition proposes to require a unanimous vote by all eleven Council members to approve any budget that spends more than the previous year's budget (after adjusting for inflation). Today, an increase in budget spending above the inflation rate requires a super majority of seven votes instead of a simple majority of six. I oppose the effort to have two different ballot questions on budget-related matters on the same ballot in the November 2026 election.

In 2024, I joined this Commission's majority in recommending repeal of the single-person veto already in our Charter for property tax rate increases. I likewise oppose the minority party's proposal to create an undemocratic, single-person veto for the budget. I prefer to keep majority rule. It would be disastrous for the County if a successful "Yes" campaign on mandating budget reserves inadvertently led voters to chose "Yes " on the minority party's budget-veto question that is being deceptively promoted as "cost control."

I also have a concern about the potential risk of asking voters to vote on inserting a policy into the Charter when that policy is already the legal status quo being carried out by the County and we have no belief that the policy should be changed. If voters rejected the Charter amendment, the bond rating agencies and the public would have to interpret the meaning and impact of that rejection. Some might argue that voters agreed with the existing fiscal policy but rejected only the idea that the topic belongs in the Charter. Others might say that voters disagreed with the fiscal policy stated in the proposed amendment. While the Council could ignore the vote and follow their existing fiscal policy, perceptions also matter and we do not know how bond rating agencies and investors would perceive or react to the voters' rejection.

Seeing no urgency in this matter, I cannot suggest that the Council should approve a proposed Charter amendment before the July 31, 2026 deadline for the County Attorney to certify ballot questions to the local Board of Elections. Should the Council wish to consider this matter, I am not willing to suggest it would be inappropriate for the Council to take time for its own study before deciding what is in the County's long-term best interests. The Council uses the services of a financial advisory firm that is informed by bond rating agencies, bond counsel and investors. If the Council desires to obtain input from its financial advisers and other stakeholders, that should be factored into any recommendation about what is the appropriate timing for a potential Charter amendment. I see no basis for suggesting that the Council should act within the deadline in the 2026 election calendar.

Accordingly, for the reasons I specify above, I oppose the proposed recommendation for a Charter amendment in 2026 on budget reserves.

7. Statement of Commissioner David Nachtsheim Recommending Consideration of a Charter Amendment on Budget Reserves

I am grateful to the members of this Commission for their careful consideration and thoughtful discussion during the past year on the issue of budget reserves. I do not concur, however, with the Commission majority in concluding that no action is needed by the County Council at this time on the issue of budget reserves.

The topic of budget reserves deserved to be fully aired. I am especially grateful for the opportunity to have collaborated with Commissioners Naftal, Persh, and Presman in the Commission's Budget Work Group to study this topic.

The Commission heard from finance professionals who emphasized the importance of maintaining flexibility and the County's ability to adapt to changing circumstances. We learned that reserve requirements are presently specified in the County Code and the Council has established principles and procedures to manage and use reserves. The County Executive has authority to draw from reserves in circumstances defined by the policy. I expect these principles and procedures would continue and be modified by lessons learned in future events to ensure flexibility and responsiveness to unforeseen events.

We also learned that bond rating agencies and investors currently have high regard for the County's policy and practices regarding reserves. I do not believe that enacting a reserve policy in the Charter would diminish their willingness to invest in County debt instruments.

I find it reassuring that other counties have enacted various guidelines for reserves in their charters. They have realized that fiscal prudence and readiness for catastrophic events is a practice that benefits all parties within the community, and that short-sighted cost cutting can create dangerous vulnerabilities.

While the Commission was able to hear from several experts and consider the practices of other counties, I am in favor of additional fact-finding and discussion. I prefer a more thorough, broad-based review involving interested groups and individuals to yield a consensus on the path forward. This is because the subject of reserves is unfamiliar to most people and best practices may not be clearly defined and understood.

Unfortunately, we have seen that political winds occasionally change in local and federal government. These can and have imperiled our economy broadly and illustrate the need for strong guardrails. I believe ill-conceived reserve policy changes are less likely to be implemented when a clear standard has been enacted in the Charter. I believe the proposed language provides a starting point for broader review by the Council and County Executive to provide a well-considered Charter amendment to the county electorate. I do not believe it is necessary to rush to place a Charter amendment on the ballot in the November 2026 election.

Accordingly, for the reasons I specify above, I support a recommendation for Council and County Executive consideration of a Charter amendment regarding budget reserves to be presented to voters in the future.

B. Other Issues Discussed by the Commission

1. Citizens' petition for a Charter amendment on spending

The Commission discussed a citizen's petition for a ballot question that would propose an amendment to Charter section 305 which is titled "Approval of the Budget; Tax Levies." Today, Charter section 305 requires the vote of a "supermajority" on the Council to approve an aggregate operating budget that exceeds the previous year's budget after adjustment for inflation. This means that for a budget where the spending increase exceeds the inflation rate, there must be approval by 7 members on the eleven-member Council instead of a simple majority of 6 members. The Petitioners seek to a Charter amendment to require a unanimous vote of all 11 Council members instead of the approval vote of 7 members.

The existing Charter already requires the use of the Consumer Price Index (CPI) to determine whether a proposed operating budget will exceed the previous year's budget after adjustment for inflation. If spending in the new budget will exceed the change in the CPI, the current Charter already requires approval from a super majority of 7 members. Petitioners' proposed amendment would require a unanimous in order to give a single Council member the ability to veto a budget approved by the 10 other members. That would be the case even no tax increase were involved and the budget could be funded from existing revenue sources. Single-person veto power would arise even if the operating budget was just a dollar or two above the previous year's budget after adjustment for inflation.

The Commission had some discussion on the topic, but deferred formal consideration of the Petitioners' proposed Charter amendment. The Commission intends to follow developments related to the ballot initiative petition, including whether the Petitioners submit signatures of a sufficient number to place the question on the November 2026 General Election ballot. Accordingly, the Commission might decide to file a Supplemental Report in the next few months to provide information about the Petitioner's proposal to the County Council and the public, including the Commissioners' views on the matter.

2. Reestablishing and Funding the Office of People's Counsel

The Montgomery County Civic Federation has advocated for the adoption of a Charter amendment that would require the County Council to appropriate funds for the Office of People's Counsel which is a position that is authorized in the County Code but that the County Council has not funded for many years. The role of the People's Counsel was to inform public actions on land use matters and promote a full and fair presentation of relevant issues in administrative proceedings. The People's Counsel was also tasked with providing technical

assistance to residents and civic organizations to increase their awareness and understanding, and encourage their effective participation in the land use process. The County Executive has made public statements expressing his support for funding the Office of People's Counsel and his disagreement with the Council's policy decision.

The Commission extended an invitation to representatives of the Montgomery County Civic Federation to attend a Commission meeting and present its position on the matter. After some deliberation and study of the relevant legal precedent, the Civic Federation declined the Commission's invitation. The Federation advised that there is a substantial question about whether the County would have the legal authority to adopt a Charter amendment in this area. On that basis, the Commission members declined to consider the topic further.

3. Property assessments for "teardowns" that are rebuilt

The Commission has received comments on multiple occasions from advocates who seek to change the way that property assessment is handled for residential properties that are torn down and completely rebuilt. The advocates state that "teardowns" that are rebuilt should be treated in the same manner as new construction. That would result in prompter reassessment of the value of the rebuilt property, and prompter payment of a larger tax that is based on the new, higher value of the rebuilt property. The advocates state that under the current system, "teardowns" and "rebuilt" are treated as standard improvements that only affect the property's assessed value at the next regularly scheduled reassessment which could be as long as three years in the future.

The Commission declined to consider this topic based on its understanding that the requested changes in how property tax assessments are performed is a matter that would need to be addressed by the State government rather than the County. Nevertheless, if the State did grant that authority to the County, this is a matter that the County could address through legislation or regulation that would not require a Charter change.¹⁵

4. Special taxing districts

The Commission had several discussions about the County's use of Special Taxing Districts and whether the parameters for their use should be defined more specifically in the Charter. Councilmember Glass pointed out to the Commission that any change related to the County's taxing authority would require enactment of legislation by the Maryland General

¹⁵ The advocates' request for a Charter amendment seems to have been based on their belief that there is specific wording in the Charter that prevents "teardowns" from being reassessed in the same manner as newly constructed dwellings after the teardown is rebuilt. That no longer appears to be true. Their belief was rooted apparently in Charter language that was repealed in connection with a 2020 Charter amendment. Before 2020, the Charter specified how "new construction" should be factored into the calculation of the revenue cap on property tax revenue. The use of the term "new construction" in that context necessitated that there be a Charter amendment in order for "teardowns" to also be considered "new construction."

Assembly. Ultimately the Commission decided not to study the topic further since the County already used Special Taxing Districts for some purposes and any changes to the Charter would need to be limited to describing the County's existing legal authority rather than making changes to the County's authority. There would also be a risk that a Charter amendment might have unintended consequences if, subsequently, an amendment was interpreted as unintentionally narrowing the County's taxing authority.

5. Prohibiting voters from electing all four at-large Council members from the same party

On January 13, 2026, the Commission received a letter from a member of the public, requesting that the Commission recommend an amendment to Charter Section 102, to change the way voters elect at-large County Council members. The letter was written by Reardon Sullivan, who has served as both the Chair and the Vice Chair of the Montgomery County Republican Party. Mr. Sullivan is currently a candidate running in the Republican Party Primary for election to a seat on the County Council in the 2026 election. Mr. Sullivan's letter proposes a Charter amendment that would prohibit voters from electing all four at-large Council members from the same political party. His proposal effectively seeks to guarantee that two council seats will not be occupied by the majority Party. A copy of Mr. Sullivan's letter is included in Appendix D.

Specifically, Mr. Sullivan seeks a Charter amendment to change the way voters elect the four at-large Council members who must run for election countywide. He seeks an amendment to prohibit voters from electing more than two of the four at-large members from the same political party. Since 1970, voters have chosen only Democrats to fill the at-large Council seats, but Mr. Sullivan's proposal would require voters to choose differently. Because 57.45% of the voters in the County are registered as Democrats and only 14.32% are registered as Republicans, the results of the at-large elections held Countywide since 1970 are not surprising.¹⁶

Mr. Sullivan's January 2026 proposal would represent a significant change to our County government. He advocates for a guarantee that two seats on the Council will not be filled by the majority party while at the same time he is sponsoring a Charter amendment to give veto power over the budget to a single Council member. Consideration of such a fundamental change to majority rule would call for input from a broad cross section of the public, including legal experts, not merely the eleven members of this Commission. However, Mr. Sullivan's late filing of his proposal relative to the due date for the Commission's biannual report presents

¹⁶ The number of registered voters in Montgomery County as reported by the Board of Elections in January 2026 was 703,351. At that time registration by party affiliation was reported as: Democrats 404,063 (57.45%); Unaffiliated 187,514 (26.66%), and Republican 100,697 (14.32%). https://elections.maryland.gov/voter_registration/stats.html

little opportunity for study or public participation before the biannual report's statutory due date.¹⁷

The Commission Chair sent a reply to Mr. Sullivan to acknowledge that his January 2026 comment letter had been received and provided to all Commission members. The acknowledgment noted that the Commission has discussed a number of topics since submitting its April 2024 Report, and indicated that the February 2026 and March 2026 meetings would focus on establishing the Commission's position on matters previously discussed and on drafting of the 2026 Report that we expect to adopt in April 2026.

Accordingly, the Chair declined to include Mr. Sullivan's proposal on the February 2026 and March 2026 meeting agendas. As is the case for every meeting, Commissioners were afforded the opportunity to request an amendment to the Chair's draft agenda to add other items. Although Mr. Sullivan's comment letter was provided to all Commissioners in January, no Commissioner moved to add a discussion of Mr. Sullivan's proposal to the agenda for the February or March meetings.

6. Other topics

The Commission briefly considered whether there should be a restructuring that would bring the Council's Office of Legislative Oversight under the purview of the Council's Executive Director, who would then exercise oversight over all Council Staff. This topic suggestion was received from Councilmember Glass. It was ultimately determined that this would be a matter for determination by the Council as a matter of legislative policy and not a matter that would necessitate a Charter amendment.

A public comment was received requesting the Commission to consider a Charter amendment that would allow 16-year olds and 17-year olds to vote in Montgomery County School Board elections. The Commission declined to study that topic because it is governed by the state's election laws and cannot be addressed in the Charter.

¹⁷ At no time has Mr. Sullivan requested the Commission to consider the petition he initiated in March 2025 for a proposed Charter amendment. His March 2025 petition seeks to create a unanimous vote requirement for budget increases and is currently pending as a potential 2026 ballot question if he collects enough signatures. His request that we consider his proposed amendment for electing at-large Council members was submitted in January 2026, long after the Commission's call for public comments in March, 2025.

III. APPENDICES

Appendix A

Charter of Montgomery County

Part I. The Charter. [Note]

***Editor's note**—The current County Charter was adopted at an election held Nov. 5, 1968, and, as indicated by history notes accompanying amended sections, was amended by subsequent elections. The County's first Charter was adopted in 1948.

In the November 3, 2020, election, the voters approved Question C, which amended the Charter by (1) increasing the number of Councilmembers from 9 to 11, (2) increasing the number of Council districts from 5 to 7, (3) providing for the election of 7 Councilmembers by district and 4 Councilmembers at large, and (4) making several corresponding changes to voting requirements throughout the Charter. Pursuant to Charter Section 513, these amendments, which are reflected in Council Resolution 19-581 (Aug. 4, 2020), apply to the Councilmembers who were elected on November 8, 2022.

Article 1. Legislative Branch.

§ 101. County Council.

§ 102. Composition and Election.

§ 103. Council Districts.

§ 104. Redistricting Procedure.

§ 105. Term of Office.

§ 106. Vacancies.

§ 107. Compensation.

§ 108. Officers of the Council.

§ 109. Sessions.

§ 110. Exercise of Zoning, Planning and Other Powers.

§ 111. Enactment of Legislation.

§ 112. Effective Date of Legislation.

§ 113. Publication of Legislation.

§ 114. Referendum.

§ 115. Referendum Procedure.

§ 116. Legislative Procedure.

§ 117. Limitations.

§ 118. Removal of Councilmembers.

Article 2. Executive Branch.

§ 201. Executive Power.

§ 202. Election and Term of Office.

§ 203. Qualifications.

- § 204. Compensation.
- § 205. Vacancy.
- § 206. Removal of the County Executive.
- § 207. Temporary Absence or Disability.
- § 208. Veto.
- § 209. Information on Executive Branch.
- § 210. Chief Administrative Officer.
- § 211. Duties of the Chief Administrative Officer.
- § 212. Principal Departments.
- § 213. County Attorney.
- § 214. Department of Finance.
- § 215. Appointments.
- § 216. Appointment of Other Employees of the Executive Branch.
- § 217. Reorganization of the Executive Branch.
- § 218. Internal Audit.

Article 3. Finance.

- § 301. Fiscal Year.
- § 302. Six-Year Programs for Public Services, Capital Improvements, and Fiscal Policy.
- § 303. Capital and Operating Budgets.
- § 304. Budget Hearing.
- § 305. Approval of the Budget; Tax Levies.
- § 306. Item Veto or Reduction.
- § 307. Supplemental Appropriations.
- § 308. Special Appropriations.
- § 309. Transfer of Funds.
- § 310. Surplus.
- § 311. Limitations on Expenditures.
- § 312. Indebtedness.
- § 313. Purchasing.
- § 314. Competitive Procurement.
- § 315. Audit.
- § 316. Public Access to Fiscal Documents.

Article 4. Merit System and Conflicts of Interest.

- § 401. Merit System.
- § 402. Personnel Administration.
- § 403. Merit System Protection Board.
- § 404. Duties of the Merit System Protection Board.
- § 405. Political Activity.
- § 406. Prohibition Against Private Use of Public Employees.
- § 407. Prohibition Against Additional Compensation.
- § 408. Work During Official Hours.
- § 409. Corrupt Practices.
- § 410. Code of Ethics.
- § 411. Reserved.

Article 5. General Provisions.

- § 501. Disaster—Continuity of Government During Emergencies.
 - § 502. Annual Report.
 - § 503. Annual Compilation of Laws.
 - § 504. County Code.
 - § 505. Right to Information.
 - § 506. Separability.
 - § 507. Amendment.
 - § 508. Effective Date.
 - § 509. Charter Review Commission.
 - § 510. Collective Bargaining.
 - § 510A. Collective Bargaining—Fire Fighters.
 - § 511. Collective Bargaining—County Employees.
 - § 512. Hearing Examiners.
 - § 513. Effect of Certain Amendments.
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Notes

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throughout the Charter. Pursuant to Charter Section 513, these amendments, which are reflected in Council Resolution 19-581 (Aug. 4, 2020), will initially apply to the Councilmembers elected at the next election, on November 8, 2022.

Charter of Montgomery County, Maryland

Preamble

We, the people of Montgomery County, Maryland, a body corporate and politic, under the Constitution and general laws of the State of Maryland, do adopt this Charter as our instrument of government.

Article 1. Legislative Branch.

Sec. 101. County Council.

All legislative powers which may be exercised by Montgomery County under the Constitution and laws of Maryland, including all law making powers heretofore exercised by the General Assembly of Maryland but transferred to the people of the County by virtue of the adoption of this Charter, and the legislative powers vested in the County Commissioners as a District Council for the Montgomery County Suburban District, shall be vested in the County Council. The legislative power shall also include, but shall not be limited to, the power to enact public local laws for the County and repeal or amend local laws for the County heretofore enacted by the General Assembly upon the matters covered by Article 25A, Annotated Code of Maryland, 1957, as now in force or hereafter amended, and the power to legislate for the peace, good government, health, safety or welfare of the County. Nothing herein contained shall be construed to authorize or empower the County Council to enact laws or regulations for any incorporated town, village or municipality in said County on any matter covered by the powers granted to said town, village or municipality by the act incorporating it or any subsequent act or acts amendatory thereto.

Editor's note—The authorization of a road project is an executive rather than a legislative administrative act. Eggert v. Montgomery County Council, 263 Md. 243, 282 A.2d 474 (1971).

See County Attorney Opinion dated [10/29/21](#) explaining that, although the capital budget limits the County Executive's expenditure of money for a capital project, the Executive can use that completed facility for any legitimate governmental purpose absent a law or appropriation limiting the Executive's use of that facility. See County Attorney Opinion dated [3/12/09](#) explaining the Inspector General's authority to investigate an ongoing personnel matter as part of the goal of detecting and deterring fraud, waste and abuse. See County Attorney Opinion dated [10/1/08](#) explaining Council's ability to impose limitations on the Executive's ability to seek and obtain grants. See County Attorney Opinion [6/8/04-A](#) describing the possible violation of separation of powers in a law authorizing the Council to set certain transportation fees without County Executive approval. See County Attorney Opinion dated [4/21/04](#) discussing the limited authority of the Commission on People With Disabilities and the role of the County Attorney as the legal advisor for the County. See County Attorney Opinion No. 97-1 dated [6/27/97](#) explaining that the law establishing the Office of the Inspector General as a principal office in the Executive Branch of County government conflicts with the Charter.

Sec. 102. Composition and Election.

The Council shall be composed of eleven members, each of whom shall be a qualified voter of Montgomery County. Four Councilmembers shall be nominated and elected by the qualified voters of the entire County. Each of the seven other members of the Council shall, at the time of Nomination and election and throughout the member's term of office, reside in a different Council district, and shall be nominated and elected by the

qualified voters of that district. Any change in the boundaries of a Council district after a member is elected shall not render the member ineligible to complete the term for which the member was elected. No member of the Council shall hold any other office of profit in state, county or municipal government. No member of the Council shall be eligible for appointment during the member's term of office to any other office or position carrying compensation created by or under this Charter, except to County Executive in the event of a vacancy. (Election of 11-2-82; election of 11-4-86; election of 11-3-98; election of 11-4-14; election of 11-3-20.)

Editor's note—See County Attorney Opinion No. 90.003 dated [3/30/90-A](#) explaining that the County Charter requires a candidate for Council to reside in the councilmanic district that the person seeks to represent.

Sec. 103. Council Districts.

Montgomery County shall be divided into seven Council districts for the purpose of nominating and electing seven members of the Council. Each district shall be compact in form and be composed of adjoining territory. Populations of the Council districts shall be substantially equal. (Election of 11-3-98; election of 11-3-20.)

Editor's note—See County Attorney Opinion dated [3/24/11](#) discussing the redistricting process. See County Attorney Opinion dated [3/20/91](#) explaining that the Redistricting Commission may consider and recognize natural and public municipal boundaries in creating new boundaries for councilmanic districts [updates 1981 analysis]. See County Attorney Opinion dated [3/20/91](#)-A describing the impact of the Voting Rights Act on redistricting.

Sec. 104. Redistricting Procedure.

The boundaries of Council districts shall be reviewed in 1972 and every tenth year thereafter. Whenever district boundaries are to be reviewed, the Council shall appoint, not later than February 1 of the year before the year in which redistricting is to take effect, a commission on redistricting. The Commission shall be composed of eleven registered voters who reside in the County. The Commission shall include at least one but no more than four members of each political party which polled at least fifteen percent of the total vote cast for all candidates for the Council in the last preceding regular election. At least one member of the Commission shall reside in each Council district. The Commission shall, at its first meeting, select one of its members to serve as its chair. No person who holds any elected office shall be eligible for appointment to the Commission.

By November 15 of the year before the year in which redistricting is to take effect, the Commission shall present a plan of Council districts, together with a report explaining it, to the Council. Within thirty days after receiving the plan of the Commission, the Council shall hold a public hearing on the plan. If within ninety days after presentation of the Commission's plan no other law reestablishing the boundaries of the Council districts has been enacted, then the plan, as submitted, shall become law. After any redistricting plan or any other law amending the boundaries of Council districts becomes law, the boundaries of the Council districts so established shall apply to the next regular election for Councilmembers and to any special election held or appointment made to fill a vacancy on the Council that occurs after those boundaries are established. (Election of 11-2-82; election of 11-3-98; election of 11-4-14; election of 11-6-18.)

Editor's note—See County Attorney Opinion No. 95.003 dated [12/6/95](#) explaining that the Council retains the authority to control whether the Commission on Redistricting plan becomes law, but the Council must take action within 90 days of receiving the plan. See County Attorney Opinion dated [1/9/92](#) explaining that not all meetings fall within the Open Meetings Act and, therefore, not all meetings need to be open to the public or included in public notice.

Sec. 105. Term of Office.

Members of the Council shall hold office for a term beginning at noon on the first Monday of December next following the regular election for the Council and ending at noon on the first Monday of December in the fourth year thereafter. In no case shall a Councilmember be permitted to serve more than three consecutive terms. Any member of Council who will have served three or more consecutive terms at noon on the first Monday of December 2018 shall be prohibited from commencing to serve a successive term of office at that time. For

purposes of this Section, service of a term includes complete service of a full term and partial service of a full term. Partial service of a full term means service by a Councilmember of more than two years of a term. (Election of 11-8-16.)

Editor's note—See County Attorney Opinion dated [11/28/16](#) discussing amendments to the Charter regarding reconciliation of term limits.

Sec. 106. Vacancies.

A vacancy shall occur when any member of the Council shall, before the expiration of the term for which the member was elected, die, resign the office, become disqualified for membership on the Council, or be removed from office. Unless the Council has provided by law for filling a vacancy by special election, the following process for filling a vacancy shall apply. When a vacancy has occurred, a majority of the remaining members of the Council shall appoint a person to fill the vacancy within thirty days. An appointee to fill a vacancy, when succeeding a party member, shall be a member of the same political party as the person elected to such office at the time of election. If the Council has not acted within thirty days, the County Executive shall appoint a person to fill the vacancy within ten days thereafter. If a person having held the vacant position was a member of a political party at the time of election, the person appointed by the County Executive shall be the nominee of the County Central Committee of that party. An appointee shall serve for the unexpired term of the previous member. If the previous member was elected by the voters of a Council district, any person appointed to fill that vacancy shall reside in the district represented by the previous member as it exists when the vacancy occurs. (Election of 11-2-82; election of 11-8-88; election of 11-3-98; election of 11-4-14.)

Editor's note—See County Attorney Opinion dated [2/19/99](#) discussing filling an interim Council vacancy by temporary appointment pending a special election.

Sec. 107. Compensation.

The Council shall prescribe by law the compensation for its members. Membership on the Council shall be considered a full-time position for the purpose of determining compensation. No change in the compensation of members of the Council shall become effective during the term of office of the Council enacting the change. (Election of 11-7-06.)

Sec. 108. Officers of the Council.

The Council shall elect, from among its members, a president of the Council, who shall preside over meetings of the Council. The Council may provide for the selection of such other officers or employees as it may deem desirable for the exercise of its powers. The Council may employ or retain special legal counsel to assist it in the exercise of its powers, and may provide by law for special legal counsel to assist, advise, or represent any office of the legislative branch in the exercise of its duties. Any special legal counsel employed or retained under this section shall be subject to appropriation and is not subject to Section 213. (Election of 11-6-84; election of 11-5-02.)

Sec. 109. Sessions.

The first and third Tuesdays of each month, and such additional days as the Council may determine, are designated as days for the enactment of legislation, but the Council shall not sit for more than forty-five days in each year for the purpose of enacting legislation. When a first or third Tuesday is an official holiday, the next succeeding Tuesday business day shall be a day for the enactment of legislation. The Council may sit in nonlegislative sessions at such other times as it may determine. In nonlegislative sessions, the Council may adopt rules and regulations which implement or provide for the administration or execution of legislation under procedures and provisions for notice and hearing prescribed by law. The Council shall not take or discuss any action except in public session or in a closed session expressly allowed by the Council rules of procedure. The Council rules of procedure shall permit the same or greater public access to Council sessions as the state Open Meetings Act or any successor state law. The Council shall not make or confirm any appointment in a closed session. (Election of 11-4-80; election of 11-2-82; election of 11-5-02.)

Editor's note—In Montgomery Citizens League v. Greenhalgh, 253 Md. 151, 252 A.2d 242 (1969), it was held that the council need not designate an emergency extra session a legislative day separate and apart from the call of the session.

See County Attorney Opinion dated 7/14/00 discussing the need to modernize the Charter in relation to access to documents. See County Attorney Opinion dated [6/19/00](#) recommending an amendment to the Charter to conform with State law.

Sec. 110. Exercise of Zoning, Planning and Other Powers.

In the exercise of powers authorized by any act of the General Assembly or the Constitution of Maryland, other than the law making power vested in it by Article XI-A of the Constitution and the grant of express powers in Article 25A, Annotated Code of Maryland, 1957, the Council shall follow the procedure set forth in such law or section of the Constitution and the exercise thereof shall be effected in the manner prescribed therein. The powers relating to zoning, planning or subdividing shall be exercised as prescribed by law. (Election of 11-4-86; election of 11-8-88.)

Sec. 111. Enactment of Legislation.

The Council shall enact legislation only after public hearing upon reasonable notice. No legislation shall be enacted by the Council unless it receives the affirmative vote of six members of the Council. Legislation containing a section declaring that it is necessary for the immediate protection of the public health, safety, or interest, and enacted by the affirmative vote of at least seven members of the Council, shall be expedited legislation. Expedited legislation, as defined in this section, is the emergency legislation referred to in Article XI-A, Section 3, of the Constitution of Maryland. Any vote cast by a member on any legislation shall be recorded in the journal of the Council. (Election of 11-4-86; election of 11-5-02; election of 11-3-20.)

Editor's note—See County Attorney Opinion dated [1/13/09](#) discussing soliciting money as a form of free speech.

Sec. 112. Effective Date of Legislation.

All legislation, except expedited legislation, shall take effect ninety-one days after the date when it becomes law, unless a later effective date is prescribed in the legislation. Expedited legislation shall take effect on the date when it becomes law, unless a different effective date is prescribed in the legislation. (Election of 11-2-82; election of 11-5-02.)

Sec. 113. Publication of Legislation.

All legislation shall be published as required by the Constitution and laws of Maryland. In addition, a summary of any legislation, except expedited legislation, enacted by the Council shall be published before the date when it takes effect, in such manner as the Council shall prescribe by law. A summary of expedited legislation shall be published promptly after enactment. (Election of 11-5-02.)

Sec. 114. Referendum.

Any legislation enacted by the Council shall be submitted to a referendum of the voters upon petition of five percent of the registered voters of the County except legislation (1) appropriating money or imposing taxes, (2) prescribing Council districts, (3) authorizing the issuance of bonds or other financial obligations for a term of less than twelve months, and (4) authorizing obligations for public school sites, construction, remodeling, or public school buildings, whenever the total amount of such obligations authorized to be issued in any one year does not exceed one-fourth of one percent of the assessable base of the County. (Election of 11-7-78; election of 11-6-90; election of 11-4-14.)

Editor's note—Charter § 114 is cited in Montgomery County Volunteer Fire-Rescue Association v. Montgomery County Board of Elections, 418 M.463, 15 A.3d 798 (2011), and quoted in Doe v. Montgomery

County Board of Elections, 406 Md. 697, 962 A.2d 342 (2008).

Sec. 115. Referendum Procedure.

Any petition to refer legislation to the voters of the County shall be filed with the Board of Elections within ninety days after the date when the legislation becomes law, provided that fifty percent of the required signatures accompanying the petition are filed within seventy-five days after the date when the legislation becomes law. When a referendum petition that contains the required signatures has been filed, the legislation to be referred shall not take effect until thirty days after its approval by a majority of the registered voters voting thereon. Expedited legislation shall remain in effect from the date it becomes law notwithstanding the filing of a petition for referendum, but shall be repealed thirty days after its rejection by a majority of the registered voters voting thereon. (Election of 11-7-78; election of 11-5-02.)

Editor's note—Charter § 115 is cited in Montgomery County Volunteer Fire-Rescue Association v. Montgomery County Board of Elections, 418 M.463, 15 A.3d 798 (2011), and in Doe v. Montgomery County Board of Elections, 406 Md. 697, 962 A.2d 342 (2008).

Sec. 116. Legislative Procedure.

Consistent with law and the provisions of this Charter, the Council shall, by resolution, prescribe its rules of procedure and provide for the publication of its proceedings.

Sec. 117. Limitations.

Neither the Council, nor any member thereof, shall appoint, dismiss, or give directions to any individual employee of the Executive Branch of the County Government.

Editor's note—See County Attorney Opinion dated [10/1/08](#) explaining Council's ability to impose limitations on the Executive's ability to seek and obtain grants.

Sec. 118. Removal of Councilmembers.

A member of the County Council may be removed from office by the affirmative vote of not less than seven members of the Council after a public hearing and upon a finding that the Councilmember is unable by reason of physical or mental disability to perform the duties of the office. The decision of the Council may be appealed by the removed Councilmember 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. A member of the County Council also may be suspended and removed from office in the manner provided in Section 2 of Article XV of the Constitution of Maryland. (Election of 11-2-82; election of 11-4-86; election of 11-3-20.)

Article 2. Executive Branch.

Sec. 201. Executive Power.

The executive power vested in Montgomery County by the Constitution and laws of Maryland and by this Charter shall be vested in a County Executive who shall be the chief executive officer of Montgomery County and who shall faithfully execute the laws. In such capacity, the County Executive shall be the elected executive officer mentioned in Article XI-A, Section 3, of the Constitution of Maryland. The County Executive shall have no legislative power except the power to make rules and regulations expressly delegated by a law enacted by the Council or by this Charter. (Election of 11-2-82.)

Editor's note—The authorization of a road project is an executive rather than an administrative act, Eggert v. Montgomery County Council, 263 Md. 243, 282 A.2d 474 (1971).

See County Attorney Opinion dated [10/29/21](#) explaining that, although the capital budget limits the County Executive's expenditure of money for a capital project, the Executive can use that completed facility for any legitimate governmental purpose absent a law or appropriation limiting the Executive's use of that facility. See County Attorney Opinion dated [11/28/11-A](#) regarding the constitutionality of permitting community benefits agreements. See County Attorney Opinion dated [3/12/09](#) explaining the Inspector General's authority to investigate an ongoing personnel matter as part of the goal of detecting and deferring fraud, waste and abuse. See County Attorney Opinion dated [10/1/08](#) explaining Council's ability to impose limitations on the Executive's ability to seek and obtain grants. See County Attorney Opinion dated [4/12/06](#), concerning development districts, which cites Charter Section 201. See County Attorney Opinion dated [6/8/04-A](#) describing the possible violation of separation of powers in a law authorizing the Council to set certain transportation fees without County Executive approval. See County Attorney Opinion dated [4/21/04](#) discussing the limited authority of the Commission on People with Disabilities and the role of the County Attorney as the legal advisor for the County. See County Attorney Opinion dated [7/22/98](#) commenting on the means of requiring binding dispute resolution process. See County Attorney Opinion No. 97-1 dated [6/27/97](#) explaining that the law establishing the Office of the Inspector General as a principal office in the Executive Branch of County government conflicts with the Charter.

Sec. 202. Election and Term of Office.

The County Executive shall be elected by the qualified voters of the entire County at the same time as the Council and shall serve for a term of office commencing at noon on the first Monday of December next following the election, and ending at noon on the first Monday of December in the fourth year thereafter, or until a successor shall have qualified. In no case shall a County Executive be permitted to serve more than two consecutive terms. Any County Executive who will have served two or more consecutive terms at noon on the first Monday of December 2026 shall be prohibited from commencing to serve a successive term of office at that time. For purposes of this Section, service of a term includes complete service of a full term and partial service of a full term. Partial service of a full term means service by a County Executive of more than two years of a term. (Election of 11-2-82; election of 11-8-16; election of 11-5-24.)

Editor's note—See County Attorney Opinion dated [11/28/16](#) discussing amendments to the Charter regarding reconciliation of term limits.

Sec. 203. Qualifications.

The County Executive shall have been a resident of Montgomery County for the year preceding the election or appointment, shall be not less than thirty years of age, shall be a qualified voter of Montgomery County and shall not hold any other office of profit in federal, state, county or municipal government. The County Executive shall not, during the term of office, be eligible for appointment to any other County office or position carrying compensation. The County Executive shall devote full time to the duties of the office and shall not participate in any private occupation for compensation. (Election of 11-2-82.)

Editor's note—2000 L.M.C., ch. 4, § 1, added Section 1A-107, County Executive Residency Requirement, to Chapter 1A, Establishing the Structure of County Government, which states that the County Executive must have been a resident of the County for one year before the Executive is elected or appointed.

See County Attorney Opinion dated [11/26/01](#) explaining that the police department cannot void red-light citations issued based upon an automated traffic control signal, but the County Attorney may do so.

Sec. 204. Compensation.

The compensation of the County Executive shall be prescribed by the Council by law. The council shall not change the compensation of any County Executive during the term of office to which elected. (Election of 11-2-82.)

Editor's note—See County Attorney Opinion dated [2/19/97](#) explaining that the County Executive has the authority to establish a separate salary schedule for non-merit heads of departments and principal offices within

the Executive Branch. [attachment]

Sec. 205. Vacancy.

A vacancy in the office of the County Executive shall exist upon the death, resignation, disqualification, or removal of the County Executive. Unless the Council has provided by law for filling a vacancy by special election, the following process for filling a vacancy shall apply. When a vacancy has occurred, the Council, by a vote of not less than six members, shall appoint a successor to fill the vacancy within forty-five days of the vacancy. An appointee to fill a vacancy, when succeeding a party member, shall be a member of the same political party as the person elected to such office at the time of election. If the Council has not made an appointment within forty-five days, the Council shall appoint within fifteen days thereafter the nominee of the County Central Committee of the political party, if any, of the person elected to such office. The Chief Administrative Officer shall act as County Executive and perform all the duties of that office until such time as the vacancy has been filled. (Election of 11-2-82; election of 11-4-86; election of 11-8-16; election of 11-3-20.)

Editor's note—See County Attorney Opinion dated [2/19/99](#) discussing filling an interim Council vacancy by temporary appointment pending a special election.

Sec. 206. Removal of the County Executive.

The County Executive may be removed from office by the affirmative vote of not less than seven members of the Council after a public hearing and upon a finding that the County Executive is unable by reason of physical or mental disability to perform the duties of the office. 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. (Election of 11-2-82; election of 11-4-86; election of 11-3-20.)

Sec. 207. Temporary Absence or Disability.

In the event of the temporary absence or disability of the County Executive, the Chief Administrative Officer shall perform the duties of the County Executive, unless the County Executive shall designate in writing some other person in the Executive Branch.

Sec. 208. Veto.

Upon the enactment of any legislation by the Council, the Council President shall within three days deliver it to the County Executive, who within ten days after receiving it shall approve or disapprove it. If the Executive disapproves such legislation, the Executive shall return it to the Council within ten days after receiving it, with the reasons for the Executive's disapproval stated in writing. Not later than 60 days after receiving the Executive's message of disapproval, the Council may, by the affirmative vote of seven members, enact legislation over the disapproval of the Executive. Any legislation which the Executive has neither approved nor disapproved shall become law on the eleventh day after the Executive receives it. The Council may by law further specify how any period of time mentioned in this section is measured. (Election of 11-2-82; election of 11-4-86; election of 11-6-90; election of 11-7-06; election of 11-3-20.)

Editor's note—See County Attorney Opinion dated [1/13/09](#) discussing soliciting money as a form of free speech. See County Attorney Opinion dated [6/8/04-A](#) describing the possible violation of separation of powers in a law authorizing the Council to set certain transportation fees without County Executive approval.

Sec. 209. Information on Executive Branch.

The County Executive shall provide the Council with any information concerning the Executive Branch that the Council may require for the exercise of its powers.

Editor's note—Section 209 of the Montgomery County Charter was quoted in *Caffrey v. Montgomery County*, 370 Md. 272, 805 A.2d 268 (2002).

See County Attorney Opinion dated [10/1/08](#) explaining Council's ability to impose limitations on the Executive's ability to seek and obtain grants.

Sec. 210. Chief Administrative Officer.

The County Executive shall appoint a Chief Administrative Officer subject to confirmation by the Council. The Chief Administrative Officer shall be a professionally qualified administrator who shall serve at the pleasure of the County Executive, with compensation determined by the County Executive subject to the approval of the Council. (Election of 11-2-82.)

Editor's note—See County Attorney Opinion dated [7/8/02](#) describing the extent to which quasi-judicial officials may engage in political activities. See County Attorney Opinion No. 97-1 dated [6/27/97](#) explaining that the law establishing the Office of the Inspector General as a principal office in the Executive Branch of County government conflicts with the Charter. See County Attorney Opinion dated [2/19/97](#) explaining that the County Executive has the authority to establish a separate salary schedule for non-merit heads of departments and principal offices within the Executive Branch. [attachment]

Sec. 211. Duties of the Chief Administrative Officer.

The Chief Administrative Officer shall, subject to the direction of the County Executive, supervise all departments, offices, and agencies of the Executive Branch, advise the County Executive on all administrative matters and perform such other duties as may be assigned by the County Executive, or by this Charter. (Election of 11-2-82.)

Editor's note—See County Attorney Opinion dated [3/12/09](#) explaining the Inspector General's authority to investigate an ongoing personnel matter as part of the goal of detecting and deterring fraud, waste and abuse. See County Attorney Opinion dated [12/17/08](#) discussing the authority and role of the Merit System Protection Board and the role of the County Attorney as legal adviser. See County Attorney Opinion dated [1/8/08](#) regarding collection of debts owed to the County. See County Attorney Opinion dated [4/10/06-A](#) discussing the appointment and supervision of heads of departments and principal offices. See County Attorney Opinion dated [4/10/06](#), concerning the Chief Administrative Officer's authority to terminate an appointed office, which quotes Charter Section 211. See County Attorney Opinion dated [7/8/02](#) describing the extent to which quasi-judicial officials may engage in political activities. See County Attorney Opinion dated [4/13/99](#) (4/15/99 on cover memo) analyzing the Chief Administrative Officer's authority to make a sole-source contract in excess of \$25,000 without obtaining consent of the director of procurement or the contract review committee. See County Attorney Opinion No. 97-1 dated [6/27/97](#) explaining that the law establishing the Office of the Inspector General as a principal office in the Executive Branch of County government conflicts with the Charter. See County Attorney Opinion dated [4/4/91](#) explaining that a special assistant to the County Executive may serve as the supervisor of the merit system employees assigned to work in the Office of Minority and Multicultural Affairs with no effect on the status and rights of the employees.

Sec. 212. Principal Departments.

In the Executive Branch there shall be an Office of the County Attorney, a Department of Finance and any departments, agencies, offices, or other bodies prescribed by this Charter, or by the Council by law.

Editor's note—See County Attorney Opinion No. 97-1 dated [6/27/97](#) explaining that the law establishing the Office of the Inspector General as a principal office in the Executive Branch of County government conflicts with the Charter.

Sec. 213. County Attorney.

The County Executive shall appoint a County Attorney, subject to confirmation by the Council. The County Attorney shall be the chief legal officer of the County, conduct all the law business of the County, be a legal

advisor to the Council, and be the legal advisor to the County Executive, all departments, and other instrumentalities of the County Government. The County Attorney shall represent the County in all actions in which the County is a party. The County Attorney and the staff of the office shall engage in no other law practice. The County Attorney may, with the approval of the Council, temporarily employ special legal counsel to work on problems of an extraordinary nature when the work to be done is of such character or magnitude as to require services in addition to those regularly provided by the County Attorney.

The County Attorney shall serve at the pleasure of the County Executive and the Council. If the County Executive removes the County Attorney, the Council must approve or disapprove the removal by an affirmative vote of six Councilmembers within 30 days of receiving notice of the removal. The County Executive must provide notice of the removal to the County Council within 3 days. If the Council does not act within 30 days, the County Attorney must not be removed. The County Attorney may also be removed by an affirmative vote of seven Councilmembers, with the consent of the County Executive. The County Council must provide notice of the removal to the County Executive within 3 days. The County Executive must approve or disapprove the removal within 15 days of receiving notice of the removal. If the County Executive does not act within 15 days, the County Attorney must not be removed. During the period of time before removal is confirmed, the County Attorney must be put on paid leave. (Election of 11-2-82; election of 11-6-84; election of 11-8-22.)

Editor's note—See County Attorney opinion dated [12/17/08](#) discussing the authority and role of the Merit System Protection Board and the role of the County Attorney as legal adviser. See County Attorney Opinion dated [1/8/08](#) regarding collection of debts owed to the County. See County Attorney Opinion dated [4/21/04](#) discussing the limited authority of the Commission on People with Disabilities and the role of the County Attorney as the legal advisor for the County. See County Attorney Opinion dated [4/26/99](#) explaining that a transfer of development rights easement continues to restrict development even when the underlying zoning of the property is changed. See County Attorney Opinion No. 97-1 dated [6/27/97](#) explaining that the law establishing the Office of the Inspector General as a principal office in the Executive Branch of County government conflicts with the Charter. See County Attorney Opinion dated [4/18/91](#) explaining that it is inappropriate for the County Attorney's Office to respond to requests for legal advice from a source outside of the County government.

Sec. 214. Department of Finance.

The Department of Finance shall be the custodian of all County funds, securities and insurance policies; collect taxes, special assessments, license fees and other revenue; manage indebtedness, invest and disburse County funds; prepare an Annual Financial Report containing a detailed account of all monies received and paid out by the County and perform such other functions as shall be prescribed by law. (Election of 11-8-88.)

Editor's note—See County Attorney Opinion dated [6/3/08](#) discussing public purpose funds and non-public purpose funds. See County Attorney Opinion dated 1/8/08 regarding collection of debts owed to the County.

Sec. 215. Appointments.

The County Executive, after receiving the advice of the Chief Administrative Officer, shall appoint a single officer to head each department, principal office or agency of the Executive Branch, and an officer to fill any position in the Executive Branch designated by law as a non-merit position, all subject to the confirmation of the Council. Except for commissions appointed to advise the Council, the County Executive shall appoint, subject to the confirmation of the Council, all members of boards and commissions unless otherwise prescribed by state law or this Charter. (Election of 11-8-94.)

Editor's note—See County Attorney Opinion dated [11/28/11-A](#) regarding the constitutionality of permitting community benefits agreements. See County Attorney Opinion dated [12/17/08](#) discussing the authority and role of the Merit System Protection board and the role of the County attorney as legal adviser. See County Attorney Opinion dated [4/10/06-A](#), discussing the appointment and supervision of heads of departments and principal offices. See County Attorney Opinion dated [1/27/03](#) explaining that the interagency coordinating board membership provision in the Code does not conflict with the Charter appointment provision or with the State enabling law. See County Attorney Opinion dated [2/19/99](#) discussing filling an interim Council vacancy by

temporary appointment pending a special election. See County Attorney Opinion dated [5/22/98](#) explaining that a recreation area advisory board does not have the authority to elect representatives to the County Recreation Board; those representatives are appointed by the County Executive. See County Attorney Opinion No. 97-1 dated [6/27/97](#) explaining that the law establishing the Office of the Inspector General as a principal office in the Executive Branch of County government conflicts with the Charter. See County Attorney Opinion dated [4/4/91](#) explaining that a special assistant to the County Executive may serve as the supervisor of the merit system employees assigned to work in the Office of Minority and Multicultural Affairs with no effect on the status and rights of the employees.

Sec. 216. Appointment of Other Employees of the Executive Branch.

All employees of the Executive Branch other than those specifically provided for in this Charter shall be appointed and removed and their salaries shall be fixed under the merit system by the heads of the several departments, offices and agencies of the County.

Editor's note—See County Attorney Opinion dated [12/17/08](#) discussing the authority and role of the Merit System Protection Board and the role of the County Attorney as legal adviser. See County Attorney Opinion dated [11/12/97](#) indicating that the Charter permits the use of merit system employees for pilot programs and enterprise programs, but prohibits the use of contract employees for these programs. See County Attorney Opinion dated [4/4/91](#) explaining that a special assistant to the County Executive may serve as the supervisor of the merit system employees assigned to work in the Office of Minority and Multicultural Affairs with no effect on the status and rights of the employees.

Sec. 217. Reorganization of the Executive Branch.

The Council may prescribe by law the organization of the Executive Branch of County government. The County Executive may submit to the Council in writing, reorganization plans reallocating powers, functions or responsibilities of the various departments and agencies of the Executive Branch. A reorganization plan shall become law ninety days following its presentation to the Council, if by that time it has not been disapproved by a vote of six members of the Council. (Election of 11-4-86; election of 11-3-20.)

Editor's note—See County Attorney Opinion No. 97-1 dated [6/27/97](#) explaining that the law establishing the Office of the Inspector General as a principal office in the Executive Branch of County government conflicts with the Charter.

Sec. 218. Internal Audit.

The County Executive shall cause internal audits of all departments, offices and agencies of the Executive Branch, and other internal audits as prescribed by law, to be performed. (Election of 11-8-88.)

Article 3. Finance.

Sec. 301. Fiscal Year.

The fiscal year of the County shall commence on July 1 of each year and end on June 30 in the following year, unless otherwise prescribed by state law.

Editor's note—See County Attorney Opinion dated [4/7/99](#) clarifying that the Council may place conditions on appropriations prior to June 1, with certain limitations.

Sec. 302. Six-Year Programs for Public Services, Capital Improvements, and Fiscal Policy.

The County Executive shall submit to the Council, not later than January 15 of each even- numbered year, a comprehensive six-year program for capital improvements. The County Executive shall submit to the Council, not later than March 15 of each year, comprehensive six-year programs for public services and fiscal policy. The

six-year programs shall require a vote of at least six Councilmembers for approval or modification. Final Council approval of the six-year programs shall occur at or about the date of budget approval.

The public services program shall include a statement of program objectives and recommend levels of public service by the County government, and shall provide an estimate of costs, a statement of revenue sources, and an estimate of the impact of the program on County revenues and the capital budget.

The capital improvements program shall include a statement of the objectives of capital programs and the relationship of capital programs to the County's long-range development plans; shall recommend capital projects and a construction schedule; and shall provide an estimate of costs, a statement of anticipated revenue sources, and an estimate of the impact of the program on County revenues and the operating budget. The capital improvements program shall, to the extent authorized by law, include all capital projects and programs of all agencies for which the County sets tax rates or approves budgets or programs. The Council may amend an approved capital improvements program at any time by an affirmative vote of six Councilmembers.

The fiscal program shall show projections of revenues and expenditures for all functions, recommend revenue and expenditure policies for the program period and analyze the impact of tax and expenditure patterns on public programs and the economy of the County.

The County Executive shall provide such other information relating to these programs as may be prescribed by law.

All capital improvement projects which are estimated to cost in excess of an amount to be established by law or which the County Council determines to possess unusual characteristics or to be of sufficient public importance shall be individually authorized by law; provided however, that any project declared by the County Council to be of an emergency nature necessary for the protection of the public health or safety shall not be subject to this requirement if the project is approved by the affirmative vote of seven Councilmembers. Any project mandated by law, statutory or otherwise, interstate compact, or any project required by law to serve two or more jurisdictions shall, likewise, not be subject to this requirement. The County Council shall prescribe by law the methods and procedures for implementation of this provision. (Election of 11-7-78; election of 11-4-86; election of 11-3-92; election of 11-5-96; election of 11-3-20.)

Editor's note—See County Attorney Opinion dated [4/7/99](#) clarifying that the Council may place conditions on appropriations prior to June 1, with certain limitations. See County Attorney Opinion dated [2/5/96](#) explaining that the budget must include recommended expenditures and revenue services for the Board of Education and including the legislative history of the section. See County Attorney Opinion No. 90.008 dated [11/20/90](#) discussing the use of consent calendars to consolidate capital improvement bills and proposed amendments to the County Code to permit more than one item on the consent calendar at a time. [attachment]

Sec. 303. Capital and Operating Budgets.

The County Executive shall submit to the Council, not later than January 15 and March 15, respectively of each year, proposed capital and operating budgets including recommended expenditures and revenue sources for the ensuing fiscal year and any other information in such form and detail as the County Executive shall determine and as may be prescribed by law. These budgets shall be consistent with the six-year programs. A summary shall be submitted with the budgets containing an analysis of the fiscal implications for the County of all available budgets of any agencies for which the Council sets tax rates, makes levies, approves programs or budgets. (Election of 11-6-84; election of 11-3-92.)

Editor's note—See County Attorney Opinion dated [5/5/09](#) regarding the County Executive's ability to impound appropriated funds. See County Attorney Opinion dated [10/1/08](#) explaining Council's ability to impose limitations on the Executive's ability to seek and obtain grants. See County Attorney Opinion dated [4/7/99](#) clarifying that the Council may place conditions on appropriations prior to June 1, with certain limitations. See County Attorney Opinion dated [6/9/98](#) addressing the creation of Department of Liquor Control by State law and the department's funding and expenditures. See County Attorney Opinion dated [5/8/98](#) explaining that State law created the Department of Liquor Control and gives the Council oversight over the department, but does not give the Council budget or appropriation authority. See County Attorney Opinion dated [2/5/96](#) explaining that the

budget must include recommended expenditures and revenue services for the Board of Education and including the legislative history of the section.

Sec. 304. Budget Hearing.

The Council shall hold public hearings on the proposed budget and the six-year programs required by this Charter, commencing not earlier than twenty-one days following their receipt.

Sec. 305. Approval of the Budget; Tax Levies.

The Council may add to, delete from, increase or decrease any appropriation item in the operating or capital budget. The Council shall approve each budget, as amended, and appropriate the funds therefor not later than June 1 of the year in which it is submitted.

An aggregate operating budget which exceeds the aggregate operating budget for the preceding fiscal year by a percentage increase greater than the annual average increase of the Consumer Price Index for all urban consumers for the Washington-Baltimore metropolitan area, or any successor index, for the twelve months preceding December first of each year requires the affirmative vote of seven Councilmembers. For the purposes of this section, the aggregate operating budget does not include: (1) the operating budget for any enterprise fund; (2) the operating budget for the Washington Suburban Sanitary Commission; (3) expenditures equal to tuition and tuition-related charges estimated to be received by Montgomery College; and (4) any grant which can only be spent for a specific purpose and

which cannot be spent until receipt of the entire amount of revenue is assured from a source other than County government.

The Council shall annually adopt spending affordability guidelines for the capital and operating budgets, including guidelines for the aggregate capital and aggregate operating budgets. The Council shall by law establish the process and criteria for adopting spending affordability guidelines. Any aggregate capital budget or aggregate operating budget that exceeds the guidelines then in effect requires the affirmative vote of eight Councilmembers for approval.

By June 30 each year, the Council shall make tax levies deemed necessary to finance the budgets. Unless approved by an affirmative vote of all current Councilmembers, the Council shall not levy an ad valorem weighted tax rate on real property to finance the budgets that exceeds the ad valorem weighted tax rate on real property approved for the previous year. The weighted tax rate is calculated by determining the sum of each property tax rate adjusted by the proportion of assessable base that is charged that tax rate. (Election of 11-7-78; election of 11-6-84; election of 11-6-90; election of 11-3-92; election of 11-8-94; election of 11-3-98; election of 11-4-08; election of 11-6-18; election of 11-3-20; election of 11-3-20.)

Editor's note—See County Attorney Opinion dated [10/29/21](#) explaining that, although the capital budget limits the County Executive's expenditure of money for a capital project, the Executive can use that completed facility for any legitimate governmental purpose absent a law or appropriation limiting the Executive's use of that facility. See County Attorney Opinion dated [5/5/09](#) regarding the County executive's ability to impound appropriated funds. See County Attorney Opinion dated [10/1/08](#) explaining Council's ability to impose limitations on the Executive's ability to seek and obtain grants. See County Attorney Opinion dated [6/20/06](#), concerning the Charter revenue limit, which interpreted Charter Section 305. See County Attorney Opinion dated [5/10/99](#) recognizing that authorized reimbursement for college tuition, training and/or education costs made to County employees do not violate the Charter. See County Attorney Opinion dated [4/7/99](#) clarifying that the Council may place conditions on appropriations prior to June 1, with certain limitations. See County Attorney Opinion dated [6/9/98](#) addressing the creation of Department of Liquor Control by State law and the department's funding and expenditures. See County Attorney Opinion dated [5/8/98](#) explaining that State law created the Department of Liquor Control and gives the Council oversight over the department, but does not give the Council budget or appropriation authority. See County Attorney Opinion dated [1/26/98](#) analyzing a petition to amend charter to require any increase in taxes to be approved by referendum. See County Attorney Opinion dated [7/14/94](#) explaining that the Education Article allows Council to place restrictions on tuition and fees by the Board of Trustees of Montgomery College, and that a proposed amendment to Charter § 305 re approval of budget, appropriation of funds, and levying taxes does not appear to conflict with State law. See County Attorney Opinion dated [9/3/92](#) explaining flaws in § 305 based on a misleading petition and an amendment that conflicts with State law. See County Attorney Opinion dated [7/14/94](#) explaining flaws in § 305 based on a misleading petition and an amendment that conflicts with State law. See County Attorney Opinion dated [10/30/91-A](#) describing the additions to Charter § 305 by Question F as not conflicting with the TRIM amendment.

Sec. 306. Item Veto or Reduction.

Upon approval of the budget, it shall be delivered within three days to the County Executive who within ten days thereafter may disapprove or reduce any item contained in it. If the County Executive disapproves or reduces any item in the budget, it shall be returned to the Council with the reasons for the disapproval or reduction in writing. The Council may, not later than June 30 of that year, reapprove any item over the disapproval or reduction of the County Executive by the affirmative vote of seven members, except that the affirmative vote of six members shall be required in the case of the budgets of the Council, the Fire and Rescue Commission, the Fire Departments and Rescue Squads, the Housing Opportunities Commission and Montgomery College. (Election of 11-4-80; election of 11-2-82; election of 11-4-86; election of 11-8-88; election of 11-3-92; election of 11-3-20.)

Editor's note—See County Attorney Opinion dated [5/5/09](#) regarding the County Executive's ability to impound appropriated funds. See County Attorney Opinion dated [4/7/99](#) clarifying that the Council may place conditions on appropriations prior to June 1, with certain limitations.

Sec. 307. Supplemental Appropriations.

Any supplemental appropriation shall be recommended by the County Executive, who shall specify the source of funds to finance it. The Council shall hold a public hearing on each proposed supplemental appropriation after at least one week's notice. A supplemental appropriation that would comply with, avail the County of, or put into effect a grant or a federal, state, or county law or regulation, or one that is approved after January 1 of any fiscal year, requires an affirmative vote of six Councilmembers. A supplemental appropriation for any other purpose that is approved before January 1 of any fiscal year requires an affirmative vote of seven Councilmembers. The Council may, in a single action, approve more than one supplemental appropriation. The Executive may disapprove or reduce a supplemental appropriation, and the Council may reapprove the appropriation, as if it were an item in the annual budget. (Election of 11-7-2000; election of 11-3-20.)

Editor's note—See County Attorney Opinion dated [5/5/09](#) regarding the County Executive's ability to impound appropriated funds. See County Attorney Opinion dated [10/1/08](#) explaining Council's ability to impose limitations on the Executive's ability to seek and obtain grants. See County Attorney Opinion dated [4/7/99-A](#) clarifying that the Council may place conditions on appropriations prior to June 1, with certain limitations.

Sec. 308. Special Appropriations.

A special appropriation is an appropriation which states that it is necessary to meet an unforeseen disaster or other emergency, or to act without delay in the public interest. Each special appropriation shall be approved by not less than seven Councilmembers. The Council may approve a special appropriation at any time after public notice by news release. Each special appropriation shall specify the source of funds to finance it. (Election of 11-4-86; election of 11-7-2000; election of 11-3-20.)

Editor's note—See County Attorney Opinion dated [5/5/09](#) regarding the County Executive's ability to impound appropriated funds. See County Attorney Opinion dated [4/7/99](#) clarifying that the Council may place conditions on appropriations prior to June 1, with certain limitations.

Sec. 309. Transfer of Funds.

The County Executive may at any time transfer an unencumbered appropriation balance within a division or between divisions of the same department. Transfers between departments, boards or commissions, or to any new account, shall be made only by the County Council upon the recommendation of the County Executive. The total cumulative transfers from any one appropriation shall not exceed ten percent of the original appropriation. No transfer shall be made between the operating and capital budget appropriation.

Sec. 310. Surplus.

The County may accumulate earned surplus in any enterprise fund or unappropriated surplus in any other fund. With respect to the General Fund, any unappropriated surplus shall not exceed five percent of the General Fund revenue for the preceding fiscal year. An unappropriated surplus may be used to fund any supplemental or special appropriations. (Election of 11-7-2000.)

Editor's note—See County Attorney Opinion dated [4/7/99](#) clarifying that the Council may place conditions on appropriations prior to June 1, with certain limitations.

Sec. 311. Limitations on Expenditures.

No expenditure of County funds shall be made or authorized in excess of the available unencumbered appropriations therefor.

Editor's note—See County Attorney Opinion dated [3/13/19](#) regarding inclusion of non-appropriation clauses in DLC leases, enabling termination of leases where adequate funds for rent are not appropriated. See County Attorney Opinion dated [2/18/19](#) explaining the County's ability to provide a landlord with either a general obligation note or a limited obligation revenue note to repay the landlord for the cost of tenant improvements.

See County Attorney Opinion dated [10/28/10](#) comparing the limits on Council authority to make changes to retirement benefits with its ability to modify health benefits. See County Attorney Opinion dated [10/1/08](#) explaining Council's ability to impose limitations on the Executive's ability to seek and obtain grants. See County attorney Opinion dated [4/28/08](#) regarding collective bargaining negotiations of benefits for current employees and future retirees. See County Attorney Opinion dated [9/7/07](#) discussing methods of acquiring the construction of infrastructure for development districts. See County Attorney Opinion dated [5/3/00](#) clarifying that the County cannot enter into agreements until funds have been appropriated.

Editor's note—Former Sec. 311A, Limitations on Expenditures for Landfills in Residential Zones, adopted by the election of 11-7-08, was repealed by the election of 11-4-08. See East v. Gilchrist, 296 Md. 368, A.2d 285 (1983); holding section 311A cannot be given effect under circumstances involving an order of the secretary of health and mental hygiene and requirement of local funding under public general law.

Editor's note—Former Sec. 311B, Limitations on Expenditures, Contract, and Permits for Burying or Trenching Sewage Sludge in Residential Zones, adopted by the election of 11-4-80, was repealed by the election of 11-4-08.

Sec. 312. Indebtedness.

The County may incur debt. No indebtedness for a term of more than one year shall be incurred by the County to meet current operating expenses. All County indebtedness for a term in excess of one year shall become due not later than thirty years after the date of issuance. If at any time the Council shall have failed to appropriate and to make available sufficient funds to provide for the timely payment of the interest and principal then due upon all County indebtedness, it shall be the duty of the Director of Finance to pay, or to make available for payment, to the holders of such indebtedness from the first revenues thereafter received applicable to the general funds of the County, a sum equal to such interest and principal. (Election of 11-6-90.)

Editor's note—See County Attorney Opinion dated [10/23/91](#) explaining that a loan guarantee to a non-profit corporation is comparable to that of the County making a loan under Ch. 23B. A loan guarantee would not constitute either an operating expense or a capital expense, and could not exceed 1 year.

Sec. 313. Purchasing.

The Council shall prescribe by law a centralized system of purchasing and contracting for all goods and services used by the County. The centralized purchasing system shall be administered under the professional supervision of the Chief Administrative Officer subject to the direction of the County Executive.

Editor's note—See County Attorney Opinion dated [4/13/99](#) (4/15/99 on cover memo) analyzing the Chief Administrative Officer's authority to make a sole-source contract in excess of \$25,000 without obtaining consent of the director of procurement or the contract review committee. See County Attorney Opinion dated [9/23/91](#) explaining that State law does not prohibit the Department of Liquor Control from entering into contracts with private entities to operate the liquor stores.

Editor's note—Former Sec. 313A, Purchasing, Contracting for Goods, Services with C&P Telephone Company, adopted by the election of 11-2-82, was repealed by the election of 11-4-08. In Rowe, et al. v. The Chesapeake and Potomac Telephone Company of Maryland, et al., 65 Md. App. 527, 501 A.2d (1985), it was held that Charter section 313A could not be given effect because it conflicted with a state Public Service Commission Order.

Sec. 314. Competitive Procurement.

The Council shall prescribe by law for competitive procurement for purchases by or contracts with the County in excess of an amount or amounts established by law. (Election of 11-4-80; election of 11-6-90.)

Editor's note—See County Attorney Opinion dated [11/12/97](#) indicating that the Charter permits the use of merit system employees for pilot programs and enterprise programs, but prohibits the use of contract employees

for these programs. See County Attorney Opinion dated [9/23/91](#) explaining that State law does not prohibit the Department of Liquor Control from entering into contracts with private entities to operate the liquor stores.

Sec. 315. Audit.

The Council shall contract with, or otherwise employ, a certified public accountant to make annually an independent post audit of all financial records and actions of the County, its officials and employees. The complete report of the audit shall be presented to the Council and copies of it shall be made available to the public.

Editor's note—Res. No. 10-457, introduced and adopted on Nov. 1, 1983, adopted procedures for the selection of the independent auditor.

Sec. 316. Public Access to Fiscal Documents.

All fiscal documents required by this Charter shall be public records, and copies shall be made available to the public. Any estimates, reports, or justifications on which they are based shall be open to public inspection subject to reasonable regulations.

Article 4. Merit System and Conflicts of Interest.

Sec. 401. Merit System.

The Council shall prescribe by law a merit system for all officers and employees of the County government except: (a) members of the Council, the County Executive, the Chief Administrative Officer, the County Attorney; (b) the heads of the departments, principal offices and agencies, as defined by law; (c) any officer holding any other position designated by law as a non-merit position; (d) one or more confidential aides for each member of the Council; (e) two senior professional staff members for the Council as a whole as the Council may designate from time to time; (f) three special assistants to the County Executive as the Executive may designate from time to time; (g) special legal counsel employed pursuant to this Charter; (h) members of boards and commissions; and (i) other officers authorized by law to serve in a quasi-judicial capacity.

Any law which creates a new department, principal office, or agency, or designates a position as a non-merit position, requires the affirmative vote of seven Councilmembers for enactment. Any law which repeals the designation of a position as a non-merit position requires the affirmative vote of six Councilmembers for enactment.

Officers and employees subject to a collective bargaining agreement may be excluded from provisions of law governing the merit system only to the extent that the applicability of those provisions is made subject to collective bargaining by legislation enacted under Section 510, Section 510A, or Section 511 of this Charter.

The merit system shall provide the means to recruit, select, develop, and maintain an effective, non-partisan, and responsive work force with personnel actions based on demonstrated merit and fitness. Salaries and wages of all classified employees in the merit system shall be determined pursuant to a uniform salary plan. The Council shall establish by law a system of retirement pay.

The Council by law may exempt probationary employees, temporary employees, and term employees from some or all of the provisions of law governing the merit system, but the law shall require these employees to be recruited, selected and promoted on the basis of demonstrated merit and fitness.

The Council by law may establish within the merit system a program to recruit and select qualified individuals with severe physical or mental disabilities on a noncompetitive basis. (Election of 11-4-80; election of 11-6-84; election of 11-8-94; election of 11-5-96; election of 11-3-98; election of 11-7-2000; election of 11-6-2012; election of 11-6-18; election of 11-3-20.)

Editor's note—Section 401 of the Montgomery County Charter was cited in Montgomery County, Maryland v. Jamsa, 153 Md. App. 346, 836 A. 2d 745 (2003) and interpreted in Anastasi v. Montgomery County, 123 Md. App. 472, 719 A.2d 980 (1998).

See County Attorney Opinion dated [10/28/10](#) comparing the limits on Council authority to make changes to retirement benefits with its ability to modify health benefits. See County Attorney Opinion dated [3/12/09](#) explaining the Inspector General's authority to investigate an ongoing personnel matter as part of the goal of detecting and deterring fraud, waste and abuse. See County Attorney Opinion dated [12/17/08](#) discussing the authority and role of the Merit System Protection Board and the role of the County Attorney as legal adviser. See County Attorney Opinion dated [11/26/01-A](#) explaining that police sergeants are considered FLSA exempt, even though certain duty assignments may render them eligible for overtime pay. See County Attorney Opinion dated [5/10/99](#) recognizing that authorized reimbursement for college tuition, training and/or education costs made to County employees do not violate the Charter. See County Attorney Opinion dated [2/19/97](#) explaining that the County Executive has the authority to establish a separate salary schedule for non-merit heads of departments and principal offices within the Executive Branch. [attachment] See County Attorney Opinion dated [11/12/97](#) indicating that the Charter permits the use of merit system employees for pilot programs and enterprise programs, but prohibits the use of contract employees for these programs. See County Attorney Opinion No. 95.002 dated [5/17/95](#) explaining that a member of retirement plan who retires under the retirement incentive plan may participate in a County contract awarded under the procurement process. See County Attorney Opinion No. 90.007 dated [7/24/90](#) explaining that the County Council may amend the uniform salary plan only through legislation and not by resolution.

Sec. 402. Personnel Administration.

The County Executive shall be responsible for adopting personnel regulations for the administration and implementation of the merit system law. These regulations shall be adopted in the manner provided for by law. The Chief Administrative Officer, under the direction of the County Executive and subject to merit system laws and regulations, shall be responsible for administering the County's merit system. (Election of 11-4-80.)

Editor's note—See County Attorney Opinion dated [12/17/08](#) discussing the authority and role of the Merit System Protection Board and the role of the County Attorney as legal adviser. See County Attorney Opinion dated [5/10/99](#) recognizing that authorized reimbursement for college tuition, training and/or education costs made to County employees do not violate the Charter. See County Attorney Opinion dated [4/13/99](#) (4/15/99 on cover memo) analyzing the Chief Administrative Officer's authority to make a sole-source contract in excess of \$25,000 without obtaining consent of the director of procurement or the contract review committee. See County Attorney Opinion dated [11/12/97](#) indicating that the Charter permits the use of merit system employees for pilot programs and enterprise programs, but prohibits the use of contract employees for these programs. See County Attorney Opinion No. 90.007 dated [7/24/90](#) explaining that the County Council may amend the uniform salary plan only through legislation and not by resolution.

Sec. 403. Merit System Protection Board.

There is established a Merit System Protection Board composed of three members who are qualified voters of the County appointed by the Council. One member shall be appointed each year for a term of three years. Any member appointed to fill a vacancy occurring prior to the expiration of a term shall be appointed only for the remainder of that term. Appointment shall be made so that not more than two members of the Board shall be members of the same political party. No member shall hold political office or participate in any campaign for any political or public office during the member's term of office. Members of the Board shall be compensated as prescribed by law. (Election of 11-4-80.)

Editor's note—Section 403 of the Montgomery County Charter was cited in Montgomery County, Maryland v. Jamsa, 153 Md. App. 346, 836 A. 2d 745 (2003)

See County Attorney Opinion dated [12/17/08](#) discussing the authority and role of the Merit System Protection Board and the role of the County attorney as legal adviser. See County Attorney Opinion dated [7/8/02](#) describing the extent to which quasi-judicial officials may engage in political activities. See County Attorney Opinion dated

[5/10/99](#) recognizing that authorized reimbursement for college tuition, training and/or education costs made to County employees do not violate the Charter.

Sec. 404. Duties of the Merit System Protection Board.

Any employee under the merit system who is removed, demoted, or suspended shall have, as a matter of right, an opportunity for a hearing before the Merit System Protection Board, which may assign the matter to a hearing examiner to conduct a hearing and provide the Board with a report and recommendations. The charges against the employee shall be stated in writing, in such form as the Board shall require. If the Board assigns the matter to a hearing examiner, any party to the proceeding shall have, as a matter of right, an opportunity to present an oral argument on the record before the Board prior to a final decision. The Board shall establish procedures consistent with law for the conduct of its hearings. The decisions of the Board in such appeals shall not be subject to review except by a court of competent jurisdiction. The Council shall provide by law for the investigation and resolution of formal grievances filed under the merit system and any additional duties or responsibilities of the Board. The Board shall conduct on a periodic basis special studies and audits of the administration of the merit and retirement pay systems and file written reports of its findings and recommendations with the Executive and the Council. The Board shall comment on any proposed changes in the merit system law or regulations in a timely manner as provided by law. (Election of 11-4-80.)

Editor's note—Section 404 of the Montgomery County Charter was cited in Montgomery County, Maryland v. Jamsa, 153 Md. App. 346, 836 A. 2d 745 (2003)

See County Attorney Opinion dated [12/17/08](#) discussing the authority and role of the Merit System Protection Board and the role of the County Attorney as legal adviser. See County Attorney Opinion dated [5/10/99](#) recognizing that authorized reimbursement for college tuition, training and/or education costs made to County employees do not violate the Charter.

Sec. 405. Political Activity.

No officer or employee of the County shall be prohibited from participating in politics or political campaigns; however, the Council may by law restrict political activities by County officers and employees (including members of boards and commissions) who serve in a quasi-judicial capacity. No County officer or employee shall be obligated to contribute to a political campaign or to render political service. (Election of 11-2-82; election of 11-3-98.)

Editor's note—See County Attorney Opinion dated [7/8/02](#) describing the extent to which quasi-judicial officials may engage in political activities. See Attorney General Opinion No. 98-003 (unpublished) dated [1/27/98](#) explaining that the State election laws preempt the County from regulating the solicitation of political contributions. See County Attorney Opinion dated [12/10/97](#) explaining that the County may prohibit members of its quasi-judicial boards and commissions from soliciting funds for partisan political campaigns or restricting other political activities that conflict with a compelling County interest.

Sec. 406. Prohibition Against Private Use of Public Employees.

No member of the Council, the County Executive, or any officer or employee of the County shall detail or cause any officer or employee of the County to do or perform any service or work outside of the officer's or employee's public office or employment. (Election of 11-2-82.)

Editor's note—See County Attorney Opinion dated [8/11/00](#) indicating that an elected official running for office must devote “official” time to official duties.

Sec. 407. Prohibition Against Additional Compensation.

No member of the Council and no officer or employee of the County whose salary is fixed, in whole or in part, by this Charter, the laws of the County, or its personnel regulations, shall be entitled, directly or indirectly, to any other salary, expenses, or compensation from the County for performance of public duties except expenses for travel and subsistence incident to the performance of official duties as prescribed by law. (Election of 11-2-82.)

Editor's note—See County Attorney Opinion dated [9/2/03](#) analyzing that, although permitted under personnel and collective bargaining principles, a grant program to cover closing costs for public safety employees would be taxable income to the employees receiving the benefit. See County Attorney Opinion dated [5/10/99](#) recognizing that authorized reimbursement for college tuition, training and/or education costs made to County employees do not violate the Charter. See County Attorney Opinion No. 90.002 dated [3/30/90](#) explaining that a County employee may receive two paychecks (one as a full-time County employee and one as a paid member of a committee) within certain parameters.

Sec. 408. Work During Official Hours.

All officers and employees of the Executive or Legislative Branches who receive compensation paid in whole or in part from County funds shall devote their entire time during their official working hours to the performance of their official duties.

Editor's note—See County Attorney Opinion dated [8/11/00](#) indicating that an elected official running for office must devote “official” time to official duties.

Sec. 409. Corrupt Practices.

No person whose salary or expenses are paid in whole or in part from County funds shall invite, accept, offer, give or promise to give any money or any valuable thing in consideration of appointment or employment by the County. Any person violating this Section shall be removed from any public office or employment held and be subject to such other penalties as may be prescribed by law. (Election of 11-2-82.)

Sec. 410. Code of Ethics.

The Council shall adopt by law a code of ethics applicable to all public employees. In this section, public employee includes each County employee, elected officer, and appointed officer, including a member of a board or commission, and any other person designated by law.

The code of ethics shall at a minimum regulate: (a) conflicts of interest; (b) solicitation and receipt of gifts; (c) other employment of present and former public employees; (d) lobbying; (e) financial disclosure by public employees; (f) the use of County property and County insignia; and (g) the use of the prestige of office.

The code of ethics shall:

- a) provide that each public employee owes a fiduciary responsibility to the County, which the public employee shall not breach by any public or private action;
- b) prohibit a public employee from obtaining an economic benefit as a result of public employment if the economic benefit is received on terms more favorable than those available to persons who are not public employees;
- c) allow waivers from restrictions and requirements of the code if a waiver is in the best interest of the County and all pertinent facts are disclosed to the public;
- d) authorize enforcement of the code and impose penalties for violations; and
- e) include any other provisions required by State law or that the Council finds serve the purposes of this section.

The Council by law shall prohibit corrupt practices by any individual or organization that attempts to obtain or is a party to a contract with the County, including kickbacks in the award of County contracts and using confidential information obtained in performing a contract with the County for personal gain or the gain of another without the approval of the County.

The Council may by law establish a commission to enforce and interpret the code of ethics and related law. The Council by law may allow an ethics commission to retain legal counsel with the approval of the Council,

subject to appropriation, and may exempt legal counsel for the commission from Section 213. (Election of 11-2-82; election of 11-5-96.)

Editor's note—See County Attorney Opinion dated [8/23/02](#) describing the elements required for a complaint to the Ethics Commission to initiate an investigation. See County Attorney Opinion dated [9/8/98](#) explaining that County law limiting contractors from seeking or obtaining an economic benefit in addition to payment does not extend to sub-contractors unless the Office of Procurement requires its contractors to extend the prohibition to sub-contractors.

Sec. 411. Reserved.

Editor's note—Section 411, related to prohibited activities and derived from Char. Res. No. 8-935, § 3 as amended by an election of 11-2-82, was repealed by an amendment of 11-5-96.

Article 5. General Provisions.

Sec. 501. Disaster—Continuity of Government During Emergencies.

In order to ensure continuity of government during an emergency caused by a disaster or enemy attack, the Council shall prescribe by law for the temporary suspension of specific provisions of this Charter and for temporary succession to the powers and duties of public offices whether filled by election or appointment.

Sec. 502. Annual Report.

The County Executive shall prepare and provide to the Council and the public, within sixty days after the end of each fiscal year, an annual report setting forth the activities and accomplishments of the County government.

Sec. 503. Annual Compilation of Laws.

As soon as practicable each year, the County Attorney shall have published a compilation or a cumulative supplement to the County Code, with index, which shall include all legislation and regulations of a general or permanent nature adopted or approved by the Council or County Executive during the preceding year. (Election of 11-6-90.)

Sec. 504. County Code.

Unless the Council shall provide for more frequent publication by law, each ten years there shall be compiled under the direction of the County Attorney an annotated code of all public local laws, County legislation, and regulations then having the force and effect of law, and this Charter. The Council may, by legislation, legalize this code and shall cause it to be published in an indexed volume. (Char. Res. No. 7-711; election of 11-6-90.)

Sec. 505. Right to Information.

Any person shall have the right to inspect any document held by County government, except confidential police records, personnel records, records of a confidential nature as defined by law, or records that are or may be exempted from disclosure under the state Public Information Act or other applicable state or federal law. The Council may adopt reasonable regulations for such inspection. A certified copy of any such document shall be furnished upon payment of a reasonable fee established by such regulations. This section shall not apply to a document or other material obtained or prepared in anticipation of litigation or for use in legal proceedings to which the County is a party. (Election of 11-5-02.)

Editor's note—Former Section 505 of the Montgomery County Charter was quoted and interpreted in *Caffrey v. Montgomery County*, 370 Md. 272, 805 A.2d 268 (2002), where it was held that former Section 505 waived executive privilege and attorney-client privilege in relation to public information requests. At the 2002 general election, the voters approved an amendment to Montgomery County Charter Section 505 making the section consistent with State public information protections.

See County Attorney Opinion dated 7/14/00 discussing the need to modernize the Charter in relation to access to documents. See County Attorney Opinion dated [6/19/00](#) recommending an amendment to the Charter to conform with State law.

Sec. 506. Separability.

If any article, section, or provision of this Charter shall be held unconstitutional, invalid, or inapplicable to any person or circumstance by the final decision of a court of competent jurisdiction, all other articles, sections, or provisions of this Charter and their application to all other persons and circumstances shall be separable and shall not be affected by such decision.

Editor's note—Charter amendment that conflicts with public general law may not be submitted to votes for approval. Montgomery County v. Bd. of Supervisors of Elections, 311 Md. 512, 536 A.2d 641 (1988).

Sec. 507. Amendment.

This Charter may be amended in the manner provided in Section 5 of Article XI-A of the Constitution of Maryland.

Sec. 508. Effective Date.

This amended Charter shall become effective from and after the thirtieth day after its adoption.

Sec. 509. Charter Review Commission.

There shall be a Charter Review Commission appointed by the County Council every four years, within six months after the Council assumes office, for the purpose of studying the Charter. The Commission shall be composed of eleven members who shall be residents of the County, five of whom shall be appointed from a list of names submitted by the County Executive. Not more than six members shall be of the same political party. The chairperson shall be designated by the Council and the vice-chairperson shall be designated by the County Executive. The Commission shall report at least once to the Council on the Commission's activities within one year after appointment of the Commission. Commission reports shall be submitted not later than May 1 of every

even-numbered year. The reports shall contain recommendations concerning proposed Charter amendments, if any. (Char. Res. No. 8-935, § 1.)

Sec. 510. Collective Bargaining.

The Montgomery County Council shall provide by law for collective bargaining with binding arbitration with an authorized representative of the Montgomery County police officers. Any law so enacted shall prohibit strikes or work stoppages by police officers. (Election of 11-4-80.)

Editor's note—Charter Sec. 510 is cited in *Mayor and City Council for Ocean City v. Bunting* 168 Ms. App. 134,895 A.2d 1068 (2006).

See County Attorney Opinion dated [10/28/10](#) comparing the limits on Council authority to make changes to retirement benefits with its ability to modify health benefits. See County Attorney Opinion dated [7/22/10](#) regarding the steps in the out-of-cycle collective bargaining process. See County Attorney Opinion dated [5/4/09](#) regarding the steps in the collective bargaining process. See County Attorney Opinion dated [7/22/98](#) commenting on the means of requiring binding dispute resolution process.

Sec. 510A. Collective Bargaining—Fire Fighters.

The Montgomery County Council shall provide by law for collective bargaining with binding arbitration with an authorized representative of the Montgomery County career fire fighters. Any law so enacted shall prohibit strikes or work stoppages by career fire fighters. (Election of 11-8-94.)

Editor's note—See County Attorney Opinion dated [10/28/10](#) comparing the limits on Council authority to make changes to retirement benefits with its ability to modify health benefits. See County Attorney Opinion dated [7/22/10](#) regarding the steps in the out-of-cycle collective bargaining process. See County Attorney Opinion dated [5/4/09](#) regarding the steps in the collective bargaining process. See County Attorney Opinion dated [7/22/98](#) commenting on the means of requiring binding dispute resolution process.

Sec. 511. Collective Bargaining—County Employees.

The Montgomery County Council may provide by law for collective bargaining, with arbitration or other impasse resolution procedures, with authorized representatives of officers and employees of the County government not covered by either Section 510 or Section 510A of this Charter. Any law so enacted shall prohibit strikes or work stoppages for such officers and employees. (Election of 11-6-84; election of 11-8-94.)

Editor's note—See County Attorney Opinion dated [10/28/10](#) comparing the limits on council authority to make changes to retirement benefits with its ability to modify health benefits. See County Attorney Opinion dated [7/22/10](#) regarding the steps in the out-of-cycle collective bargaining process. See County Attorney Opinion dated [5/4/09](#) regarding the steps in the collective bargaining process. See County Attorney Opinion dated [7/22/98](#) commenting on the means of requiring binding dispute resolution process.

Sec. 512. Hearing Examiners.

Hearing examiners authorized by law to conduct hearings and render written reports and recommendations may preside over matters referred to them at the request of executive branch agencies, the Merit System Protection Board, and the County Board of Appeals under procedures provided by law, in addition to any matters assigned to them by the Council in the exercise of its powers as provided by law. (Election of 11-4-86.)

Sec. 513. Effect of Certain Amendments.

The taking effect of this Charter, or any amendment to this Charter, shall not of itself affect the tenure, term, status, or compensation of any appointed officer or employee of the County then holding office, except as directly provided in this Charter. Any amendment to this Charter that increases or decreases the number of members of the County Council, or alters the provisions for election of the members of the Council, shall

initially apply to the members of the Council elected at the next election after the adoption of the Charter amendment. (Election of 11-4-86; election of 11-3-98.)

Editor's note—Charter amendments approved at the election held on November 3, 1998, repealed the heading ("Schedule of Transitional Provisions"), subheadings ("General" and "Merit System"), and opening paragraph of "Schedule of Transitional Provisions"; renumbered section 1 under "General" to section 513; and repealed section 2 under "Merit System." Section 3 was repealed by Charter amendment approved at the election held on November 6, 1990. Previously, Charter amendments approved at the election held on November 2, 1982, revised "Schedule of Transition Provisions" by repealing former sections 2—16 and enacting new sections 2 (formerly section 16) and 3 (formerly section 17).

Appendix B

Commission's Supplemental Report June 12, 2024

MEMORANDUM

To: County Council

From: Charter Review Commission

Date: June 13, 2024

Subject: Charter Review Commission Opposes Petition to Restrict the County Executive to Two Terms and Proposes an Alternative

The Montgomery County Charter Review Commission on June 12, 2024, voted unanimously to oppose a proposed Charter amendment that seeks to prohibit anyone from serving as County Executive for more than two consecutive terms, beginning in December, 2026.¹ That proposal is the subject of a petition that is currently being circulated in an effort to get the question on the ballot this November. If enacted, the proposed Charter amendment would replace the existing three-term limit that was enacted and approved by voters in the 2016 election.

Although the three-term limit established in 2016 applies to both the County Executive and Council members, the circulating petition's proposed two-term limit would apply only to the Executive. After rejecting the petition's proposed amendment, the Charter Review Commission then voted to recommend an alternative ballot question aimed at improving the existing three-term limit.

The bipartisan, ten-member Commission was unanimous in finding that the petitioner's proposal, which seeks to prevent the sitting County Executive from serving a third term, is unnecessary. Some Commission members do not oppose term limits but believe that the existing three-term limit is adequate and find no reason to change it. Other Commission members oppose term limits generally because they restrict voters' ability to choose who represents them. They believe term limits are unnecessary because voters already have the power to replace officials through the electoral process if the voters believe the official has served too long or if they are dissatisfied with an official's performance.

¹ Voting in opposition to the petition's proposed Charter amendment that would limit the County Executive to two consecutive terms: Chair Michaels and Commissioners Brett-Major, Denis, Lynch, Nachtsheim, Naftal, Persh, and Samuels. Commissioner Grant and Commissioner Presman were absent for the vote but both stated in advance that if they were present, they would vote to oppose the petition's proposed amendment.

The current petition drive to amend the Charter was initiated by an organization known as “The Committee for Better Government” (“CBG”) which is led by Reardon Sullivan, the Republican candidate who ran unsuccessfully for County Executive in the 2022 election. CBG states on its website that it was formed specifically “to limit the number of consecutive four-year terms that the Montgomery County Executive may hold.” With over 687,000 registered voters in Montgomery County, if CBG’s petition is signed by at least 10,000 voters, its proposed Charter amendment will appear on the November 2024 ballot for voters’ approval.

Montgomery County elected its first County Executive in 1970. Since then, there have been 7 executives. Only 2 of the previous executives served three terms: 2 executives served two terms, and 2 served just one term. The current County Executive is in his second term.

Of the 24 counties in Maryland, there are 15 counties with no term limits, and 3 counties that have a limit of three consecutive 4-year terms (including Montgomery County). There are only 5 counties that limit their County Executive to two consecutive terms. One county applies a two-term limit to its Board of Commissioners and the President of its Board.

The Commission’s Recommendation for an Alternative Charter Amendment

After rejecting the two-term limit proposed by CBG’s petition, the Charter Review Commission considered whether the existing Charter provision containing the three-term limit could be improved or clarified.

As amended in 2016, Montgomery County’s Charter limits the number of consecutive terms that the County Executive can serve. For example, a County Executive who serves two consecutive terms can leave office, wait for four years, and then seek not just a third term, but also a fourth and even a fifth term.

Some other jurisdictions, however, adopt “lifetime” term limits specifying the total number of terms an individual can serve. In those jurisdictions, if there is a three-term limit, after the official has served three terms, whether they were served consecutively or non-consecutively, the official is ineligible to hold the same office again.

The existing three-term limit was approved by a 69% majority in 2016, after being rejected by voters in 2004. A ballot initiative in 2000 seeking to impose a two-term limit failed. Some Commission members question whether the voters who approved the three-term limit in 2016 believed that “three meant three” in total and they wonder whether voters contemplated that an official might serve four terms or five terms provided that only three of them were served consecutively. A majority of the Commission believes that an alternative proposal should be put on the ballot to allow voters to decide this question directly.

Accordingly, the Commission voted 6 to 2 in favor of recommending that a question be placed on the ballot in 2024, asking voters to approve a Charter amendment allowing a County Executive to serve three consecutive terms but allowing an individual to serve only three terms in total, whether or not they are served consecutively (either would be permissible).²

The Commission considered whether the same option should be proposed at this time for Council members. While that could promote consistency, some Commission members were concerned that it might conflate two different issues and create confusion among some voters given that CBG's petition only applies to the County Executive. For purposes of clarity in the upcoming election, the Commission deemed it preferable to allow voters to choose between these two different approaches within an identical context – the County Executive's position. Subsequently, whichever approach receives voters' approval could be considered at a future election in the context of the legislative branch.

² Voting in favor: Chair Michaels, and Commissioners Brett-Major, Lynch, Nachtsheim, Naftal, and Persh. Voting in opposition: Commissioners Denis and Samuels, both of whom cited their opposition to term limits. Commissioner Grant and Commissioner Presman were absent for the vote but both of them stated in advance that if they were present, they would vote to approve a Charter amendment allowing an Executive to serve three consecutive terms but allowing an individual to serve only three terms in total, whether or not they are served consecutively.

Appendix C

Press Release Soliciting Public Comments (March 6, 2025)

Charter Review Commission Solicits Public Comments on the Montgomery County Charter

For Immediate Release: Thursday, March 6, 2025

From the Montgomery County Charter Review Commission

ROCKVILLE, Md., March 6, 2025—The Montgomery County Charter Review Commission is soliciting public comments on what matters the Commission should consider for possible revisions to the County's Charter.

The County Charter is the constitutional framework for the County Government. The County Council, in coordination with the County Executive, appoints an eleven-member, bi-partisan, Charter Review Commission to study the County Charter and recommend changes.

The Commission is required to submit a report to the County Council on its activities in every even-numbered year, on or before May 1. The report must include the Commission's recommendations for possible Charter revisions, if any. Those recommendations can lead to proposed Charter amendments being adopted by the Council and submitted for voter approval at the next election. The Commission presented reports to the Council in April, 2024 and June, 2024.

The Commission currently is seeking suggestions from the public on the topics it should study in 2025 and 2026, which could be the subject of recommendations included in its report due by May 1, 2026. The Commission requests that comments with suggested topics be submitted by June 5, 2025, if possible, so that the Commission has ample time to consider the topics.

Public comments can be submitted by email. Comments sent by postal mail should be addressed to:

Charter Review Commission

Council Office Building

100 Maryland Ave., 6th Floor

Rockville, MD 20850

The Commission also expects to hold public listening sessions in the fall of 2025 to receive input on possible charter revisions then being considered by the Commission.

Previous reports of the Charter Review Commission, the minutes and recordings of prior meetings, and a link that can be used to access a copy of the County Charter can be viewed on the Commission's webpage.

#

Release ID: 25-071

Media Contact: Stephen Mathany 240-777-7905

Appendix D

Written Comments Received from the Public After April 2024

Mathany, Stephen

From: Reardon Sullivan <reardon@reardonsullivanformoco.com>
Sent: Monday, February 9, 2026 4:26 PM
To: pjim.michaelst4@yahoo.com; Charter Review Commission
Subject: RE: Proposed Amendment to Section 102 of the Montgomery County Charter

[EXTERNAL EMAIL]

Good afternoon Chairman Michaels,

Thank you for your response and for actively considering my proposal.

As my submission was dated January 12, 2026, it should have been available to the Charter Review Commission for the January meeting. While Section 509 of the Charter requires the Commission to submit its recommendations by May 1, 2026, the Commission has previously submitted additional recommendations beyond this timeframe. For example, in 2024 the Commission issued further recommendations regarding term limits on the same day the first tranche of petition signatures was delivered to the County Executive on June 13, 2024.

From January 12 through May 1, the Commission would have nearly four months to review what is, in essence, a very straightforward proposal. If the prior June submission is considered, the Commission has 5 months.

To clarify my proposed amendment: you are correct that it would prohibit electing all four at-large councilmembers from the same political party in a general election. In practice, the ballot would designate two of the four at-large seats as “open,” while the other two would be “reserved” for non-major parties, as determined at the time of the filing deadline.

This minor change to the County Charter will allow more than 100,000 registered Republicans and 150,000 unaffiliated voters, representing 40 percent of the County’s electorate, to enjoy meaningful participation and representation in Council legislative decision-making.

Please let me know if you have any additional questions regarding this proposed change.

Sully
240 483-9688

From: Charter Review Commission <CharterReview.Commission@montgomerycountymd.gov>

Sent: Monday, January 19, 2026 2:11 PM

To: Reardon Sullivan <ReardonS@wfteng.com>

Subject: RE: Proposed Amendment to Section 102 of the Montgomery County Charter

This message is being sent on behalf of the Chair of the Charter Review Commission:

Dear MCGOP Vice-Chair Sullivan:

I am writing to acknowledge receipt of your letter to the Charter Review Commission dated January 12, 2026. A copy of your letter and the proposed amendment you attached were distributed to all Commissioners. Thank you for participating in the process and sharing your idea for a Charter amendment concerning the election of the County Council.

As I understand it, your proposed amendment would prohibit voters from electing all four at-large councilmembers from the same political party. For example, if there were four Democratic Party candidates running for one of the four at-large seats and each of them received more votes than any of the other candidates, you would propose that the two candidates who finished in third and fourth place would not be elected and the candidates who finished in fifth and sixth place would be elected instead. To achieve that result, I assume you would propose simply to change the law to keep the third and fourth Democratic Party candidates entirely off the General Election ballot. However, a registered Democrat who did not place first or second in the Primary election could just change their voter registration to Unaffiliated for purposes of the General Election in order to appear on the November ballot.

As I am sure you're aware, the Commission is required to submit another report to the Council by May 1, 2026, which we plan to adopt at our monthly meeting in April. That report could summarize various topics that the Commission has studied and considered during the past two years, since submitting its previous report in April, 2024. Our process for drafting that report is scheduled to commence shortly after the Commission's next meeting on February 11, 2026. Accordingly, the time available for studying the issue you are now raising is fairly limited.

Sincerely,

Jim Michaels, Chair

Charter Review Commission

From: Reardon Sullivan <ReardonS@wfteng.com>

Sent: Tuesday, January 13, 2026 7:31 AM

To: pjim.michaelst4@yahoo.com

Cc: Charter Review Commission <CharterReview.Commission@montgomerycountymd.gov>

Subject: Proposed Amendment to Section 102 of the Montgomery County Charter

[EXTERNAL EMAIL]

Dear Chairman Michaels,

I respectfully submit for the Commission's consideration a proposed amendment to Section 102 of the Montgomery County Charter regarding the composition and election of the County Council.

The purpose of this proposed charter amendment is to ensure meaningful representation for more than 100,000 registered Republicans and 150,000 unaffiliated voters, together comprising approximately 40 percent of the County's electorate.

I respectfully request that the Charter Review Commission review the attached proposal and recommend its adoption by the County Council.

Sincerely,
Reardon Sullivan, P.E. LEED AP



Mathany, Stephen

From: Reardon Sullivan <ReardonS@wfteng.com>
Sent: Tuesday, January 13, 2026 7:31 AM
To: pjim.michaelst4@yahoo.com
Cc: Charter Review Commission
Subject: Proposed Amendment to Section 102 of the Montgomery County Charter
Attachments: L CRC County Council Diversity - 01-12-26a.pdf

[EXTERNAL EMAIL]

Dear Chairman Michaels,

I respectfully submit for the Commission's consideration a proposed amendment to Section 102 of the Montgomery County Charter regarding the composition and election of the County Council.

The purpose of this proposed charter amendment is to ensure meaningful representation for more than 100,000 registered Republicans and 150,000 unaffiliated voters, together comprising approximately 40 percent of the County's electorate.

I respectfully request that the Charter Review Commission review the attached proposal and recommend its adoption by the County Council.

Sincerely,
Reardon Sullivan, P.E. LEED AP

Reardon Sullivan, PE, LEED AP

14431 Turkey Foot Rd
Gaithersburg, MD 20878

January 12, 2026

Montgomery County Charter Review Commission
Council Office Building
100 Maryland Ave., 6th Floor
Rockville, MD 20850
charterreview.commission@montgomerycountymd.gov

Chairman Michaels:

Pursuant to Section 509 of the Montgomery County Charter, I respectfully submit for the Commission's consideration a proposed amendment to Section 102 of the Charter concerning the composition and election of the County Council.

Montgomery County has long articulated a commitment to diversity, inclusion, and broad representation across its communities. However, the current voting structure of the County Council contains no mechanism to ensure that political minorities within the County are represented in legislative decision-making. As a result, more than 100,000 registered Republicans and 150,000 unaffiliated voters, representing 40 percent of the County's electorate, are effectively excluded from meaningful participation in Council deliberations.

I respectfully request that the Charter Review Commission review the proposed amendment outlined in the following pages and recommend its adoption by the County Council.

Please feel free to contact me should you have any questions.

Please confirm receipt of this transmission.

Sincerely,

A handwritten signature in black ink, appearing to read 'Reardon Sullivan', with a long horizontal flourish extending to the right.

Reardon Sullivan, PE, LEED AP

Proposal to Amend Montgomery County Charter §102 Ensuring Diverse Representation on the County Council

January 12, 2026

Montgomery County has consistently emphasized the importance of diversity, inclusion, and broad community representation. Despite these stated values, the current structure of the County Council does not provide institutional safeguards to ensure that political minority viewpoints are represented in legislative deliberations. This absence persists even though Montgomery County is home to more than 100,000 registered Republicans and approximately 150,000 unaffiliated voters.

Maryland law provides a relevant and instructive precedent. Under Maryland Election Law §2-201, local Boards of Elections must include representatives of both the majority party and the principal minority party. This statutory requirement is intended to prevent domination by a single political viewpoint and to enhance public confidence through bipartisan oversight of critical governmental functions.

A similar principle is applied in the District of Columbia, where election law limits at-large Council representation so that no more than two of the four at-large members may belong to the same political party. In practice, this ensures that political minorities are guaranteed representation in a jurisdiction otherwise dominated by a single party.

Montgomery County's own Charter reflects the philosophy of diversity of representation. Section 509 provides that no more than six of the eleven members of the Charter Review Commission may belong to the same political party, demonstrating the County's recognition that diversity of political thought improves governance and decision-making.

That same logic should apply to the County Council. Balanced political representation enhances legislative deliberation, strengthens oversight, and improves budgetary decision-making by ensuring that policies are examined through multiple perspectives. Absent structural safeguards, a single ideological viewpoint may dominate the Council's work, potentially undermining public confidence in the fairness and inclusiveness of County government.

Proposed Amendment to Article I, §102 (Composition and Election)

Current language (excerpt):

“Four Councilmembers shall be nominated and elected by the qualified voters of the entire County.”

Proposed revised language:

“Four Councilmembers shall be elected by all qualified County voters, with no more than two members belonging to the same political party.”

This amendment would preserve the existing eleven-member structure of the County Council, seven district members and four at-large members, while ensuring that the election of the at-large council members allows for political party diversity.

Rationale for the Amendment

- **Consistency with State Principles:** Maryland law already mandates bipartisan representation in election administration to promote fairness, balance, and public trust. Extending this principle to legislative representation is logical and consistent with established policy.
- **Structural, Not Partisan:** The proposal does not favor any political party or candidate. It creates a neutral, durable framework ensuring that the minority political parties are provided representation.
- **Good Governance and Oversight:**
 - Encourages deliberation informed by diverse political perspectives
 - Reduces the risk of groupthink and one-party dominance
 - Enhances transparency and accountability
 - Reflects Montgomery County’s stated values of inclusion and representation
- **Public Confidence:** Institutionalized political diversity in major legislative decisions can strengthen residents’ trust in County government, particularly in a politically diverse jurisdiction.

Conclusion

The Charter Review Commission is uniquely positioned to recommend structural reforms that enhance the legitimacy, balance, and credibility of Montgomery County's government. Requiring that no more than two at-large Councilmembers belong to the same political party would strengthen representative governance, align with existing Maryland statutory principles and the County Charter itself, and reaffirm Montgomery County's commitment to inclusive and diverse political representation.

End

Appendix E

Press Release Announcing Public Listening Sessions (October 30, 2025)

Montgomery County Charter Review Commission to Hold Virtual and In-Person Public Listening Sessions on Potential Charter Amendments

For Immediate Release: Thursday, October 30, 2025

From the Montgomery County Charter Review Commission

ROCKVILLE, Md., Oct. 30, 2025—The Montgomery County Charter Review Commission will hold two public listening sessions with the public on November 19, 2025, to receive input on the matters discussed below concerning potential amendments to the County Charter. Public comments can also be submitted in writing.

One listening session will be held in-person in the Council Office Building in Rockville on Wednesday, November 19, 2025, from 2:00 to 3:30 p.m. The in-person session will be recorded so that the public can view it online afterward. A second listening session will be held virtually on November 19, from 7:00 p.m. to 8:30 p.m., which will also be recorded and posted online. Details on how to participate are provided below.

Topics for the Listening Sessions

The Montgomery County Charter is the constitution of the County government. As provided in the Charter, the Charter Review Commission is an 11-member multi-partisan body appointed by the County Council in coordination with the County Executive, to study and recommend changes to the Charter. The Commission's recommendations may lead to proposed amendments being placed by the Council on the ballot to be voted upon by registered voters.

As a best practice, governments must maintain adequate fund balances to mitigate current and future risks (e.g., revenue shortfalls and unanticipated expenditures) and to promote stable tax rates. Fund balance levels are an important consideration in long-term financial planning. Credit rating agencies monitor levels of fund balance and the unrestricted fund balance in a government's general fund to evaluate a government's continued creditworthiness.

The Commission is seeking public input on the need for and the potential benefits of amending the County's Charter to address how the County government manages budget reserves. Specifically, the Commission seeks public input on whether to revise the Charter to address three areas:

- **Minimum Reserve Requirement:** Should the County Charter be revised to establish a mandatory minimum threshold for surplus funds or total budget reserves, to ensure fiscal stability and preparedness for unforeseen expenditures? Currently, the Charter contains no target for minimum reserves although the Council has enacted legislation creating such a target and adopted a fiscal policy to implement that law. The Charter, in Section 310, specifies only a maximum for the amount of unappropriated surplus that may be in the Unrestricted General Fund, which is 5 percent of the previous year's revenues. Section 310 allows, but does not mandate that the Council establish additional reserves by creating a surplus in funds other than the General Fund.
 - The Council has established by legislation a Revenue Stabilization Fund ("RSF") for reserves in addition to any surplus in the General Fund. The County Code requires that annual contributions be made to the RSF as needed to attain total budget reserves of 10% of the preceding year's governmental revenues. In addition, the Council has adopted Resolution 19-753 stating its policy for the establishment and use of the County Government Reserves and other fiscal policies to ensure budget flexibility and structural stability.
 - If a minimum reserve requirement is added to the Charter, that requirement would not be subject to repeal or weakening in future legislation enacted by the Council as a reaction to temporary fiscal pressure because changing the Charter's reserve requirement would need voter approval.
- **Access Protocols:** Should the Charter be revised to define a formalized process or set of criteria governing the conditions under which reserve funds may be accessed, as a means to promote transparency and accountability in fiscal decision-making?
- **Risk Management Review:** Should the Charter be revised to require the County to conduct regular, periodic risk management assessments to inform reserve policy and ensure that fiscal planning adequately accounts for emerging risks and potential liabilities?

Details on Public Participation

Members of the public are invited to share their views on the subjects described above either in-person or during an online session. Written comments are also welcome. The in-person listening session will be held on Wednesday, November 19, 2025, from 2:00 p.m. to 3:30 p.m. in the Council Office Building, located at 100 Maryland Ave., Rockville, MD. The hearing will be held on the 3rd floor. To register to speak at the in-person listening session, please sign up by clicking here: [CRC in-person registration](#).

If you have a prepared written statement, which is not necessary, please bring courtesy copies to share with the Commissioners or send a copy of the statement by email to charterreview.commission@montgomerycountymd.gov.

A remote, virtual listening session will also be held on Wednesday November 19, 2025 from 7:00 p.m. to 8:30 p.m. If you would like to speak at the remote virtual session, you must preregister at least two business days in advance of the listening session using CRC virtual registration, or you may call 240-777-7905 to register. If you have not preregistered, the Commission cannot guarantee that you will be able to speak at the session.

If you would like to attend the virtual session without speaking, please use the following link to login to the virtual meeting: CRC virtual zoom link.

The Commission is required to submit a report to the County Council on its activities in every even-numbered year, on or before May 1. The report may include the Commission's recommendations for possible Charter revisions, if any. Those recommendations can lead to proposed Charter amendments being adopted by the Council and submitted for voter approval at the next election.

The Commission presented its previous report to the Council on April 24, 2024. Previous reports of the Charter Review Commission, the minutes and recordings of prior meetings, and a link that can be used to access a copy of the County Charter can be viewed on the Commission's webpage using this link.

Questions about registration can be addressed to Stephen Mathany via email at stephen.mathany@montgomerycountymd.gov or by phone at 240-777-7905.

Residents wishing to participate and needing accessibility accommodations or translation services must email Lucia Jimenez at lucia.jimenez@montgomerycountymd.gov at least two business days in advance of the listening session.

All speakers at each of the Listening Sessions will have three minutes to speak. If you have spoken at a previous listening session, you may be placed at the end of the queue to speak again.

Members of the public are welcome to submit written comments to the Charter Review Commission by email to: charterreview.commission@montgomerycountymd.gov.

Comments sent by postal mail should be addressed to:

Charter Review Commission
Council Office Building
100 Maryland Ave., 6th Floor
Rockville, MD 20850

If a listening session is canceled due to inclement weather, please submit written comments. Emergency closure information is available at: <https://www.montgomerycountymd.gov/cupf/info-cupf/emergency.html>.

#

Release ID: 25-363

Media Contact: Stephen Mathany 240-777-7905

Appendix F

Video Link for November 19, 2025 Public Listening Sessions

Hybrid Afternoon: <https://www.youtube.com/watch?v=kbXrP8n9-mc>

Evening Virtual: <https://www.youtube.com/watch?v=niOp7KC-xlM>

Appendix G

**Written Testimony Received
in connection with
Public Listening Sessions
On November 19, 2025**

Submitted by: Radwan Chowdhury, Burtonsville, Resident
RadwanChowdhury@gmail.com | 904-759-6644

To: Mr. Jim Michaels
Chair, Montgomery County Charter Review Commission, and the Members of the Commission

Subject: Recommendation for Revision of the County Charter Regarding Budget Reserves

The County Charter must be revised to strengthen the County's management of budget reserves. While current policies exist, embedding these critical fiscal standards in the Charter provides a **permanent institutional protection** for the County's financial integrity, which is essential for consistent regional investment and service delivery.

1. Minimum Reserve Requirement: Mandate a Minimum Threshold as a Percentage of Budget

- a) **Point:** The Charter must be revised to establish a **mandatory minimum threshold for total budget reserves**.
- **The Problem:** "Currently, the 10% target is based on legislation. That means a simple legislative majority, under temporary fiscal pressure, could weaken or repeal the target, jeopardizing our financial safety net."
 - **Rationale, and the Solution:** The County requires fiscal resilience to guarantee sustained, predictable funding for infrastructure projects, local services, and school modernization. Placing the minimum reserve requirement (e.g., the current 10% target) **as a percentage of the annual budget** within the Charter prevents its temporary repeal during periods of legislative or economic pressure. This stability is critical for reliably funding long-term regional plans.

2. Access Protocols: Define Formalized, Restrictive Criteria

- a) **Point:** The Charter should be revised to define a clear, restrictive set of criteria and a formal process governing the conditions under which reserve funds may be accessed.
- **The Problem:** "Without clear Charter-level criteria, reserves risk becoming a default funding source to fill annual budget gaps. This is poor governance and undermines the fund's purpose."
 - **Rationale, and the Solution:** Formal access protocols enhance accountability and transparency. Reserves—taxpayer funds—must only be drawn upon for **genuine, non-recurring emergencies**, not to cover annual structural deficits. A Charter-mandated **supermajority vote** for drawdown is a necessary institutional check to safeguard these funds for large-scale, unexpected events that could impact safety and continuity.

3. Risk Management Review: Mandate Periodic Assessment

- a) **Point:** The Charter should be revised to **require regular, periodic risk management assessments** to inform reserve policy.
- **Rationale, and the Solution:** The County must be proactively prepared for all risks, including severe weather events and aging infrastructure liabilities. Mandating a **comprehensive, data-driven risk assessment** ensures that reserve targets are adequate to cover specific regional vulnerabilities, promoting informed fiscal planning that directly supports community resilience.

Conclusion

I urge the Charter Review Commission to recommend revisions that **institutionalize fiscal prudence** for the long term. Charter-level protection of reserve policies is paramount to ensuring the County has the financial stability required for sustained investment and high-quality service delivery.

Thank You!

Appendix H

The Commission's Agendas & Meeting Minutes (May 2024 – April 2026)

AGENDA
CHARTER REVIEW COMMISSION
Wednesday, April 22, 2026, 8:00 a.m.
Virtual Meeting
[Zoom Link](#) --- Passcode: 388506 --- Dial in: 301-715-8592

(All times are approximate)

8:00 a.m. - I. Administrative Matters

- Acknowledgment of a Quorum
- Approval of Agenda
- Approval of minutes of April 8, 2026, meeting

8:10 a.m. – II. Approval of Commission’s 2026 Report

- Comments
- Vote on Recommendation and Approval of the Final Report
- For schedule of Report’s submission and public announcement see Attachment 1.

8:25 a.m. - III. Staff Updates or Comments

- Discussion of meeting schedule for May and June (currently scheduled for May 13 and June 10)

ADJOURN

Attachment 1

Schedule for 2026 Report

(Revised April 16, 2026)

Approval of Final Report

- April 17 -20: Staff circulates the formatted report document to all Commissioners
- April 22: Virtual meeting for final vote to adopt the formatted report, and provide approval to have it printed and transmitted to the Council. Confirm May meeting schedule.
- By May 1: Staff transmit the 2026 Report to Council members
- After May 1: Council issues Press Release to announce transmittal of the 2026 Report

Post-Report

- Currently scheduled May 13 meeting: To be determined
- Currently scheduled June 10 meeting: To be determined
- June: possible Council hearing on Commission's 2026 Report (Chair testifies).

AGENDA
CHARTER REVIEW COMMISSION
Wednesday, April 8, 2026, 8:00 a.m.

Virtual Meeting

Link to Join Zoom Meeting Join Zoom Meeting:

<https://us02web.zoom.us/j/82364822343?pwd=DMKSvKTNgjGQkPBResz5mxUgHpZTdE.1>

Meeting ID: 823 6482 2343

Passcode: 276789

One tap mobile

+13017158592,,82364822343# US (Washington DC)

Join instructions

<https://us02web.zoom.us/join/82364822343?signature=e5nNtjCJv8zbDhnQTov5c2N9wyJcFqFzzah6RvaGudU>

(All times are approximate)

8:00 a.m. - I. Administrative Matters

- Acknowledgment of a Quorum
- Approval of Agenda
- Approval of minutes of March 11, 2026, meeting

8:15 a.m. – II. Commissioners’ Comments on Draft 2026 Report

- Comments and Discussion
- Approval for Staff to begin production of the document
- Schedule for finalizing the Report is included as Attachment 1

8:45 a.m. - III. Staff Updates or Comments

- Discussion of options for May meeting date (currently scheduled for May 13)

ADJOURN

NEXT MEETING REMINDER: April 22, 2026

- Next Commission meeting will be held virtually on April 22, 2026, at 8:00 a.m.
- The virtual meeting is for a final vote on adopting the formatted report, sending it to the printer and transmitting it to the Council.
- Staff will circulate a copy of the formatted Report by Fri. April 17 or Mon. April 20.
- We will also confirm the meeting schedule for May.

Attachment 1

Schedule for 2026 Report

(Revised March 31, 2026)

Approval of Final Report

- March 31: Chair circulates the current draft of the Report and draft Press Release to all Commissioners and to the Staff
- April 8: Regular monthly Commission meeting (virtual meeting). Commissioners will provide any final comments so that staff can be directed to put the document into production (but not printed until after the April 22 meeting)
- April 9 - 17: Staff formatting of the report document and obtain any internal review and clearance, if needed.
- April 17 -20: Staff circulates the formatted report document to all Commissioners
- April 22: Virtual meeting for final vote to adopt the formatted report, and provide approval to have it printed and transmitted to the Council. Confirm May meeting schedule.
- By May 1: Staff transmits the 2026 Report to Council members
- After May 1: Council issues Press Release to announce transmittal of the 2026 Report

Post-Report

- Currently scheduled May 13 meeting: To be determined
- Currently scheduled June 10 meeting: To be determined
- June: possible Council hearing on Commission's 2026 Report (Chair testifies).

AGENDA
CHARTER REVIEW COMMISSION

Wednesday, March 11, 2026, 8:00 a.m.
Council Office Building, 4th Floor, Capital Crescent Trail Conference Room
100 Maryland Ave., Rockville, MD
[Zoom Link](#) – Password: 214575

(All times are approximate)

8:00 a.m. - I. Administrative Matters

- Acknowledgment of a Quorum
- Approval of Agenda
- Approval of minutes of February 11, 2026, meeting

8:15 a.m. – II. Review of the First Draft of the Commission’s 2026 Report

- Discussion and comments
- The proposed drafting schedule for the Report is included as Attachment 1.

9:25 a.m. - III. Staff Updates or Comments

ADJOURN

NEXT MEETING REMINDERS

- Next regularly scheduled Commission meeting is April 8, 2026, at 8:00 a.m.
- Target dates for circulating Second draft of the 2026 Report: March 29 - 31
- Commissioners to provide any final comments on April 8 and then vote on formally adopting the 2026 Report (with draft press release).

Attachment 1

Drafting Schedule for 2026 Report

First Draft

- March 5: Chair circulates a complete first draft to all Commissioners and to Staff for their review prior to our March 11 meeting.

Period for Creating Second Draft

- March 11 – Regular monthly Commission meeting. Commissioners will be able to provide their comments on the first draft of the 2026 Report. (If the Chair has a later-edited version of the March 5 draft, it will be circulated at that time).
- March 11 – 14: Commissioners and Staff should provide any additional written comments on each section of the Report to the drafter of that section and to the Chair by March 14.
- March 14 – 23: Period for drafters to revise and edit all sections of the 2026 Report as necessary, based on the comments previously received.
- March 23: Drafters should submit all revisions & second drafts to the Chair by March 23.
 - Members who elect to write up their individual opinion (concurring or dissenting) also should submit those to the Chair by March 23 for inclusion in the complete second draft.
- March 24 – 28: Period for Chair to compile a complete second (and hopefully final) draft.
- March 29 - 31: Target dates for Chair to circulate a complete second draft of the Report to all Commissioners and to Staff prior to the April 8 meeting (preferably with any minority statements or dissenting statements included, if there are any).

Approval of Final Report

- April 8: Regular monthly Commissioner meeting. Commissioners to provide any final comments and then vote on formally adopting the 2026 Report (with draft press release).
- April 9 - 22: Staff formatting, printing and transmission of the Final 2026 Report to the Council with Press Release (official deadline is May 1, 2026)

Post-Report

- May 13 meeting: To be determined
- June 10 meeting: To be determined
- June: County Council hearing on Commission's 2026 Report (Chair testifies).

Section 310 of the Montgomery County Charter

Sec. 310. Surplus.

The County may accumulate earned surplus in any enterprise fund or unappropriated surplus in any other fund. With respect to the General Fund, any unappropriated surplus shall not exceed five percent of the General Fund revenue for the preceding fiscal year. An unappropriated surplus may be used to fund any supplemental or special appropriations.

Budget Workgroup's Proposed Charter Amendment

The following wording would be added to the existing Charter Section 310:

. . . The annual budget shall include reserve funds for response to catastrophic events, repair of buildings and other capital assets, revenue shortfalls, and other events defined by the County Council. The amount of reserve funds shall be set by the County Council to enable continuity of County services and rapid response and recovery from unforeseen events. The County Council shall establish a process and criteria for determining when to use reserve funds. Balances in the reserve accounts shall be made public, at least annually, by the County Executive. The County Council shall conduct regular reserve assessments, no less than every five (5) years, to inform County operations as well as policy and practice regarding the County's reserve funds.

Attachment 3

**Language discussed at the Commission's meeting on January 14, 2026
(and circulated by email on January 20, 2026)**

This language was summarized at the January meeting as an example of language that would be less prescriptive than the language proposed by the Budget Workgroup.

Wording that would be added to the current Section 310 is underlined in red typeface:

Sec. 310. Surplus and Reserves

The County may accumulate earned surplus in any enterprise fund or unappropriated surplus in any other fund. With respect to the General Fund, any unappropriated surplus shall not exceed five percent of the General Fund revenue for the preceding fiscal year. An unappropriated surplus may be used to fund any supplemental or special appropriations.

The Council shall establish one or more reserve accounts whose funds may be drawn upon when revenue collection falls short or in any other circumstance the Council deems appropriate. Such reserve accounts are not subject to the limit on unappropriated surplus specified in this section. The process and criteria for determining when to draw on or use reserve funds shall be determined by the Council.

CHARTER REVIEW COMMISSION

March 11, 2026 – 8:00 a.m.
Council Office Building, 4th Floor
100 Maryland Avenue
Rockville, MD 20850

Minutes

Commission Members Present: Jim Michaels, Chair Marvin Lynch Michael Persh Jorge Quintana Sherry Brett-Major (Virtual) Jeffrey Naftal (Virtual) Howard Denis (Virtual) Dylan Presman (Virtual) Sarah Andrew Wilson (Virtual) Alicia Figueroa (Virtual) David Nachtsheim (Virtual)	Staff Present: Stephen Mathany, Office of the County Council Dale Tibbits, Office of the County Executive (Virtual) Aditi Kumar, Office of the County Attorney (Virtual)
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Commission Chair Jim Michaels called the meeting to order with a quorum at 8:04 a.m.

I. Administrative Matters

- The agenda was adopted by unanimous consent. Moved by Commissioner Presman, seconded by Commissioner Persh.
- Minutes from the February 11, 2026 meeting were amended to correct the spelling of Commission Presman’s name throughout. The amended minutes were approved by unanimous consent. Amendment motioned by Commissioner Lynch, seconded by Commissioner Persh.

II. Review of the First Draft of the Commission’s 2026 Report

1. Update on Straw Vote from February Meeting
 - Chair Michaels recapped the 5–5 straw vote from the February meeting regarding whether to recommend a Charter amendment on budget reserves. Commissioner Nachtsheim was absent at the February meeting and could not cast his straw vote.
 - Commissioner Nachtsheim stated he supports recommending the budget reserve Charter amendment.
 - The updated straw vote total: 6 in favor, 5 against.
2. Discussion of First Draft Report and Potential Change in Positions
 - Commissioner Quintana announced his intention to change his vote from “yes” to “no”. This shift rebalanced the straw vote, now 5 in favor and 6 against, with a majority opposing recommending the Charter amendment.

- Commissioners thoroughly discussed how the report should reflect the months of study, reasoning behind the positions, and change in majority position, as well as whether to include majority/minority statements.
 - Some Commissioners argued the final report should not include lengthy arguments for an amendment the Commission will not recommend, while others supported including a majority report and minority report, consistent with past Commission practice.
 - The Chair affirmed the Commission must submit a biannual report under the governing charter provision, but the level of detail remains at the Commission's discretion.
 - Commissioners agreed personal concurring or dissenting statements would be allowed as appendices
3. Commission Report Schedule
- Chair Michaels noted the existing drafting schedule, attachment 1 to the agenda. He noted that he will attempt to circulate the revised in advance of the April 8, 2026 meeting.
 - The Commission will issue a press release regarding the release of the final report.

III. Additional Business

- Commissioner Lynch inquired regarding a letter from Reardon Sullivan urging consideration of a proposed ballot question limiting the number of at-large Councilmembers from a particular party.
- Chair Michaels stated that he has declined to place the matter on the agenda and considers the exchange concluded unless Commissioners request otherwise.

IV. Staff Updates

- No staff updates provided.

Adjournment: Meeting adjourned at 8:27 AM.

AGENDA
CHARTER REVIEW COMMISSION

Wednesday, February 11, 2026, 8:00 a.m.
Council Office Building, 4th Floor, 100 Maryland Ave., Rockville, MD
[Zoom Link](#) – Password: 209280

(All times are approximate)

8:00 a.m. - I. Administrative Matters

- Acknowledgment of a Quorum
- Approval of Agenda
- Approval of minutes of January 14, 2026, meeting

8:15 a.m. - II. Budget Reserves Workgroup (Commissioners Naftal, Persh, Presman and Nachtsheim)

Background: Currently, the County has two main funds that are sources for reserves:

(1) The surplus accrued in the Unrestricted General Fund Balance (UGFB) which is governed by the 5% cap in Charter Section 310; and (2) The Revenue Stabilization Fund (RSF) created by legislation and included in the County Code. The Code states that annual contributions to the RSF are mandatory. Through a series of resolutions, the County Council also has established a written policy on Reserves, which sets a 10% target for the combined reserves in the UGFB and RSF. The 10% target has been met and exceeded. (A copy of Charter Section 310 is included in Attachment 3).

- Presentation led by the Workgroup on a proposed Charter amendment that the Workgroup previously circulated to Commissioners (included in Attachment 3).
- After a motion is made and seconded for the Commission to adopt a resolution recommending any proposed Charter Amendment, the Commissioners will be afforded the opportunity for discussion and debate on the motion, including discussion of any suggested alternatives.
- After the discussion is closed, a straw vote on the primary motion (or primary motion as amended) will be taken to determine preliminarily whether a majority supports the motion and recommendation so that it should be treated as the Commission's position for purposes of writing the first draft of the 2026 Commission Report. (Separate votes may be taken on any proposed alternatives proposed in a motion and seconded.)
- Proponents of a recommendation that does not receive a vote of approval by the majority may write a Minority View section that will be included in the Report. (See the 2024 Report for examples.)

9:10 a.m. – III. Discussion of Assignments and Target Dates for First Draft of 2026 Report

- A proposed drafting schedule for the Report is included as Attachment 1.
- A proposed template for the draft report is included as Attachment 2.

9:25 a.m. - IV. Staff Updates or Comments

ADJOURN

NEXT MEETING REMINDERS

- Next regularly scheduled Commission meeting is Wed., March 11, 2026, at 8:00 a.m.

Attachment 1

Proposed Drafting Schedule for 2026 Report

Period for Writing First Draft of the 2026 Report.

- Feb. 11 – 25 drafting period: Drafters should please circulate first drafts of their section to the Chair and all Commissioners by Feb. 25.
 - Members who elect to write up their individual opinion (concurring or dissenting) can choose whether or not to submit their individual written opinion for inclusion in the first draft (if they want it be part of the discussion at the March 11 meeting). Or they can submit their individual opinions after the March 11 meeting for inclusion in the second draft.
- Feb. 26 – March 3: Chair will combine all first drafts with introductory sections to create a single master document during the period Feb. 26 to March 3.
 - Commissioners are welcome to provide written comments to the Chair on any aspect of the first draft between Feb. 26 and March 3.
 - The Introduction for the 2026 Report will be substantially the same as the Introduction for the 2024 Report (The Charter, How the Charter is Amended, and the Role of the Commission).
- March 4 – 5: Target dates for Chair to circulate a complete first draft to all Commissioners and to Staff for their review prior to our March 11 meeting.

Period for Creating Second Draft

- March 11 – Regular monthly Commission meeting. Commissioners to provide their comments on the first draft of the 2026 Report. (If the Chair has a later-edited version of the March 4 draft, it will be circulated at that time).
- March 11 – 14: Commissioners and Staff should provide any additional written comments on each section of the Report to the drafter of that section and to the Chair by March 14.
- March 14 – 23: Period for drafters to revise and edit all sections of the 2026 Report as necessary, based on the comments previously received.
- March 23: Drafters should submit all revisions & second drafts to the Chair by March 23.
 - Members who elect to write up their individual opinion (concurring or dissenting) also should submit those to the Chair by March 23 for inclusion in the complete second draft.

(continued)

Attachment 1

- March 24 – 28: Period for Chair to compile a complete second (and hopefully final) draft.
- March 29 - 31: Target dates for Chair to circulate a complete second draft of the Report to all Commissioners and to Staff prior to the April 8 meeting (preferably with any minority statements or dissenting statements included, if there are any).

Approval of Final Report

- April 8: Regular monthly Commissioner meeting. Commissioners to provide any final comments and then vote on formally adopting the 2026 Report (with possible draft press release).
- April 9 - 22: Staff formatting, printing and transmission of the Final 2026 Report to the Council with Press Release (official deadline is May 1, 2026)

Post-Report

- May 13 meeting: To be determined
- June 10 meeting: To be determined
- June: County Council hearing on Commission's 2026 Report (Chair testifies).

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**Appendix G. Written Testimony Received in connection with
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**Appendix H. Commission Agendas & Meeting Minutes
(May 2024 – April 2026).**

**Appendix I. Selected Provisions from the Charters of _____ County,
and _____ County**

Section 310 of the Montgomery County Charter

Sec. 310. Surplus.

The County may accumulate earned surplus in any enterprise fund or unappropriated surplus in any other fund. With respect to the General Fund, any unappropriated surplus shall not exceed five percent of the General Fund revenue for the preceding fiscal year. An unappropriated surplus may be used to fund any supplemental or special appropriations.

Budget Workgroup's Proposed Charter Amendment

The following wording would be added to the existing Charter Section 310:

. . . The annual budget shall include reserve funds for response to catastrophic events, repair of buildings and other capital assets, revenue shortfalls, and other events defined by the County Council. The amount of reserve funds shall be set by the County Council to enable continuity of County services and rapid response and recovery from unforeseen events. The County Council shall establish a process and criteria for determining when to use reserve funds. Balances in the reserve accounts shall be made public, at least annually, by the County Executive. The County Council shall conduct regular reserve assessments, no less than every five (5) years, to inform County operations as well as policy and practice regarding the County's reserve funds.

On December 15, 2025, the Commission’s working group on budget issues circulated the following information concerning reserve funds:

**Montgomery County Charter Commission Budget Committee:
Reserve Policy**

The question of whether Montgomery County, Maryland, should formalize its reserve policies in the County Charter has been a topic of discussion and review, particularly in the context of maintaining its excellent bond ratings. According to the current discussions, here is a summary of the issue:

Bonding Agencies and Reserves

- **Triple-A Rating:** Montgomery County consistently holds the highest possible bond ratings (Aaa/AAA) from all three major agencies (Moody's, S&P, and Fitch).
- **Agency Commendation:** The bond rating agencies have commended the County for its strong financial policies and commitment to maintaining healthy reserves. For instance, Fitch noted the County's “ample” budget flexibility, supported by reserves “well above required thresholds.” Moody's specifically mentioned the County's 2024 reserve position of 28% of revenue as a record high, which was generated through conservative budgeting.
- **Formal Policies Exist (Outside the Charter):** While the Charter doesn't mention a reserve policy or contain a specific minimum reserve target, the County Council has established formal reserve policies through legislation and adopted a fiscal policy resolution. This policy sets a goal for total budget reserves (including the Revenue Stabilization Fund) of 10% of the preceding year's governmental revenues.

The Charter Formalization Discussion

- **Montgomery County Charter Review Commission:** The debate about putting the reserve requirement into the Charter has been raised by the Montgomery County Charter Review Commission.
- **The Argument for Formalizing:** Adding a budgeted reserve requirement to the Charter would ensure fiscal stability and preparedness because:
 - It would not be subject to repeal or weakening by the County Council in future legislation as a reaction to temporary fiscal pressure.
 - Changing a Charter requirement would require voter approval, making the requirement to have reserves more durable and protected.
 - Ensures that reserve planning is part of the annual budget planning process and that funds are available for unforeseen events.
- **The Current Policy:** Currently, the County Code requires annual contributions to the Revenue Stabilization Fund to attain a total budget reserve of 10% of the preceding year's

governmental revenues. This is an existing, but legislative, requirement and is not reflected in the County Charter.

In short, the bond rating agencies view the County's strong reserve practices and policies favorably, which is a key factor in the Triple-A rating. The question is not whether a reserve policy should exist (one already does), but whether it should be elevated from a legislative act (County Code/Resolution) to a permanent part of the County Charter. Additionally, it is likely that the bond rating agencies would consider the County's position even stronger if the policy was codified in the Charter, making the position stronger and less susceptible to future manipulation.

Attachment 5

Language discussed at the Commission's meeting on January 14, 2026 (and circulated by email on January 20, 2026)

This language was summarized at the January meeting as an example of language that would be less prescriptive than the language proposed by the Budget Workgroup.

Wording that would be added to the current Section 310 is underlined in red typeface:

Sec. 310. Surplus and Reserves

The County may accumulate earned surplus in any enterprise fund or unappropriated surplus in any other fund. With respect to the General Fund, any unappropriated surplus shall not exceed five percent of the General Fund revenue for the preceding fiscal year. An unappropriated surplus may be used to fund any supplemental or special appropriations.

The Council shall establish one or more reserve accounts whose funds may be drawn upon when revenue collection falls short or in any other circumstance the Council deems appropriate. Such reserve accounts are not subject to the limit on unappropriated surplus specified in this section. The process and criteria for determining when to draw on or use reserve funds shall be determined by the Council.

CHARTER REVIEW COMMISSION

February 11 2026 – 8:00 a.m.
Council Office Building, 4th Floor
100 Maryland Avenue
Rockville, MD 20850

Minutes

Commission Members Present: Jim Michaels, Chair Marvin Lynch (Virtual) Michael Persh Sherry Brett-Major Jeffrey Naftal (Virtual) Howard Denis (Virtual) Dylan Presman (Virtual) Sarah Andrew Wilson (Virtual) Alicia Figueroa (Virtual) Jorge Quintana (Virtual) Commission Members Absent: David Nachtsheim	Staff Present: Marc Elrich, County Executive Stephen Mathany, Office of the County Council Dale Tibbits, Office of the County Executive
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Commission Chair Jim Michaels called the meeting to order with a quorum at 8:05 a.m.

I. Administrative Matters

- The agenda was amended to include remarks from the County Executive under Item II and was adopted as amended by unanimous consent. Moved by Commissioner Presman, seconded by Commissioner Lynch.
- Minutes from the January 14, 2026 meeting were approved by unanimous consent. Motioned by Commissioner Presman, seconded by Commissioner Persh.

II. County Executive Elrich Remarks

- The County Executive expressed his opposition to adding a budget reserve minimum to the Charter, stressing the need for fiscal flexibility. The County Executive:
 - noted the County has consistently met or exceeded the 10% reserve target during his tenure;
 - cautioned that Charter language could limit the ability to make timely financial adjustments, potentially until the next election cycle; and
 - pointed out that the County kept its AAA bond rating even when reserves were below 10% in past years and that rating agencies continue to praise the County's financial management practices.

- The County Executive urged the Commission not to mandate reserve levels in the Charter, citing risks from other budget-related ballot measures and the low signature threshold for petitions.

III. Budget Reserves Workgroup

- The Workgroup’s proposed Charter amendment (Attachment 3 to the agenda) was presented for Commission consideration.
- Commissioner Presman moved to recommend adoption of the Workgroup’s proposed Charter amendment, seconded by Commissioner Persh.
 - Commissioners Brett-Major, Denis, Lynch, Wilson, and Chair Michaels voted in the negative.
 - Commissioners Figuero, Naftal, Persh, Presman, and Quintana voted in the affirmative.
 - Chair Michaels noted that Commissioner Nachtsheim, who was absent during the roll call, had previously expressed support.
- Commissioner Presman inquired whether the Commission would be more amenable to the language listed at Attachment 5. The same Commissioners who voted negatively to the proposed language at Attachment 3, stated they would also vote negatively to the language listed at Attachment 5.

IV. Drafting Schedule and Assignments for 2026 Report

- The Commission reviewed the drafting schedule (Attachment 1) and report template (Attachment 2) included in the agenda. The schedule was accepted without modification.
- The Workgroup will draft the majority recommendation for Section 310, due to the projected 6-5 affirmative straw vote.
- Commissioners who voted “No” can prepare minority statements.
- First drafts are due February 25, 2026.
- An additional April meeting may be scheduled if needed to finalize the report.

V. Staff Updates

- No staff updates provided.

Adjournment: Meeting adjourned at 9:12 AM.

AGENDA
CHARTER REVIEW COMMISSION

Wednesday, January 14, 2026, 8:00 a.m.

Council Office Building, 4th Floor, 100 Maryland Ave., Rockville, MD

[Zoom Link](#) – Password: 930196

(All times are approximate)

8:00 a.m. - I. Administrative Matters

- Acknowledgment of a Quorum
- Approval of Agenda
- Approval of minutes of December 10, 2025, meeting

8:15 a.m. - II. Budget Reserves Workgroup (Commissioners Naftal, Persh, Presman and Nachtsheim)

- Discussion led by Workgroup of a proposed Charter amendment, which previously was circulated to Commissioners. The proposed Charter amendment is included in Attachment 1.
- Discussion by Commissioners in support or opposition to the Workgroup's proposal, and discussion of any suggested alternatives. (A straw vote will be taken in February to determine preliminarily whether a majority supports including a recommendation in the Commission's report to the County Council.)

Background: Currently, the County has two main reserve funds: (1) the Unrestricted General Fund Balance (UGFB) which is governed by the 5% cap in Charter Section 310; and (2) the Revenue Stabilization Fund (RSF) created by legislation which is in the County Code. In a series of resolutions, the County Council has established a written policy on Reserves, which sets a 10% target for the combined reserves in the UGFB and RSF. The Code states that annual contributions to the RSF are mandatory. The 10% target has been met and exceeded. A copy of Charter Section 310 is included in Attachment 2.

9:00 a.m. – III. Opportunity for Commissioners to Propose Other Charter Amendments

9:25 a.m. - IV. Staff Updates or Comments

ADJOURN

NEXT MEETING REMINDERS

- Next regularly scheduled Commission meeting is Wed., February 11, 2026, at 8:00 a.m.

February meeting agenda:

- Formal presentations by individual Commissioners or a working group. This can be either to advocate for a Charter Amendment, or to oppose a Charter amendment previously proposed, or propose an alternative.
- A straw vote(s) will be taken in February to determine preliminary the position of a majority of Commissioners on any proposed Charter amendments. That will allow us to

establish drafting responsibilities for writing up recommendations to be included in the Commission's report to the County Council. We will also discuss and establish a time table for drafting the Commission's Report.

- Please try to provide a written summary of your position that can be circulated in advance of the meeting along with the text of any proposed Charter amendment.
- Please notify the Chair by February 4th in order to have your item listed on the formal meeting agenda. Proposed Schedule going forward (revised) is in Attachment 3

Attachment 1

On December 15, 2025, the Commission's working group on budget issues circulated the following document concerning reserve funds. The document summarizes the issues involved as well as a proposed Charter amendment for consideration by the Commission. A discussion of this topic is planned for our meeting on January 14, 2026.

Montgomery County Charter Commission Budget Committee: Reserve Policy

The question of whether Montgomery County, Maryland, should formalize its reserve policies in the County Charter has been a topic of discussion and review, particularly in the context of maintaining its excellent bond ratings. According to the current discussions, here is a summary of the issue:

Bonding Agencies and Reserves

- **Triple-A Rating:** Montgomery County consistently holds the highest possible bond ratings (Aaa/AAA) from all three major agencies (Moody's, S&P, and Fitch).
- **Agency Commendation:** The bond rating agencies have commended the County for its strong financial policies and commitment to maintaining healthy reserves. For instance, Fitch noted the County's "ample" budget flexibility, supported by reserves "well above required thresholds." Moody's specifically mentioned the County's 2024 reserve position of 28% of revenue as a record high, which was generated through conservative budgeting.
- **Formal Policies Exist (Outside the Charter):** While the Charter doesn't mention a reserve policy or contain a specific minimum reserve target, the County Council has established formal reserve policies through legislation and adopted a fiscal policy resolution. This policy sets a goal for total budget reserves (including the Revenue Stabilization Fund) of 10% of the preceding year's governmental revenues.

The Charter Formalization Discussion

- **Montgomery County Charter Review Commission:** The debate about putting the reserve requirement into the Charter has been raised by the Montgomery County Charter Review Commission.
- **The Argument for Formalizing:** Adding a budgeted reserve requirement to the Charter would ensure fiscal stability and preparedness because:
 - It would not be subject to repeal or weakening by the County Council in future legislation as a reaction to temporary fiscal pressure.
 - Changing a Charter requirement would require voter approval, making the requirement to have reserves more durable and protected.
 - Ensures that reserve planning is part of the annual budget planning process and that funds are available for unforeseen events.

- **The Current Policy:** Currently, the County Code requires annual contributions to the Revenue Stabilization Fund to attain a total budget reserve of 10% of the preceding year's governmental revenues. This is an existing, but legislative, requirement and is not reflected in the County Charter.

In short, the bond rating agencies view the County's strong reserve practices and policies favorably, which is a key factor in the Triple-A rating. The question is not whether a reserve policy should exist (one already does), but whether it should be elevated from a legislative act (County Code/Resolution) to a permanent part of the County Charter. Additionally, it is likely that the bond rating agencies would consider the County's position even stronger if the policy was codified in the Charter, making the position stronger and less susceptible to future manipulation.

Proposed Charter Amendment Language

The annual budget shall include reserve funds for response to catastrophic events, repair of buildings and other capital assets, revenue shortfalls, and other events defined by the County Council. The amount of reserve funds shall be set by the County Council to enable continuity of County services and rapid response and recovery from unforeseen events. The County Council shall establish a process and criteria for determining when to use reserve funds. Balances in the reserve accounts shall be made public, at least annually, by the County Executive. The County Council shall conduct regular reserve assessments, no less than every five (5) years, to inform County operations as well as policy and practice regarding the County's reserve funds.

Attachment 2

Excerpts from Montgomery County Charter

Sec. 302. Six-Year Programs for Public Services, Capital Improvements, and Fiscal Policy.

The County Executive shall submit to the Council, not later than January 15 of each even-numbered year, a comprehensive six-year program for capital improvements. The County Executive shall submit to the Council, not later than March 15 of each year, comprehensive six-year programs for public services and fiscal policy. The six-year programs shall require a vote of at least six Councilmembers for approval or modification. Final Council approval of the six-year programs shall occur at or about the date of budget approval.

The public services program shall include a statement of program objectives and recommend levels of public service by the County government, and shall provide an estimate of costs, a statement of revenue sources, and an estimate of the impact of the program on County revenues and the capital budget.

The capital improvements program shall include a statement of the objectives of capital programs and the relationship of capital programs to the County's long-range development plans; shall recommend capital projects and a construction schedule; and shall provide an estimate of costs, a statement of anticipated revenue sources, and an estimate of the impact of the program on County revenues and the operating budget. The capital improvements program shall, to the extent authorized by law, include all capital projects and programs of all agencies for which the County sets tax rates or approves budgets or programs. The Council may amend an approved capital improvements program at any time by an affirmative vote of six Councilmembers.

The fiscal program shall show projections of revenues and expenditures for all functions, recommend revenue and expenditure policies for the program period and analyze the impact of tax and expenditure patterns on public programs and the economy of the County.

The County Executive shall provide such other information relating to these programs as may be prescribed by law.

All capital improvement projects which are estimated to cost in excess of an amount to be established by law or which the County Council determines to possess unusual characteristics or to be of sufficient public importance shall be individually authorized by law; provided however, that any project declared by the County Council to be of an emergency nature necessary for the protection of the public health or safety shall not be subject to this requirement if the project is approved by the affirmative vote of seven Councilmembers. Any project mandated by law, statutory or otherwise, interstate compact, or any project required by law to serve two or more jurisdictions shall, likewise, not be subject to this requirement. The County Council shall prescribe by law the methods and procedures for implementation of this provision.

Note: The underlined sentence is the subject of a ballot initiative petition.

Sec. 305. Approval of the Budget; Tax Levies.

The Council may add to, delete from, increase or decrease any appropriation item in the operating or capital budget. The Council shall approve each budget, as amended, and appropriate the funds therefor not later than June 1 of the year in which it is submitted.

An aggregate operating budget which exceeds the aggregate operating budget for the preceding fiscal year by a percentage increase greater than the annual average increase of the Consumer Price Index for all urban consumers for the Washington-Baltimore metropolitan area, or any successor index, for the twelve months preceding December first of each year requires the affirmative vote of seven Councilmembers. For the purposes of this section, the aggregate operating budget does not include: (1) the operating budget for any enterprise fund; (2) the operating budget for the Washington Suburban Sanitary Commission; (3) expenditures equal to tuition and tuition-related charges estimated to be received by Montgomery College; and (4) any grant which can only be spent for a specific purpose and which cannot be spent until receipt of the entire amount of revenue is assured from a source other than County government.

The Council shall annually adopt spending affordability guidelines for the capital and operating budgets, including guidelines for the aggregate capital and aggregate operating budgets. The Council shall by law establish the process and criteria for adopting spending affordability guidelines. Any aggregate capital budget or aggregate operating budget that exceeds the guidelines then in effect requires the affirmative vote of eight Councilmembers for approval.

By June 30 each year, the Council shall make tax levies deemed necessary to finance the budgets. Unless approved by an affirmative vote of all current Councilmembers, the Council shall not levy an ad valorem weighted tax rate on real property to finance the budgets that exceeds the ad valorem weighted tax rate on real property approved for the previous year. The weighted tax rate is calculated by determining the sum of each property tax rate adjusted by the proportion of assessable base that is charged that tax rate.

NOTE: A ballot issues committee is circulating petitions seeking support for an amendment to the underlined sentence (above) in paragraph 2 of Section 305. The following paragraph shows the petitioners' proposed charter amendment. Proposed additions are shown in underlining and proposed deletions are shown in "strike through."

An aggregate operating budget which exceeds the aggregate operating budget for the preceding fiscal year by a percentage increase greater than the annual average increase of the Consumer Price Index for all urban consumers for ~~the Washington-Baltimore metropolitan area~~ the Washington-Arlington-Alexandria, DC-VA-MD-WV Metropolitan Statistical Area, or any successor index, for the twelve months preceding December first of each year requires the affirmative vote of ~~seven~~ all current Councilmembers. For the purposes of this section, the aggregate operating budget does not include: (1) the operating budget for any enterprise fund; (2) the operating budget for the Washington Suburban Sanitary Commission; (3) expenditures equal to tuition and tuition-related charges estimated to be received by Montgomery College; and (4) any grant which can only be spent for a specific purpose and which cannot

be spent until receipt of the entire amount of revenue is assured from a source other than County government.

Sec. 310. Surplus.

The County may accumulate earned surplus in any enterprise fund or unappropriated surplus in any other fund. With respect to the General Fund, any unappropriated surplus shall not exceed five percent of the General Fund revenue for the preceding fiscal year. An unappropriated surplus may be used to fund any supplemental or special appropriations.

Attachment 3

Proposed Schedule Going Forward (Revised 1/9/2026)

- Continuous: We'll process any responses to the Commission's invitation to Council members and the County Executive to present views, either in-person or in writing, on the citizen ballot petition that seeks a charter amendment that would require a unanimous vote to approve the budget if any government spending increase is not limited to that year's increase in the consumer price index.
- January 14 meeting: Formal presentations by individual Commissioners or a working group in advocacy or support of any proposed Charter amendment (preferably with a written summary and/or draft text of the proposed Charter amendment).
- February 11 meeting: Presentation and discussion of proposed alternatives to charter amendments that were presented in January. Discussion of members' responses to any proposed amendments previously presented. A straw vote(s) will be taken to determine the Commission's current majority position on all proposed charter amendments. That will allow us to establish drafting responsibilities for writing up the Commission's majority recommendation in our report to the County Council. We will also discuss and establish a time table for drafting the Commission's Report.
- February 11 – March 4: Report drafting period (first draft to be circulated for members' review prior to our March 11 meeting)
- March 11 meeting: Review and Discussion of the draft 2026 report.
- March 12 – March 23: period for making edits to 2026 Report and preparing the second (and hopefully final) draft.
- March 24 – 27: Circulation of second draft of the 2026 Report (preferably with any minority statements or dissenting statements included, if there are any).
- April 8 meeting: Commission vote to formally adopt the 2026 Report (with possible draft press release).

(Continued)

Proposed Schedule Going Forward (Revised 1/9/2026)

- April 9-22: Staff formatting, printing and transmission of the Final 2026 Report to the Council with Press Release (official deadline is May 1, 2026)
- May 13 meeting: To be determined
- June 10 meeting: To be determined
- June: Council hearing on Commission's 2026 Report (Chair testifies).

CHARTER REVIEW COMMISSION

January 14, 2026 – 8:00 a.m.
Council Office Building, 4th Floor
100 Maryland Avenue
Rockville, MD 20850

Minutes

Commission Members Present: Jim Michaels, Chair Marvin Lynch Michael Persh Jeffrey Naftal (Virtual) Sherry Brett-Major David Nachtsheim (Virtual) Howard Denis (Virtual) Dylan Presman (Virtual) Sarah Andrew Wilson (Virtual) Alicia Figueroa (Virtual) Jorge Quintana (Virtual)	Staff Present: Stephen Mathany, Office of the County Council Dale Tibbits, Office of the County Executive Amina Haleem, Office of the County Attorney (Virtual)
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Commission Chair Jim Michaels called the meeting to order with a quorum at 8:05 a.m.

I. Administrative Matters

- Agenda adopted as amended by unanimous consent (motion by Commissioner Persh, seconded by Commissioner Presman). Chair Michaels asked to add that Dale Tibbits would provide the County Executive's position on Budget Reserves.
- Minutes from December 10, 2025 meeting approved by unanimous consent (motion by Commissioners Naftal and Lynch, seconded by Commissioner Persh).

II. Budget Reserves Workgroup

- Commissioners Persh, Presman, Naftal, and Nachtsheim presented the findings of the budget reserve workgroup. The workgroup determined that a charter amendment, adding language to Section 310, was necessary and provided draft language for the amendment.
- Mr. Tibbits presented the County Executive's position, opposing the addition of minimum reserves to Section 310 of the Charter. Mr. Tibbits also stated that he would provide written concerns from the County Executive regarding the reasoning for the position.
- Commissioners to consider alternative wording and bring suggestions to February meeting.
- A straw vote scheduled for February 11 meeting to determine preliminary majority position.

III. Opportunity for Other Charter Amendment Proposals

- Chair Michaels invited members to propose additional Charter amendments for February agenda. No new proposals were raised at the meeting and members asked to notify the Chair of any new proposals by February 4.

IV. Staff Updates

- No staff updates provided.

Adjournment: Meeting adjourned at 9:03 AM.

AGENDA
CHARTER REVIEW COMMISSION

Wednesday, December 10, 2025, 8:00 a.m.
Council Office Building, 4th Floor, 100 Maryland Ave., Rockville, MD
[Zoom Link](#) – Password: 368106

(All times are approximate)

8:00 a.m. - I. Administrative Matters

- Acknowledgment of a Quorum
- Approval of Agenda
- Approval of minutes of November 12, 2025, meeting

8:05 a.m. - II. Speaker: Michael J. Coveyou, Director of the Montgomery County Department of Finance

- Remarks
- Question and answer session

Topics:

(1) Charter Section 310 – Surplus (5% cap on General Fund surplus): Discussion of a possible Charter amendment that would establish a minimum requirement for total reserves as well as policies and procedures for accessing those reserves. (A copy of Section 310 is included in Attachment 1.

(2) Ballot initiative petition to revise Charter Section 305 – Approval of the Budget

8:50 a.m. - III. Budget Reserves Workgroup (Commissioners Naftal, Persh, Presman and Nachtsheim)

- Discussion led by workgroup

Background: Currently, the County has two main reserve funds: (1) the Unrestricted General Fund Balance (UGFB) which governed by the 5% cap in Charter Section 310; and (2) the Revenue Stabilization Fund (RSF) created by legislation which is in the County Code. In a series of resolutions, the County Council has established written policy on Reserves, which sets a 10% target for the combined reserves in the UGFB and RSF. The Code states that annual contributions to the RSF are mandatory, and the 10% target has been met and exceeded.

9:15 a.m. - IV. Comments on Public Listening Session held on November 19, 2025

9:25 a.m. - IV. Staff Updates or Comments

ADJOURN

NEXT MEETING REMINDERS

- Next regularly scheduled Commission meeting is Wed., January 14, 2026, at 8:00 a.m.
- January meeting agenda: Formal presentations by individual Commissioners or a working group in advocacy or support of **any** proposed Charter amendment (preferably with a written summary and/or draft text of the proposed Charter amendment).
- Please notify the Chair on or before January 6th in order to have your item listed on the formal meeting agenda.
 - Commission members should send any draft proposed Charter amendment to the Chair so that the Chair can circulate it to all Commissioners before the January 14 meeting. Presentation of any proposed alternatives (or responses) can be entertained either at the January meeting or the following meeting in February.
 - Proposed Schedule going forward (revised) is in Attachment 2

Excerpts from Montgomery County Charter

Sec. 302. Six-Year Programs for Public Services, Capital Improvements, and Fiscal Policy.

The County Executive shall submit to the Council, not later than January 15 of each even-numbered year, a comprehensive six-year program for capital improvements. The County Executive shall submit to the Council, not later than March 15 of each year, comprehensive six-year programs for public services and fiscal policy. The six-year programs shall require a vote of at least six Councilmembers for approval or modification. Final Council approval of the six-year programs shall occur at or about the date of budget approval.

The public services program shall include a statement of program objectives and recommend levels of public service by the County government, and shall provide an estimate of costs, a statement of revenue sources, and an estimate of the impact of the program on County revenues and the capital budget.

The capital improvements program shall include a statement of the objectives of capital programs and the relationship of capital programs to the County's long-range development plans; shall recommend capital projects and a construction schedule; and shall provide an estimate of costs, a statement of anticipated revenue sources, and an estimate of the impact of the program on County revenues and the operating budget. The capital improvements program shall, to the extent authorized by law, include all capital projects and programs of all agencies for which the County sets tax rates or approves budgets or programs. The Council may amend an approved capital improvements program at any time by an affirmative vote of six Councilmembers.

The fiscal program shall show projections of revenues and expenditures for all functions, recommend revenue and expenditure policies for the program period and analyze the impact of tax and expenditure patterns on public programs and the economy of the County.

The County Executive shall provide such other information relating to these programs as may be prescribed by law.

All capital improvement projects which are estimated to cost in excess of an amount to be established by law or which the County Council determines to possess unusual characteristics or to be of sufficient public importance shall be individually authorized by law; provided however, that any project declared by the County Council to be of an emergency nature necessary for the protection of the public health or safety shall not be subject to this requirement if the project is approved by the affirmative vote of seven Councilmembers. Any project mandated by law, statutory or otherwise, interstate compact, or any project required by law to serve two or more jurisdictions shall, likewise, not be subject to this requirement. The County Council shall prescribe by law the methods and procedures for implementation of this provision.

Note: The underlined sentence is the subject of a ballot initiative petition.

Sec. 305. Approval of the Budget; Tax Levies.

The Council may add to, delete from, increase or decrease any appropriation item in the operating or capital budget. The Council shall approve each budget, as amended, and appropriate the funds therefor not later than June 1 of the year in which it is submitted.

An aggregate operating budget which exceeds the aggregate operating budget for the preceding fiscal year by a percentage increase greater than the annual average increase of the Consumer Price Index for all urban consumers for the Washington-Baltimore metropolitan area, or any successor index, for the twelve months preceding December first of each year requires the affirmative vote of seven Councilmembers. For the purposes of this section, the aggregate operating budget does not include: (1) the operating budget for any enterprise fund; (2) the operating budget for the Washington Suburban Sanitary Commission; (3) expenditures equal to tuition and tuition-related charges estimated to be received by Montgomery College; and (4) any grant which can only be spent for a specific purpose and which cannot be spent until receipt of the entire amount of revenue is assured from a source other than County government.

The Council shall annually adopt spending affordability guidelines for the capital and operating budgets, including guidelines for the aggregate capital and aggregate operating budgets. The Council shall by law establish the process and criteria for adopting spending affordability guidelines. Any aggregate capital budget or aggregate operating budget that exceeds the guidelines then in effect requires the affirmative vote of eight Councilmembers for approval.

By June 30 each year, the Council shall make tax levies deemed necessary to finance the budgets. Unless approved by an affirmative vote of all current Councilmembers, the Council shall not levy an ad valorem weighted tax rate on real property to finance the budgets that exceeds the ad valorem weighted tax rate on real property approved for the previous year. The weighted tax rate is calculated by determining the sum of each property tax rate adjusted by the proportion of assessable base that is charged that tax rate.

NOTE: A ballot issues committee is circulating petitions seeking support for an amendment to the underlined sentence (above) in paragraph 2 of Section 305. The following paragraph shows the petitioners' proposed charter amendment. Proposed additions are shown in underlining and proposed deletions are shown in "strike through."

An aggregate operating budget which exceeds the aggregate operating budget for the preceding fiscal year by a percentage increase greater than the annual average increase of the Consumer Price Index for all urban consumers for ~~the Washington-Baltimore metropolitan area~~ the Washington-Arlington-Alexandria, DC-VA-MD-WV Metropolitan Statistical Area, or any successor index, for the twelve months preceding December first of each year requires the affirmative vote of ~~seven~~ all current Councilmembers. For the purposes of this section, the aggregate operating budget does not include: (1) the operating budget for any enterprise fund; (2) the operating budget for the Washington Suburban Sanitary Commission; (3) expenditures equal to tuition and tuition-related charges estimated to be received by Montgomery College; and (4) any grant which can only be spent for a specific purpose and which cannot be spent until receipt of the entire amount of revenue is assured from a source other than County government.

Sec. 310. Surplus.

The County may accumulate earned surplus in any enterprise fund or unappropriated surplus in any other fund. With respect to the General Fund, any unappropriated surplus shall not exceed five percent of the General Fund revenue for the preceding fiscal year. An unappropriated surplus may be used to fund any supplemental or special appropriations.

- Continuous: We'll process any responses to the Commission's invitation to Council members and the County Executive to present views, either in-person or in writing, on the citizen ballot petition that seeks a charter amendment that would require a unanimous vote to approve the budget if any government spending increase is not limited to that year's increase in the consumer price index.
- December 10 meeting: Recap and discussion of the public listening sessions and any public comments received
- January 14 meeting: Formal presentations by individual Commissioners or a working group in advocacy or support of any proposed Charter amendment (preferably with a written summary and/or draft text of the proposed Charter amendment).
 - Notify the Chair on or before January 6th in order to have your item listed on the formal meeting agenda.
 - Commission members should send any draft proposed Charter amendment to the Chair so that the Chair can circulate it to all Commissioners before the January 14 meeting. Presentation of any proposed alternatives (or responses) can be entertained either at the January meeting or the following meeting in February.
- February 11 meeting: Presentation and discussion of proposed alternatives to charter amendments that were presented in January. Discussion of members' responses to any proposed amendments previously presented. A straw vote(s) will be taken to determine the Commission's current majority position on all proposed charter amendments. That will allow us to establish drafting responsibilities for writing up the Commission's majority recommendation in our report to the County Council. We will also discuss and establish a time table for drafting the Commission's Report.
- February 11 – March 4: Report drafting period (first draft to be circulated for members' review prior to our March 11 meeting)
- March 11 meeting: Review and Discussion of the draft 2026 report.
- March 12 – March 23: period for making edits to 2026 Report and preparing the second (and hopefully final) draft.
- March 24 – 27: Circulation of second draft of the 2026 Report (preferably with any minority statements or dissenting statements included, if there are any).
- April 8 meeting: Commission vote to formally adopt the 2026 Report (with possible draft press release).
- April 9-22: Staff formatting, printing and transmission of the Final 2026 Report to the Council with Press Release (official deadline is May 1)

- May 13 meeting: To be determined
- June 10 meeting: To be determined
- June: Council hearing on Commission's 2026 Report (Chair testifies).

CHARTER REVIEW COMMISSION

December 10, 2025 – 8:00 a.m.
Council Office Building, 4th Floor
100 Maryland Avenue
Rockville, MD 20850

Minutes

Commission Members Present: Jim Michaels, Chair (Virtual) Marvin Lynch Michael Persh Jeffrey Naftal (Virtual) Sherry Brett-Major David Nachtsheim (Virtual) Howard Denis (Virtual) Dylan Presman (Virtual) Sarah Andrew Wilson (Virtual) Alicia Figueroa (Virtual) Commission Members Absent: Jorge Quintana	Staff Present: Stephen Mathany, Office of the County Council Dale Tibbits, Office of the County Executive Amina Haleem, Office of the County Attorney (Virtual) Michael Coveyou, Director, Department of Finance
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Commission Chair Jim Michaels called the meeting to order with a quorum at 8:09 a.m.

I. Administrative Matters

- December 2025 agenda adopted by unanimous consent. (Commissioner Presman moved, seconded by Commissioner Lynch).
- Minutes from the November 12, 2025 meeting were approved with one change. Commissioner Presman was added as a member under section IV. of the minutes. (Commissioner Presman moved, seconded by Commissioner Naftal)

II. Guest Speaker regarding Section 310: Michael Coveyou, Director, Department of Finance

- Montgomery County's fiscal policies are considered robust and highly rated by credit agencies.
- Current reserve policies are codified in law and resolutions, not in the Charter, which provides flexibility and is viewed favorably by rating agencies.
- Placing detailed reserve requirements in the Charter could reduce flexibility and risk a credit rating downgrade, increasing borrowing costs and overall financial risk.
- Rating agencies prioritize flexibility and "evergreen" policies; codifying specifics in the Charter may be seen negatively.
- Current practice treats the 10% reserve target as a floor, not a cap.
- The Revenue Stabilization Fund (RSF) and other reserve mechanisms are governed by law and resolutions, allowing adjustments as needed.
- Formal fiscal policies were introduced after the 2010 economic downturn and have been updated periodically.

- On the ballot initiative (Section 305): Director Coveyou expressed personal concern about requiring unanimous Council votes for certain budget approvals.
- Emphasized that any Charter changes should be carefully evaluated for unintended consequences and market perception.

III. Budget Reserves Workgroup Discussion

- The workgroup reiterated its goal: exploring whether the Charter should include a broad principle requiring reserves and a process for managing them, without prescribing rigid details.
- Members acknowledged Coveyou's caution about rating agency concerns and agreed to consider language that is general and flexible.
- The group will prepare draft proposals for discussion at the January meeting.

IV. Comments on Public Listening Sessions

- Only one member of the public testified during the listening session.
- The Commission does not plan to hold additional listening sessions at this time.

V. Next Steps

- Commissioners planning to propose Charter amendments must submit written drafts to the Chair by January 6 for inclusion in the January 14 meeting agenda.
- January meeting will feature formal presentations of proposed amendments (with written summaries or draft text).
- February meeting will include discussion of alternatives and straw votes to determine majority positions.
- Final report to the Council is due May 1, 2026.

The meeting was adjourned at approximately 9:32 a.m.

AGENDA
CHARTER REVIEW COMMISSION

Wednesday, November 12, 2025, 8:00 a.m.

Council Office Building, 6th Floor Conference Room, 100 Maryland Ave., Rockville, MD

[Zoom Link](#) – Password: 050006

(All times are approximate)

8:00 a.m. – I. Administrative Matters

- Acknowledgment of a Quorum
- Approval of Agenda
- Approval of minutes of October 8, 2025 meeting

8:10 a.m. – II. Introduction of Newly Appointed Commissioners

8:20 a.m. – III. Chair's Report

- Announcement of Public Listening Sessions was published on Oct. 30, 2025.
- Outreach to Citizens Advisory Boards

8:30 a.m. – IV. Budget Reserves Workgroup (Commissioners Naftal, Persh, and Presman)

- Report and discussion led by workgroup on Charter Section 310 – Surplus.
- A copy of Section 310 is included in Attachment 1.
- A copy of the discussion points is included in Attachment 3.

Background: Currently, the County has two main reserve funds: (1) the Unrestricted General Fund Balance (UGFB) which governed by the 5% cap in Charter Section 310; and (2) the Revenue Stabilization Fund (RSF) created by legislation which is in the County Code. In a series of resolutions, the County Council has established written policy on Reserves, which sets a 10% target for the combined reserves in the UGFB and RSF. The Code states that annual contributions to the RSF are mandatory, and the 10% target has been met and exceeded.

9:00 a.m. – V. Planning for Public Listening Sessions on November 19

- Commissioners' plans for attending in-person or virtually
- Verifying capacity for virtual participation
- Information on attendee registration to be provided in advance
- Agenda for the Listening Sessions

9:20 a.m. – VI. Staff Updates or Comments

ADJOURN

MEETING REMINDERS

- In-Person Public Listing Session, Wed., Nov. 19, 2025, at 2:00 p.m. (3rd Floor, Council Hearing Room in the Council Office Building)
- Virtual Public Listing Session, Wed., Nov. 19, 2025, at 7:00 p.m.
- Next regularly scheduled Commission meeting is Wed., Dec. 10, 2025, at 8:00 a.m.
- Proposed Schedule going forward is in Attachment 2

Excerpts from Montgomery County Charter

Sec. 302. Six-Year Programs for Public Services, Capital Improvements, and Fiscal Policy.

The County Executive shall submit to the Council, not later than January 15 of each even-numbered year, a comprehensive six-year program for capital improvements. The County Executive shall submit to the Council, not later than March 15 of each year, comprehensive six-year programs for public services and fiscal policy. The six-year programs shall require a vote of at least six Councilmembers for approval or modification. Final Council approval of the six-year programs shall occur at or about the date of budget approval.

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The capital improvements program shall include a statement of the objectives of capital programs and the relationship of capital programs to the County's long-range development plans; shall recommend capital projects and a construction schedule; and shall provide an estimate of costs, a statement of anticipated revenue sources, and an estimate of the impact of the program on County revenues and the operating budget. The capital improvements program shall, to the extent authorized by law, include all capital projects and programs of all agencies for which the County sets tax rates or approves budgets or programs. The Council may amend an approved capital improvements program at any time by an affirmative vote of six Councilmembers.

The fiscal program shall show projections of revenues and expenditures for all functions, recommend revenue and expenditure policies for the program period and analyze the impact of tax and expenditure patterns on public programs and the economy of the County.

The County Executive shall provide such other information relating to these programs as may be prescribed by law.

All capital improvement projects which are estimated to cost in excess of an amount to be established by law or which the County Council determines to possess unusual characteristics or to be of sufficient public importance shall be individually authorized by law; provided however, that any project declared by the County Council to be of an emergency nature necessary for the protection of the public health or safety shall not be subject to this requirement if the project is approved by the affirmative vote of seven Councilmembers. Any project mandated by law, statutory or otherwise, interstate compact, or any project required by law to serve two or more jurisdictions shall, likewise, not be subject to this requirement. The County Council shall prescribe by law the methods and procedures for implementation of this provision.

Note: The underlined sentence is the subject of a ballot initiative petition.

Sec. 305. Approval of the Budget; Tax Levies.

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NOTE: A ballot issues committee is circulating petitions seeking support for an amendment to the underlined sentence (above) in paragraph 2 of Section 305. The following paragraph shows the petitioners' proposed charter amendment. Proposed additions are shown in underlining and proposed deletions are shown in "strike through."

An aggregate operating budget which exceeds the aggregate operating budget for the preceding fiscal year by a percentage increase greater than the annual average increase of the Consumer Price Index for all urban consumers for ~~the Washington-Baltimore metropolitan area~~ the Washington-Arlington-Alexandria, DC-VA-MD-WV Metropolitan Statistical Area, or any successor index, for the twelve months preceding December first of each year requires the affirmative vote of ~~seven~~ all current Councilmembers. For the purposes of this section, the aggregate operating budget does not include: (1) the operating budget for any enterprise fund; (2) the operating budget for the Washington Suburban Sanitary Commission; (3) expenditures equal to tuition and tuition-related charges estimated to be received by Montgomery College; and (4) any grant which can only be spent for a specific purpose and which cannot be spent until receipt of the entire amount of revenue is assured from a source other than County government.

Sec. 310. Surplus.

The County may accumulate earned surplus in any enterprise fund or unappropriated surplus in any other fund. With respect to the General Fund, any unappropriated surplus shall not exceed five percent of the General Fund revenue for the preceding fiscal year. An unappropriated surplus may be used to fund any supplemental or special appropriations.

Attachment 2

Proposed Schedule Going Forward (Revised 11/6/2025)

- Continuous: We'll process any responses to the Commission's invitation to Council members and the County Executive to present their views, in-person or in writing, on the ballot initiative that seeks a charter amendment on budget approvals.
- November 12 meeting: Planning for the November 19 listening sessions. Commissioners or working groups continue to report on their research or findings related to possible charter amendments.
- November 19: in-person and virtual public listening sessions.
- December 10 meeting: Recap and discussion of the public listening sessions and any public comments received
- January 14 meeting: Formal presentations (preferably in writing) made by Commissioners or a working group in advocacy or support of any proposed Charter amendments. Circulation of any draft proposed Charter amendment. Presentation of any proposed alternative can be entertained at this meeting or the next meeting.
- February 11 meeting: Presentation of any proposed alternative charter amendment. Straw vote(s) to determine the Commission's majority position on proposed charter amendments, which will allow us to establish drafting responsibilities for the Commission's recommendation and report to the County Council. Establish time table for drafting the Commission's Report
- February 11 – March 11: Report drafting period (first draft)
- March 11 meeting: Review and Discussion of the draft 2026 report.
- March 11 – March 23: period for making edits to 2026 Report
- March 23 – 26: Circulation of second draft of the 2026 Report (preferably with any minority statements or dissenting statements, if there are any).
- April 8 meeting: Commission vote to formally adopt the 2026 Report (with possible draft press release).

(Continued)

Proposed Schedule Going Forward (Revised 11/6/2025)

- April 9-22: Staff formatting, printing and submission of Final 2026 Report to the Council with Press Release (statutory deadline is May 1)
- May 13 meeting: To be determined
- June 10 meeting: To be determined
- June: Council hearing on Commission's 2026 Report (Chair testifies).

Attachment 3

Workgroup Discussion Points for Meeting on November 12, 2025

1. General fiscal prudence, best governance practices, constituent expectations and bond rating agencies require a pool of unencumbered funds to draw upon in the event of emergency or unexpected shortfall of tax or other revenue sources.
2. The term “reserves” is not found in the current Charter. Instead, Section 310 provides a “surplus” of up to 5% of extra funds available each year, which can be then used for special purposes. Prudently, over the years, the County Council, through policy resolutions and code instituted a process of funding and using reserves, in part based on Charter Section 310 (which is unchanged since its adoption in 1968). The fiscal principle underlying “reserves” is different from a “surplus”, since reserves are intentional set-asides rather than left-over after paying expenses.
3. In addition to the “reserve” fund created under Charter 310 (Surplus) the Council created a Revenue Stabilization Fund (RSF) to be used to address funding shortfalls (Article XII Code).
4. Recent studies and ratings agencies recommend retaining 10-15% unencumbered monies held in separate, purposely designed reserve fund accounts.
5. Annually, through the budgeting process, County Executive proposes reserve amounts, based on County Council direction and, upon approval, funds are transferred to/from the accounts.
6. To use the reserve funds for special purposes, emergencies or contingencies, the County Council, with input from the Executive and public comment, approves the use.
7. Reserve balances fluctuate each year, in actual dollars and as a percentage of “adjusted governmental revenues” (denominator). Generally, in times of economic growth, total reserves will increase, at times exceeding 10%-15%; in times of economic stress, the balance will decline. The “run-off” of excess reserves is applied to annual operating expenses on a routine basis. One-time or special transfers from reserve funds require specific County Council approval with 7 affirmative votes.
8. The public has visibility over the reserve balances only in exhibits accompanying the annual operating budget.

CHARTER REVIEW COMMISSION

November 12, 2025 – 8:00 a.m.
Council Office Building, 6th Floor
100 Maryland Avenue
Rockville, MD 20850

Minutes

Commission Members Present: Jim Michaels, Chair Marvin Lynch Michael Persh Jeffrey Naftal (Virtual) Sherry Brett-Major David Nachtsheim (Virtual) Howard Denis (Virtual) Dylan Presman Sarah Andrew Wilson (Virtual) Jorge Quintana Alicia Figueroa (Virtual)	Staff Present: Stephen Mathany, Office of the County Council Dale Tibbits, Office of the County Executive Amina Haleem, Office of the County Attorney (Virtual) Aditi Kumar, Office of the County Attorney (Virtual)
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Commission Chair Jim Michaels called the meeting to order with a quorum at 8:02 a.m.

I. Administrative Matters

- November 2025 agenda adopted by unanimous consent. (Commissioner Presman moved, seconded by Commissioner Persh).
- Minutes from the October 8, 2025 meeting were approved without changes. (Commissioner Presman moved, seconded by Commissioner Persh)

II. Introduction of Newly Appointed Commissioners

- The Chair welcomed three new members:
 - Jorge Quintana
 - Sarah Andrew Wilson
 - Alicia Figueroa
- New legal counsel introduced:
 - Aditi Kumar, joining Amina Haleem as co-counsel to the Commission

III. Chair's Report

- The public listening sessions were announced via press release on October 30, 2025.
- Outreach was conducted to all five Citizens Advisory Boards.

IV. Budget Reserves Workgroup Discussion

Led by Commissioners Mike Persh, David Nachtsheim, Jeff Naftal, and Dylan Presman

- The workgroup summarized its ongoing review of Charter Section 310 (Surplus) and the County's reserve policies.

- Key points:
 - The Charter currently references only a 5% cap on surplus, not reserves.
 - The County's actual reserve policy is governed by County Code and Council resolutions, including the Revenue Stabilization Fund (RSF) and a 10% reserve target.
 - The workgroup is exploring whether the Charter should codify a minimum reserve level and/or a formal process for reserve use.
 - The group emphasized the importance of flexibility for the Council while ensuring fiscal responsibility and long-term stability.
 - Commissioners discussed the potential for language that allows emergency use of reserves with replenishment timelines.
 - The group is not yet proposing specific Charter language and will consider public input from the upcoming listening sessions before drafting any recommendations.
 - The Commission must answer the question "why now" regarding recommending changes to the budget reserves.
 - The workgroup also noted that the County Council's financial advisor, Davenport, recently recommended adding two new reserve funds for risk mitigation and capital needs.

IV. Planning for Public Listening Sessions

- Commissioners confirmed attendance plans for the in-person (2:00 p.m.) and virtual (7:00 p.m.) sessions.
- Staff will coordinate room setup, name tags, and Zoom logistics.
- Commissioners agreed the sessions are for public input, not for presenting Commission positions.
- Commissioners may ask clarifying questions of speakers.
- Staff confirmed only one public registration had been received as of the meeting date.
- Commissioners discussed ways to increase outreach and visibility, including social media and listservs. Staff confirmed the press release was distributed widely and posted on the County website.

V. Staff Updates

- Staff asked newly appointed members to complete volunteer forms and training.
- Reimbursement instructions were provided for in-person attendance.
- Staff will circulate Zoom links and finalize logistics for the listening sessions.
- Dale Tibbitts reported on a recent meeting with County budget staff. Although Director Mike Coveyou was unavailable due to a family emergency, other staff (Chris Mullin and Rachel Silberman) provided helpful input. The Commission may invite Coveyou to a future meeting if needed

VI. Next Steps

- The Budget Reserves Workgroup will continue developing potential Charter amendment language.

- Commissioners were encouraged to share input at the December meeting to inform drafting.
- The Chair confirmed that formal presentations of proposed amendments could begin as early as January 14, 2026, with straw votes scheduled for February 11, 2026.
- The Commission may also consider Section 305 in spring 2026, depending on developments with the ballot initiative.

The meeting was adjourned at approximately 9:09 a.m.

AGENDA
CHARTER REVIEW COMMISSION

Wednesday, October 8, 2025, 8:00 a.m.

Council Office Building, 4th Floor, 100 Maryland Ave., Rockville, MD

[ZOOM Link](#) – Password: 655364

(All times are approximate)

8:00 a.m. - I. Administrative Matters

- Acknowledgment of a Quorum
- Approval of Agenda
- Approval of minutes of September 10, 2025 meeting

8:10 a.m. - II. Chair's Report

- Update on filling the vacancies on the Commission

8:15 a.m. - III. Budget Reserves Workgroup (Commissioners Naftal, Persh, and Presman)

Discussion led by workgroup on Charter Section 310 – Surplus. (A copy of section 310 is in Attachment 1.)

Background: Currently, the County has two main reserve funds: (1) the Unrestricted General Fund Balance (UGFB) governed by Charter Section 310 (5% cap applies); and (2) the Revenue Stabilization Fund (RSF) created by the County Code. The County Council has established a Reserve Policy that sets a 10% target for the combined reserves in the UGFB and RSF. That target has been met and exceeded.

As drafted in 1968, Charter Section 310 has a limit of 5% for the surplus in the UGFB (half of the 10% target established in Council's policy). In practice, however, the UGFB represents only a small fraction of the current reserves because the vast majority of the current reserves are actually being held in the RSF rather than the UGFB. As a result, even with total reserves being well over the 10% policy target, the amount of reserves in the General Fund does not approach the 5% cap specified in the Charter.

The County's financial advisors recently issued a report recommending that the County revise its reserve policy and create, through legislation, two additional reserve funds (a Risk Mitigation Reserve with a 2.0% target and Capital Reserve with a 1% target). This suggests that as County policy continues evolving, the total amount of reserves may expand but not necessarily because Council has added to the Unrestricted General Fund. Council can choose to meet higher reserve targets by deciding instead to build a larger surplus in either the RSF or some newly created reserve funds that are designated for specific purposes and have defined criteria for when those reserves will be used.

Possible Discussion Questions:

1. If you were creating a mandate for the County to have a minimum amount of reserve funds, would you opt for mandating a minimum amount for reserves in the Unrestricted General Fund, or would you opt to set a minimum standard for the combined total reserves in all funds (named or unnamed)?

2. Do you believe that a standard for minimum reserves should be established in the County Charter (through voter approval) or left to the Council to define in policy documents or legislation?

3. What are examples of minimum reserve requirements in the Charters of other Counties in Maryland?

9:00 a.m. - IV. Discussion on Holding Public Listing Sessions in November

- Nov. 19 previously identified as an available date
- What would be the content of the public notice and invitation?
- Drafting and date of issuance?

9:20 a.m. - V. Staff Updates or Comments

ADJOURN

REMINDER FOR NEXT MEETING

Next Commission scheduled meeting is Wednesday, November 12, 2025, at 8:00 a.m.

Excerpts from Montgomery County Charter

Sec. 302. Six-Year Programs for Public Services, Capital Improvements, and Fiscal Policy.

The County Executive shall submit to the Council, not later than January 15 of each even-numbered year, a comprehensive six-year program for capital improvements. The County Executive shall submit to the Council, not later than March 15 of each year, comprehensive six-year programs for public services and fiscal policy. The six-year programs shall require a vote of at least six Councilmembers for approval or modification. Final Council approval of the six-year programs shall occur at or about the date of budget approval.

The public services program shall include a statement of program objectives and recommend levels of public service by the County government, and shall provide an estimate of costs, a statement of revenue sources, and an estimate of the impact of the program on County revenues and the capital budget.

The capital improvements program shall include a statement of the objectives of capital programs and the relationship of capital programs to the County's long-range development plans; shall recommend capital projects and a construction schedule; and shall provide an estimate of costs, a statement of anticipated revenue sources, and an estimate of the impact of the program on County revenues and the operating budget. The capital improvements program shall, to the extent authorized by law, include all capital projects and programs of all agencies for which the County sets tax rates or approves budgets or programs. The Council may amend an approved capital improvements program at any time by an affirmative vote of six Councilmembers.

The fiscal program shall show projections of revenues and expenditures for all functions, recommend revenue and expenditure policies for the program period and analyze the impact of tax and expenditure patterns on public programs and the economy of the County.

The County Executive shall provide such other information relating to these programs as may be prescribed by law.

All capital improvement projects which are estimated to cost in excess of an amount to be established by law or which the County Council determines to possess unusual characteristics or to be of sufficient public importance shall be individually authorized by law; provided however, that any project declared by the County Council to be of an emergency nature necessary for the protection of the public health or safety shall not be subject to this requirement if the project is approved by the affirmative vote of seven Councilmembers. Any project mandated by law, statutory or otherwise, interstate compact, or any project required by law to serve two or more jurisdictions shall, likewise, not be subject to this requirement. The County Council shall prescribe by law the methods and procedures for implementation of this provision.

Note: The underlined sentence is the subject of a ballot initiative petition.

Sec. 305. Approval of the Budget; Tax Levies.

The Council may add to, delete from, increase or decrease any appropriation item in the operating or capital budget. The Council shall approve each budget, as amended, and appropriate the funds therefor not later than June 1 of the year in which it is submitted.

An aggregate operating budget which exceeds the aggregate operating budget for the preceding fiscal year by a percentage increase greater than the annual average increase of the Consumer Price Index for all urban consumers for the Washington-Baltimore metropolitan area, or any successor index, for the twelve months preceding December first of each year requires the affirmative vote of seven Councilmembers. For the purposes of this section, the aggregate operating budget does not include: (1) the operating budget for any enterprise fund; (2) the operating budget for the Washington Suburban Sanitary Commission; (3) expenditures equal to tuition and tuition-related charges estimated to be received by Montgomery College; and (4) any grant which can only be spent for a specific purpose and which cannot be spent until receipt of the entire amount of revenue is assured from a source other than County government.

The Council shall annually adopt spending affordability guidelines for the capital and operating budgets, including guidelines for the aggregate capital and aggregate operating budgets. The Council shall by law establish the process and criteria for adopting spending affordability guidelines. Any aggregate capital budget or aggregate operating budget that exceeds the guidelines then in effect requires the affirmative vote of eight Councilmembers for approval.

By June 30 each year, the Council shall make tax levies deemed necessary to finance the budgets. Unless approved by an affirmative vote of all current Councilmembers, the Council shall not levy an ad valorem weighted tax rate on real property to finance the budgets that exceeds the ad valorem weighted tax rate on real property approved for the previous year. The weighted tax rate is calculated by determining the sum of each property tax rate adjusted by the proportion of assessable base that is charged that tax rate.

NOTE: A ballot issues committee is circulating petitions seeking support for an amendment to paragraph 2 of Section 305. The following paragraph shows the petitioners' proposed charter amendment. Proposed additions are shown in underlining and proposed deletions are shown in "strike through."

An aggregate operating budget which exceeds the aggregate operating budget for the preceding fiscal year by a percentage increase greater than the annual average increase of the Consumer Price Index for all urban consumers for ~~the Washington-Baltimore metropolitan area~~ the Washington-Arlington-Alexandria, DC-VA-MD-WV Metropolitan Statistical Area, or any successor index, for the twelve months preceding December first of each year requires the affirmative vote of ~~seven~~ all current Councilmembers. For the purposes of this section, the aggregate operating budget does not include: (1) the operating budget for any enterprise fund; (2) the operating budget for the Washington Suburban Sanitary Commission; (3) expenditures equal to tuition and tuition-related charges estimated to be received by Montgomery College; and (4) any grant which can only be spent for a specific purpose and which cannot be spent until receipt of the entire amount of revenue is assured from a source other than County government.

Sec. 310. Surplus.

The County may accumulate earned surplus in any enterprise fund or unappropriated surplus in any other fund. With respect to the General Fund, any unappropriated surplus shall not exceed five percent of the General Fund revenue for the preceding fiscal year. An unappropriated surplus may be used to fund any supplemental or special appropriations.

Attachment 2

Proposed Schedule Going Forward

- Continuous: process responses to the Commission's invitation to Council members and the County Executive to present their views, in-person or in writing, on the ballot initiative that seeks a charter amendment on budget approvals.
- October 8 meeting: Discuss and decide whether we have proposed Charter amendments that should be presented for public input at a public listening session. Approve date and location for any public listening session in 2025.
- October 20 - 27: Publish a notice and invitation for a listening session if it's going to be held on November 19 (listing issues we intend to include in our April 2026 Report).
- November 12 meeting: Planning for any upcoming listening sessions. Commissioners or working groups continue to report on their research or findings related to possible charter amendments.
- November 19 - December 8: Window for holding public listening sessions in-person and virtually.
- December 10 meeting: Recap and discussion of public listening sessions
- January 14 meeting: Formal presentations made by Commissioners or working groups in advocacy or support of any proposed Charter amendments
- February 11 meeting: Straw votes that determine Commissions' majority position on any proposed charter amendments and to establish drafting responsibilities for our report.
- February 11 – March 11: Report drafting period
- March 11 meeting: Review and Discussion of the draft 2026 report
- March 11 – March 31: period for making final edits to 2026 Report
- April 8 meeting: Formal vote to formally adopt the Commission's 2026 Report
- April 9-22: Staff preparation, printing and submission of Final 2026 Report to the Council (statutory deadline is May 1)
- June: Council hearing on Commission's 2026 Report

CHARTER REVIEW COMMISSION

October 8, 2025 – 8:00 a.m.
Council Office Building, 4th Floor
100 Maryland Avenue
Rockville, MD 20850

Minutes

Commission Members Present: Jim Michaels, Chair Marvin Lynch (Virtual) Michael Persh (Virtual) Jeffrey Naftal (Virtual) Sherry Brett-Major David Nachtsheim (Virtual) Howard Denis (Virtual) Dylan Presman (Virtual)	Staff Present: Stephen Mathany, Office of the County Council Dale Tibbits, Office of the County Executive
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Commission Chair Jim Michaels called the meeting to order with a quorum at 8:04 a.m.

I. Administrative Matters

- October 2025 agenda adopted by unanimous consent. (Commissioner Presman moved, seconded by Commissioner Persh)
- Minutes from the September 10, 2025 meeting were approved without changes. (Commissioner Presman moved, seconded by Commissioner Lynch)

II. Chair's Report

- Commission Vacancies: Three vacancies on the Commission are expected to be filled at the next County Council meeting, with nominees put forward by the County Executive. New members will join the Commission at the November meeting.
- Public Participation: The Chair welcomed a member of the public in attendance and encouraged ongoing public engagement

III. Budget Reserves Workgroup Discussion

Led by Commissioners Mike Persh, David Nachtsheim, and Jeff Naftal

The workgroup reported ongoing research into reserve policies and governance structures in other Maryland counties, noting that some charters are more expansive and prescriptive than Montgomery County.

Key principles discussed:

- **Annual Budgeting of Reserves:** Reserves should be proactively budgeted, not just accumulated as surplus.
- **Comprehensive Reserve Policy:** Governance should address all reserve funds, not just those specified in the Charter.

- **Formal Appropriation Process:** There should be clear guidelines for how reserves are accessed and used, potentially including supermajority vote requirements.
- **Numerical Targets:** The Charter currently sets a 5% cap, but actual reserves often exceed this due to Council policy. The group debated whether to set a minimum, a goal, or a cap in the Charter.

Commissioners agreed that the Commission should focus on three main areas for public input:

1. Whether a minimum reserve should be codified in the Charter.
2. Whether a formal process for appropriating reserves should be included in the Charter.
3. Whether regular risk management and reserve studies should be required.

The group emphasized the importance of keeping the public listening session questions broad and non-prescriptive to encourage meaningful feedback.

IV. Upcoming Public Listening Sessions

- The Commission discussed readiness for a public listening session on November 19, 2025. The Council hearing room is reserved for that date, with flexibility on timing (suggested 1–3 p.m.).
- Commissioners agreed to draft a public notice and background document, aiming for circulation and consensus by early November.
- The listening session will focus on the three broad areas identified above, with language kept general to reflect differing views within the Commission.
- Previous listening session notices and press releases will be used as templates for drafting the new notice

V. Staff Updates

- Staff reported no new mail or public comments
- Staff distributed links to previous press releases and listening session notices for reference.

VI. Next Steps

- The Budget Reserves Workgroup will draft sample language for public notice and circulate it for review within one week.
- The Chair will reach out to new Commission nominees before the next meeting and encourage in-person attendance for introductions.
- The Commission will finalize the public notice and background document for the November 19 listening session at the November 12 meeting.

The meeting was adjourned at approximately 9:01 a.m.

AGENDA
CHARTER REVIEW COMMISSION

Wednesday, September 10, 2025, 8:00 a.m.
Council Office Building, 4th Floor, 100 Maryland Ave., Rockville, MD
[Zoom Link](#) – Password: 443949

(All times are approximate)

8:00 a.m. - I. Administrative Matters

- Acknowledgment of a quorum
- Approval of agenda
- Approval of minutes of July 9, 2025 meeting

8:10 a.m. - II. Chair's Report

- Invitation to Councilmembers and County Executive (see Attachment 1)
- Proposal for Revised Schedule (see Attachment 2)
- Discussion of scheduling for public listening sessions

8:25 a.m. - III. Budget Reserves Workgroup (Commissioners Naftal, Persh, and Presman)

Discussion led by workgroup on Charter Section 310 – Surplus (copy of section 310 is in Attachment 3)

Background: Currently, the County has two main reserve funds: (1) the Unrestricted General Fund Balance (UGFB) governed by Charter Section 310 (5% cap); and (2) the Revenue Stabilization Fund (RSF) created by the County Code. The County's Reserve Policy sets a 10% target for the combined reserves in the UGFB and RSF. As drafted in 1968, Sections 310's limit of 5% for surplus in the UGFB would represent about half of the 10% target established in the County's reserve policy. In practice, however, the UGFB represents a small fraction of the current reserves because the vast majority of the current reserves are actually held in the RSF rather than the UGFB. The County's financial advisors recently issued a report recommending that the County revise its reserve policy and create, through legislation, two additional reserve funds (a Risk Mitigation Reserve with a 2.0% target and Capital Reserve with a 1% target).

Discussion: The Workgroup will lead a discussion focused on the following points as potential topics for a Charter amendment:

1. A Comprehensive Reserve Policy
2. Incorporating the Existing Reserve Policy Framework and Budgeting Rules
3. Explicit Criteria for Annual Contributions
4. Defining the Withdrawal Processes

9:10 a.m. - IV. Finance Workgroup (Commissioner Persh)

Funding the County's infrastructure and growth-related needs under Charter Section 302 (copy of section 302 is in Attachment 3).

- The County Council formed an Infrastructure Funding Workgroup to look at ways of raising revenues to pay for County infrastructure projects. Discussion led by Commissioner Persh on why no action by the Commission is needed at this time.

9:20 a.m. - V. Staff Updates or Comments

ADJOURN

REMINDER FOR NEXT MEETING

Next Commission meeting is Wednesday, October 9, 2025, at 8:00 a.m.

Attachment 1

Dear Council members,

I am writing on behalf of the Charter Review Commission.

As you know, a ballot issue committee was formed by the “Committee to Control Montgomery County Spending” (“CMS”) and CMS is circulating petitions to place a proposed Charter amendment on the ballot in November 2026. The Charter Review Commission has decided to review the CMS proposal for the purpose of informing the public and reporting the Commission’s recommendations on the proposed change.

The Commission could include its views and recommendation on the CMS proposal in the report we expect to file with the Council by April 30, 2026. Alternatively, the Commission could decide to wait and issue its recommendations only after the Board of Elections determines whether CMS’s petition has obtained enough signatures to place its proposal on the ballot. That could result in the Commission issuing a separate report on the CMS proposal in June or July 2026.

The Commissioners would very much like to hear and consider the views of Council members regarding the CMS proposal. We invite you to provide your views for inclusion in the public record in any manner that is convenient for you. Such input aids Commissioners in their analysis of the issue. There are several options.

The Commission would be glad to have you present your views in person at one of our regularly scheduled public meetings, ideally before the Commissioners vote on the matter at our February, 2026 meeting. We would also welcome your submission of written comments. A third option would be presenting your views at one of the public listening sessions that the Commission plans to hold in November 2025. I recognize, however, that some Council members might prefer to present their views only after the Commission submits its report, as a response to the Commission’s recommendation.

We look forward to hearing from you.

Jim Michaels, Chair
Charter Review Commission
Mobile # (202) 422-4614

Attachment 2

Proposed Schedule Going Forward (Revised 9/4/2025)

- Continuous: process responses to the Commission's invitation to Councilmembers and the County Executive to present their views, in-person or in writing, on the ballot initiative that seeks a charter amendment on budget approvals.
- October 8 meeting: Discuss and decide which proposed Charter amendments should be presented for public input at our public listening sessions. Approve dates and locations for public listening sessions.
- October 14-21: Publish a Notice of Listening Sessions for the issues we intend to include in our April 2026 Report.
- November 12 meeting: Planning for upcoming listening sessions. Commissioners or working groups continue to report on their research or findings related to possible charter amendments.
- November 17 - December 8: Window for holding public listening Sessions (in-person and virtually)
- December 10 meeting: Recap and discussion of public listening sessions
- January 14 meeting: Formal presentations by Commissioners or working groups in support of any proposed Charter amendments
- February 11 meeting: Straw votes that determine Commissions' majority position on any proposed charter amendments and to establish drafting responsibilities for our report.
- February 11 – March 11: Report drafting period
- March 11 meeting: Review and Discussion of the draft 2026 report
- March 11 – March 31: period for making final edits to 2026 Report
- April 8 meeting: Formal vote to formally adopt the Commission's 2026 Report
- April 9-22: Staff preparation, printing and submission of Final 2026 Report to the Council (statutory deadline is May 1)
- June: Council hearing on Commission's 2026 Report

Excerpts from Montgomery County Charter

Sec. 302. Six-Year Programs for Public Services, Capital Improvements, and Fiscal Policy.

The County Executive shall submit to the Council, not later than January 15 of each even-numbered year, a comprehensive six-year program for capital improvements. The County Executive shall submit to the Council, not later than March 15 of each year, comprehensive six-year programs for public services and fiscal policy. The six-year programs shall require a vote of at least six Councilmembers for approval or modification. Final Council approval of the six-year programs shall occur at or about the date of budget approval.

The public services program shall include a statement of program objectives and recommend levels of public service by the County government, and shall provide an estimate of costs, a statement of revenue sources, and an estimate of the impact of the program on County revenues and the capital budget.

The capital improvements program shall include a statement of the objectives of capital programs and the relationship of capital programs to the County's long-range development plans; shall recommend capital projects and a construction schedule; and shall provide an estimate of costs, a statement of anticipated revenue sources, and an estimate of the impact of the program on County revenues and the operating budget. The capital improvements program shall, to the extent authorized by law, include all capital projects and programs of all agencies for which the County sets tax rates or approves budgets or programs. The Council may amend an approved capital improvements program at any time by an affirmative vote of six Councilmembers.

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The County Executive shall provide such other information relating to these programs as may be prescribed by law.

All capital improvement projects which are estimated to cost in excess of an amount to be established by law or which the County Council determines to possess unusual characteristics or to be of sufficient public importance shall be individually authorized by law; provided however, that any project declared by the County Council to be of an emergency nature necessary for the protection of the public health or safety shall not be subject to this requirement if the project is approved by the affirmative vote of seven Councilmembers. Any project mandated by law, statutory or otherwise, interstate compact, or any project required by law to serve two or more jurisdictions shall, likewise, not be subject to this requirement. The County Council shall prescribe by law the methods and procedures for implementation of this provision.

(Note: Underlined sentence is the subject of the ballot initiative petitions.)

Sec. 305. Approval of the Budget; Tax Levies.

The Council may add to, delete from, increase or decrease any appropriation item in the operating or capital budget. The Council shall approve each budget, as amended, and appropriate the funds therefor not later than June 1 of the year in which it is submitted.

An aggregate operating budget which exceeds the aggregate operating budget for the preceding fiscal year by a percentage increase greater than the annual average increase of the Consumer Price Index for all urban consumers for the Washington-Baltimore metropolitan area, or any successor index, for the twelve months preceding December first of each year requires the affirmative vote of seven Councilmembers. For the purposes of this section, the aggregate operating budget does not include: (1) the operating budget for any enterprise fund; (2) the operating budget for the Washington Suburban Sanitary Commission; (3) expenditures equal to tuition and tuition-related charges estimated to be received by Montgomery College; and (4) any grant which can only be spent for a specific purpose and which cannot be spent until receipt of the entire amount of revenue is assured from a source other than County government.

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A ballot issues committee is circulating petitions seeking support for an amendment to paragraph 2 of Section 305. The following paragraph shows the petitioners' proposed charter amendment. Proposed additions are shown in underlining and proposed deletions are shown in "strike through."

An aggregate operating budget which exceeds the aggregate operating budget for the preceding fiscal year by a percentage increase greater than the annual average increase of the Consumer Price Index for all urban consumers for ~~the Washington-Baltimore metropolitan area~~ the Washington-Arlington-Alexandria, DC-VA-MD-WV Metropolitan Statistical Area, or any successor index, for the twelve months preceding December first of each year requires the affirmative vote of ~~seven~~ all current Councilmembers. For the purposes of this section, the aggregate operating budget does not include: (1) the operating budget for any enterprise fund; (2) the operating budget for the Washington Suburban Sanitary Commission; (3) expenditures equal to tuition and tuition-related charges estimated to be received by Montgomery College; and (4) any grant which

can only be spent for a specific purpose and which cannot be spent until receipt of the entire amount of revenue is assured from a source other than County government.

Sec. 310. Surplus.

The County may accumulate earned surplus in any enterprise fund or unappropriated surplus in any other fund. With respect to the General Fund, any unappropriated surplus shall not exceed five percent of the General Fund revenue for the preceding fiscal year. An unappropriated surplus may be used to fund any supplemental or special appropriations.

CHARTER REVIEW COMMISSION

September 10, 2025 – 8:00 a.m.
Council Office Building, 4th Floor
100 Maryland Avenue
Rockville, MD 20850

Minutes

Commission Members Present: Jim Michaels, Chair Marvin Lynch Michael Persh (Virtual) Jeffrey Naftal (Virtual) Sherry Brett-Major David Nachtsheim (Virtual) Howard Denis (Virtual) Absent Dylan Presman (Virtual)	Staff Present: Stephen Mathany, Office of the County Council Dale Tibbits, Office of the County Executive
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Commission Chair Jim Michaels called the meeting to order with a quorum at 8:01 a.m.

I. Administrative Matters

- September 2025 agenda adopted by unanimous consent. (Commissioner Lynch moved, seconded by Commissioner Persh)
- Minutes from the July 9, 2025 meeting were approved without changes. (Commissioner Persh moved, seconded by Commissioner Denis)

II. Chair's Report

- Chair Michaels shared that invitations were sent to all Councilmembers and the County Executive requesting their input on the proposed ballot initiative to amend Charter Section 305. They were invited to provide feedback in writing, in person, or at a future public listening session.
- The Chair proposed public listening sessions in late November or early December to allow more time for preparation. The Commission agreed that November 19, 2025, would be the preferred date for the in-person session, with a virtual evening session to follow. A third session Upcounty may be added depending on public interest.
- No new public comments have been received since May. The Commission will renew outreach when the listening sessions are announced.
- No response has been received from the Silver Spring or East County Citizens Advisory Boards. The Chair will notify all five boards when the listening sessions are scheduled.

III. Budget Reserves Workgroup Discussion

Led by Commissioners Mike Persh, David Nachtsheim, and Jeff Naftal

- The Commission reviewed the current reserve structure:

- Unrestricted General Fund Balance: Governed by Charter Section 310 with a 5% cap.
- Revenue Stabilization Fund (RSF): Created by County Code, with a combined reserve policy target of 10%.
- A recent report by financial advisor Davenport recommended the Council create two additional reserve funds: a Risk Mitigation Reserve (2%) and a Capital Reserve (1%).
- The workgroup raised several key questions:
 - Should the Charter be updated to reflect the RSF and any future reserve funds?
 - Should the Charter include clearer criteria for reserve contributions and withdrawals?
 - Should the Charter mandate periodic reserve studies, particularly for capital assets?
- Commissioner Nachtsheim proposed requiring a reserve study every 5–10 years to assess long-term capital needs.
- Chair Michaels emphasized the need for strong justification before recommending Charter amendments, given the complexity of the issue and the challenge of voter comprehension.
- The workgroup agreed to gather more information, including:
 - Meeting with Gene Smith (Council staff) and potentially other executive staff.
 - Reviewing how other counties (e.g., Howard and Prince George’s) structure their reserve policies in their charters.
 - Exploring simplified Charter language or policy recommendations that could lead to future amendments.

IV. Finance Workgroup Update

- Commissioner Persh reported that the Council’s Infrastructure Funding Workgroup is currently evaluating funding mechanisms for long-term infrastructure needs.
- The Commission has no active role at this time but will revisit the issue once the workgroup releases its findings.

V. Staff Updates

- Staff confirmed that the Council’s main hearing room is tentatively reserved for the in-person listening session on Wednesday, November 19, 2025, from 1:00–3:00 p.m.

VI. Next Steps

- The Budget Reserves Workgroup will:
 - Coordinate with staff to schedule meetings with Gene Smith and other relevant officials.
 - Draft one or more proposals for discussion at the October meeting.
 - Consider simplified Charter language or policy recommendations.
- The Commission will finalize the content and notice for the public listening sessions at the October 9, 2025 meeting.

The meeting was adjourned at approximately 8:57 a.m.

AGENDA
CHARTER REVIEW COMMISSION
Wednesday, July 9, 2025, 8:00 a.m.
Council Office Building, 4th Floor, 100 Maryland Ave.
Rockville, MD 20850 - [Zoom Link](#) – Password: 954939

(All times are approximate)

8:00 a.m.

I. Acknowledgment of Quorum & Consent to Proceed with Guest Speaker

8:03 a.m.

II. Speaker: Gene Smith, County Council's Deputy Director for Budget and Policy

- Remarks
- Question and answer session

Topics:

- 1) Charter Section 310 – Surplus (General Fund with 5% cap vs. Revenue Stabilization Fund)
- 2) Ballot initiative petition to revise Charter Section 305 – Approval of the Budget

8:40 a.m.

III. Administrative Matters and Chair's Report

- Approval of Agenda
- Approval of minutes of June 11, 2025, meeting
- Western Citizens Advisory Board: presentation made on June 16, 2025
- Response from East County CAB: awaiting scheduling (no reply yet from Silver Spring CAB)

8:45 a.m.

IV. Follow-Up Discussion on Budget Reserves (Commissioner Naftal)

- Discussion on Charter Section 310 – Surplus (copy attached)

9:00 a.m.

V. Finance Workgroup (Commissioner Persh)

- Topic: Funding the County's infrastructure and growth-related needs under Charter Section 302 (copy attached).
- Discussion of possible coordination between Commission members and the Council's recently established Infrastructure Funding Workgroup: effort to produce "actionable results" related to impact taxes and other sources of revenue.

9:10 a.m.

VI. Tax Levies - Changes in Tax Rates under Charter Section 305 (Commissioner Nachtsheim)

- Topic: Should changes in the property tax rates under Charter Section 305 (copy attached) be tied to changes in the consumer price index and/or to some measurement of gross domestic product, if that is measureable?

9:20 a.m.

VII. Staff Updates or Comments – Any public comments received since the last update?

9:25 a.m.

VIII. Discussion of Proposed Schedule Going Forward

- July 2025: Invite Council members and County Executive to present their views (presented in- person or in writing) concerning the ballot initiative that seeks a charter amendment to limit spending
- Sept. 10 meeting
- Oct. 8 meeting: Vote on which proposed Charter amendments should be presented for public input at listening sessions. Approve dates and locations for public listening sessions.
- Oct. 10-14: Publish a Notice of Listening Sessions on the issues we intend to include in our April 2026 Report
- Oct 27- Nov 21: Window for holding public listening Sessions (in-person and virtual)
- Nov. 12 meeting: Commissioners or working groups continue to report on their research or findings related to possible charter amendments
- Dec 10 meeting: Recap and discussion of public listening sessions
- Jan 14 meeting: Formal presentations by Commissioners or working groups in support of their proposed Charter amendments
- Feb 11 meeting: Straw votes to determine Commissions' majority position on any proposed charter amendments and to establish drafting responsibilities for our report
- Feb 11 – March 11: Report drafting period
- March 11 meeting: Review and Discussion of draft 2026 report
- March 11 – March 31: Final edits to 2026 Report
- April 8 meeting: Vote on adoption of Final 2026 Report
- April 9-20: Staff preparation, printing and submission of Final 2026 Report to the Council (statutory deadline is May 1)
- June: Council hearing on Commission's 2026 Report

ADJOURN

REMINDER FOR NEXT MEETING

- August Recess
- Next Charter Review Commission meeting is Wednesday, September 10, 2025, at 8:00 a.m.

Excerpts from Montgomery County Charter

Sec. 302. Six-Year Programs for Public Services, Capital Improvements, and Fiscal Policy.

The County Executive shall submit to the Council, not later than January 15 of each even-numbered year, a comprehensive six-year program for capital improvements. The County Executive shall submit to the Council, not later than March 15 of each year, comprehensive six-year programs for public services and fiscal policy. The six-year programs shall require a vote of at least six Councilmembers for approval or modification. Final Council approval of the six-year programs shall occur at or about the date of budget approval.

The public services program shall include a statement of program objectives and recommend levels of public service by the County government, and shall provide an estimate of costs, a statement of revenue sources, and an estimate of the impact of the program on County revenues and the capital budget.

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The County Executive shall provide such other information relating to these programs as may be prescribed by law.

All capital improvement projects which are estimated to cost in excess of an amount to be established by law or which the County Council determines to possess unusual characteristics or to be of sufficient public importance shall be individually authorized by law; provided however, that any project declared by the County Council to be of an emergency nature necessary for the protection of the public health or safety shall not be subject to this requirement if the project is approved by the affirmative vote of seven Councilmembers. Any project mandated by law, statutory or otherwise, interstate compact, or any project required by law to serve two or more jurisdictions shall, likewise, not be subject to this requirement. The County Council shall prescribe by law the methods and procedures for implementation of this provision.

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CHARTER REVIEW COMMISSION

July 9, 2025 – 8:00 a.m.
Council Office Building, 4th Floor
100 Maryland Avenue
Rockville, MD 20850

Minutes

Commission Members Present: Jim Michaels, Chair Marvin Lynch Michael Persh Jeffrey Naftal (Virtual) Dylan Presman (Virtual) Sherry Brett-Major (Virtual) David Nachtsheim (Virtual) Howard Denis (Virtual)	Staff Present: Stephen Mathany, Office of the County Council Christine Wellons, Office of the County Council
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Commission Chair Jim Michaels called the meeting to order with a quorum at 8:03 a.m.

I. Guest Speaker: Gene Smith, Deputy Director for Budget and Policy, Montgomery County Council

Topic 1: Charter Section 310 – Surplus and Budget Reserves

- Mr. Smith provided historical and policy context for the 5% cap on unappropriated surplus in the General Fund.
- He explained that the cap was originally intended to prevent the County from over-taxing residents and accumulating excessive reserves.
- Mr. Smith emphasized that the 5% cap is rarely met and is not sufficient for emergencies, citing the 2009 recession and COVID-19 as examples.
- The County created the Revenue Stabilization Fund (RSF) via County Code to serve as a more robust and reliable reserve mechanism, especially for bond rating agencies.
- The RSF is harder to access and requires specific conditions to use.
- Mr. Smith advised caution in amending the Charter to include specific reserve structures or percentages, citing the inflexibility of Charter amendments and the evolving nature of fiscal policy.

Topic 2: Ballot Initiative to Amend Charter Section 305 – Budget Approval

- The Charter Review Commission (CRC) discussed the proposed ballot initiative that would require unanimous Council approval (11 votes) to exceed the prior year's operating budget growth beyond inflation.
- Mr. Smith noted that the CPI reference was changed from the Washington-Baltimore index to the Washington-Arlington-Alexandria index, reflecting updated Bureau of Labor Statistics designations.

- Chair Michaels questioned the appropriateness of tying government spending to consumer price indices.
- Mr. Smith explained that the current County Code already includes spending affordability guidelines and that the proposed amendment would override existing flexibility.

Additional Topics:

- The CRC discussed the newly formed Infrastructure Funding Workgroup, which Mr. Smith is staffing. The group will assess long-term infrastructure needs and funding mechanisms, with a final report due by June 30, 2026.

III. Administrative Matters

- The July 9th agenda was approved with unanimous consent
- The June 11, 2025 agenda was approved by unanimous consent (excluding Commissioner Persh who was absent from the meeting).
- Chair Michaels reported on the June 16 presentation to the Western Montgomery Citizens Advisory Board, which was well received. The Board may provide feedback via written comments, future meetings, or participation in fall listening sessions.
- Efforts to schedule a presentation with the East County Citizens Advisory Board are ongoing. No response has been received from the Silver Spring Advisory Board.

IV. Follow-Up Discussion on Budget Reserves

- Commissioner Naftal suggested the Charter could acknowledge the existence of a stabilization fund without prescribing its structure.
- Commissioner Presman emphasized the CRC's independence in forming its recommendations, noting that staff and elected officials may have different incentives.
- The Finance Workgroup (Naftal, Presman, Nachtsheim) agreed to meet during the August recess to develop a structured approach for continued discussion in the fall.

V. Infrastructure Funding Workgroup

- Commissioner Persh noted that the Infrastructure Funding Workgroup is operating independently and will hold its first meeting on July 24.
- Commissioners expressed interest in monitoring the group's progress and reviewing its findings for potential Charter implications.

VI. Tax Rate Indexing Discussion

- Commissioner Nachtsheim raised the idea of tying property tax rate changes under Charter Section 305 to an economic index such as the County's Gross Domestic Product (GDP).
- Commissioners discussed the pros and cons of using GDP versus CPI, with some noting that revenue projections and affordability guidelines are more directly tied to revenue than to cost indices.

VII. Staff Updates

- No public comments have been received since the last meeting.
- Staff will continue to monitor and share any new submissions.

Adjournment: The meeting was adjourned at 9:14 a.m.

AGENDA
CHARTER REVIEW COMMISSION
Wednesday, June 11, 2025, 8:00 a.m.
Council Office Building, 4th Floor, 100 Maryland Ave., Rockville, MD
[Zoom Link](#) | Password: 056200

(All times are approximate)

8:00 a.m.

I. ACKNOWLEDGMENT OF QUORUM & CONSENT TO PROCEED WITH GUEST SPEAKER

8:05 a.m.

II. INTRODUCTION OF COUNCIL PRESIDENT KATE STEWART

- Remarks by Council President Stewart
- Question and answer session

8:50 a.m.

III. ADMINISTRATIVE MATTERS

- Approval of agenda
- Approval of minutes of April 9, 2025, meeting

8:55 a.m.

IV. Chair's Report

- Follow up on outreach conducted for three of the Citizens Advisory Boards: Silver Spring, East County, and Western County.

9:00 a.m.

V. Finance Workgroup

- Update from Commissioner Persh
- Topic: Are changes to Charter Section 302 warranted to facilitate implementation of strategies to fund the County's infrastructure and growth-related needs?

9:15 a.m.

VI. Budget Reserves Workgroup

- Possible changes to Charter Section 310: update from Commissioner Naftal
- Questions and Discussion

9:25 a.m.

VII. Staff Updates or Comments

- Any public comments received since the last update in April?

ADJOURN

REMINDER FOR NEXT MEETING

- Next scheduled meeting is Wed. July 14, 2025 at 8:00 a.m.
- No meeting scheduled in August during Council recess

CHARTER REVIEW COMMISSION

June 11, 2025 – 8:00 a.m.
Council Office Building, 4th Floor
100 Maryland Avenue
Rockville, MD 20851

Minutes

Commission Members Present: Jim Michaels, Chair Howard Denis (Virtual) Jeffrey Naftal (Virtual) Dylan Presman (Virtual) Sherry Brett-Major David Nachtsheim (Virtual) Marvin Lynch Commission Members Absent: Michael Persh	Staff Present: Dale Tibbits, Office of the County Executive Stephen Mathany, Office of the County Council Christine Wellons, Office of the County Council
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Commission Chair Jim Michaels called the meeting to order with a quorum at 8:02 a.m.

Administrative Items:

- Adoption of the Agenda: The agenda was adopted by unanimous consent.
- Approval of Minutes: The minutes from the April 9, 2025 meeting were approved without any changes.

Discussion Items:

1. Remarks by Council President Kate Stewart:

- Council President Stewart highlighted the importance of making sure that any changes to the charter follow the goals of making the government more transparent and accountable to county residents.
- She emphasized the need for clear communication with residents about the guiding principles and contents of the charter to maintain trust and support.
- The Council President also discussed the ongoing evaluation of the budget process, including the spending affordability guidelines and the various economic indicators considered.
- She mentioned the importance of considering multiple measurements of inflation and other economic indicators when setting budget guidelines, rather than relying solely on one measure.
- Council President Stewart expressed her concerns about altering the Charter's current budget reserve limitations and that the Council had flexibility in managing reserves to address unforeseen financial challenges.

2. Outreach Report:

- Chair Michaels reported on the outreach efforts to the Citizens Advisory Boards in the Up County and Mid County regions. Meetings were held on March 10 and March 20, respectively, to inform them about the Commission's work and gather feedback.
- Chair Michaels will attend the meeting of the West County advisory board on June 16th and the East County advisory board once they have set a meeting date.
- Chair Michaels hopes to meet with the Silver Spring Advisory Board at a later date.

3. Staff Updates:

- No public input received to this point regarding topics for the Commission's second report.

Additional Follow-up Items:

- Tasks were assigned to staff and Commission Members to follow up on the topics discussed and prepare for future meetings.

Adjournment: The meeting was adjourned at 9:12 AM.

AGENDA
CHARTER REVIEW COMMISSION
Wednesday, April 9, 2025, 8:00 a.m.
Virtual Only
[Zoom Link](#) | Password: 699281

(All times are approximate)

8:00 a.m. – ADMINISTRATIVE MATTERS

- Acknowledgment of a Quorum
- Approval of agenda
- Approval of minutes of February 12, 2025 meeting

8:10 a.m.

I. REPORT ON OUTREACH TO CITIZEN ADVISORY BOARDS

- Virtual meetings held with members of the UpCounty Citizens Advisory Board (March 10, 2025) and the Mid-County Citizens Advisory Board (March 20, 2025)
- Additional requests sent to Silver Spring CAB, East County CAB and Western County CAB.

8:15 a.m.

III. Defining the Use of Special Taxing Districts as Authorized Under Existing Law

- Update from workgroup
- Questions and Discussion

8:30 a.m.

IV. Budget Reserves

- Update from workgroup (Commissioner Naftal)
- Questions and Discussion

8:45 a.m. – Issues Raised by the Public

- New Petition for Charter Amendment by the Committee to Control MoCo Spending (See attachment)
- For property taxes, treating tear-downs with re-builds as “new construction” for purpose of updating their tax assessment. (Previously raised by the Montgomery county Taxpayers’ League: <https://www.mctaxpayersleague.org>)
 - Compare the current text of Charter section 305 to that section’s wording before it was amended in 2020. (See attachment)
- Lowering the voting age to allow 16 and 17-year olds to vote in the November General Election for the non-partisan Montgomery County School Board races.

9:20 a.m. – Staff Updates or Comments

- Any public comments received in response to March 6 Press Release?

ADJOURN

REMINDER FOR NEXT MEETING

- Next scheduled meeting May 14, 2025 at 8:00 a.m.; Guest Speaker, Council President Stewart.

ATTACHMENT

Current wording of County Charter**Sec. 305. Approval of the Budget; Tax Levies.**

The Council may add to, delete from, increase or decrease any appropriation item in the operating or capital budget. The Council shall approve each budget, as amended, and appropriate the funds therefor not later than June 1 of the year in which it is submitted.

An aggregate operating budget which exceeds the aggregate operating budget for the preceding fiscal year by a percentage increase greater than the annual average increase of the Consumer Price Index for all urban consumers for the Washington-Baltimore metropolitan area, or any successor index, for the twelve months preceding December first of each year requires the affirmative vote of seven Councilmembers. For the purposes of this section, the aggregate operating budget does not include: (1) the operating budget for any enterprise fund; (2) the operating budget for the Washington Suburban Sanitary Commission; (3) expenditures equal to tuition and tuition-related charges estimated to be received by Montgomery College; and (4) any grant which can only be spent for a specific purpose and which cannot be spent until receipt of the entire amount of revenue is assured from a source other than County government.

The Council shall annually adopt spending affordability guidelines for the capital and operating budgets, including guidelines for the aggregate capital and aggregate operating budgets. The Council shall by law establish the process and criteria for adopting spending affordability guidelines. Any aggregate capital budget or aggregate operating budget that exceeds the guidelines then in effect requires the affirmative vote of eight Councilmembers for approval.

By June 30 each year, the Council shall make tax levies deemed necessary to finance the budgets. **Unless approved by an affirmative vote of all current Councilmembers, the Council shall not levy an ad valorem weighted tax rate on real property to finance the budgets that exceeds the ad valorem weighted tax rate on real property approved for the previous year.** The weighted tax rate is calculated by determining the sum of each property tax rate adjusted by the proportion of assessable base that is charged that tax rate. (Election of 11-7-78; election of 11-6-84; election of 11-6-90; election of 11-3-92; election of 11-8-94; election of 11-3-98; election of 11-4-08; election of 11-6-18; election of 11-3-20; election of 11-3-20.)

Wording of Section 305 Prior to 2020 Amendment

By June 30 each year, the Council shall make tax levies deemed necessary to finance the budgets. Unless approved by an affirmative vote of all current Councilmembers, the Council shall not levy an ad valorem tax on real property to finance the budgets that will produce total revenue that exceeds the total revenue produced by the tax on real property in the preceding fiscal year plus a percentage of the previous year's real property tax revenues that equals any increase in the Consumer Price Index as computed under this section. This limit does not apply to revenue from: (1) newly constructed property, (2) newly rezoned property, (3) property that, because of a change in state law, is assessed differently than it was assessed in the previous tax year, (4) property that has undergone a change in use, and (5) any development district tax used to fund capital improvement projects. (Election of 11-7-78; election of 11-6-84; election of 11-6-90; election of 11-3-92; election of 11-8-94; election of 11-3-98; election of 11-4-08; election of 11-6-18.)

The entire Section 305 as it appeared in 2019

Sec. 305. Approval of the Budget; Tax Levies.

The Council may add to, delete from, increase or decrease any appropriation item in the operating or capital budget. The Council shall approve each budget, as amended, and appropriate the funds therefor not later than June 1 of the year in which it is submitted.

An aggregate operating budget which exceeds the aggregate operating budget for the preceding fiscal year by a percentage increase greater than the annual average increase of the Consumer Price Index for all urban consumers for the Washington-Baltimore metropolitan area, or any successor index, for the twelve months preceding December first of each year requires the affirmative vote of six Councilmembers. For the purposes of this section, the aggregate operating budget does not include: (1) the operating budget for any enterprise fund; (2) the operating budget for the Washington Suburban Sanitary Commission; (3) expenditures equal to tuition and tuition-related charges estimated to be received by Montgomery College; and (4) any grant which can only be spent for a specific purpose and which cannot be spent until receipt of the entire amount of revenue is assured from a source other than County government.

The Council shall annually adopt spending affordability guidelines for the capital and operating budgets, including guidelines for the aggregate capital and aggregate operating budgets. The Council shall by law establish the process and criteria for adopting spending affordability guidelines. Any aggregate capital budget or aggregate operating budget that exceeds the guidelines then in effect requires the affirmative vote of seven Councilmembers for approval.

By June 30 each year, the Council shall make tax levies deemed necessary to finance the budgets. Unless approved by an affirmative vote of all current Councilmembers, the Council shall not levy an ad valorem tax on real property to finance the budgets that will produce total revenue that exceeds the total revenue produced by the tax on real property in the preceding fiscal year plus a percentage of the previous year's real property tax revenues that equals any increase in the Consumer Price Index as computed under this section. This limit does not apply to revenue from: (1) newly constructed property, (2) newly rezoned property, (3) property that, because of a change in state law, is assessed differently than it was assessed in the previous tax year, (4) property that has undergone a change in use, and (5) any development district tax used to fund capital improvement projects. (Election of 11-7-78; election of 11-6-84; election of 11-6-90; election of 11-3-92; election of 11-8-94; election of 11-3-98; election of 11-4-08; election of 11-6-18.)

New Petition for Charter Amendment

A ballot issues campaign committee has recently been formed by Reardon Sullivan, who is currently Chair of the Montgomery County Republican Party and a former candidate for County Executive. Its name is the "Committee to Control Montgomery County Spending" (shortened to "Control MoCo Spending" or "CMS").

The Committee's stated objective: "We want to change the County Charter to ensure that the Montgomery County Executive and County Council cannot increase spending above the prior year CPI." Its website can be accessed using this link: <https://controlmocospending.com/>

It was reported in the media that Robin Ficker, a GOP activist who sponsored a charter amendment (Question B) in 2020, that voters rejected, is also involved with the CMS petition.

The current draft of the CMS petition, as it appears on its website, is reprinted below:

PROPOSED CHARTER AMENDMENT TO CONTROL SPENDING

This is a petition pursuant to Article XI-A, Section 5 of the Maryland Constitution and Section 507 of the Charter of Montgomery County to submit to voters of Montgomery County in the next general election a proposal to amend the Charter of Montgomery County to limit the authority of the County Council to approve an aggregate operating budget which exceeds the aggregate operating budget for the preceding fiscal year by a percentage increase greater than the annual average increase of the Consumer Price Index ~~for~~ all urban consumers for the Washington-Baltimore metropolitan area, or any successor index, for the twelve months preceding December first of each year, except by a vote of all current Councilmembers that a greater increase is justified by an emergency, by deleting “seven Councilmembers” from the first sentence in Section 305, Paragraph 2 of the Charter of Montgomery County and replacing that language with “all current Councilmembers, following a finding by all current Councilmembers that an emergency justifies such an increase.”

Upon amendment, Section 305, Paragraph 2 of the Charter of Montgomery County shall read:

An aggregate operating budget which exceeds the aggregate operating budget for the preceding fiscal year by a percentage increase greater than the annual average increase of the Consumer Price Index (CPI-U) for all urban consumers for the Washington-Arlington-Alexandria Core Based Statistical Area (CBSA) , or any successor index, for the twelve months preceding December first of each year requires the affirmative vote of all current Councilmembers, following a finding by all current Councilmembers that a public emergency, as defined by Section 2-17(a) of the Montgomery County Code, justifies such an increase, after at least 3 public hearings in each County Council District with at least 30 days’ notice. For the purposes of this section, the aggregate operating budget does not include: (1) the operating budget for any enterprise fund; (2) the operating budget for the Washington Suburban Sanitary Commission; (3) expenditures equal to tuition and tuition-related charges estimated to be received by Montgomery College; and (4) any grant which can only be spent for a specific purpose and which cannot be spent until receipt of the entire amount of revenue is assured from a source other than County government.

--- END ---

By Authority – Committee to Control MoCo Spending – Victoria Birkett, Treasurer.

CHARTER REVIEW COMMISSION
April 9, 2025 – 8:00 a.m.
VIRTUAL ONLY
Minutes

Commission Members Present: Jim Michaels, Chair Howard Denis Jeffrey Naftal Dylan Presman Sherry Brett-Major David Nachtsheim Michael Persh Marvin Lynch	Staff Present: Dale Tibbits, Office of the County Executive Stephen Mathany, Office of the County Council Christine Wellons, Office of the County Council
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Commission Chair Jim Michaels called the meeting to order with a quorum at 8:02 a.m.

I. Administrative Items:

- a. Adopted the agenda with unanimous consent. Motioned by Chair Michaels, seconded by Commissioner Lynch.
- b. Adopted minutes of the February 12, 2025 meeting with unanimous consent. Motioned by Chair Michaels, seconded by Commissioner Presman.

II. Discussion Items

a. Outreach Report:

- i. Chair Michaels reported on the outreach efforts to the Citizens Advisory Boards in the Up County and Mid County regions. Meetings were held on March 10 and March 20, respectively, to inform them about the Commission's work and gather feedback. The hope is to meet with the remaining Boards by Memorial Day.

b. Special Taxing Districts:

- i. Commissioner Persh reported that there were no significant updates since the last meeting. The Council President is expected to appear next month to discuss the issue further. The County Executive's budget mentioned only one special taxing district, the White Flint Taxing District.

c. Budget Reserves:

- i. Commissioner Naftal is waiting for budget experts from the County Council/County Executive offices to discuss the reserves and the possibility of codifying a higher reserve percentage.
- ii. Dale Tibbits mentioned that the county has two pots of money for reserves: a 5% pot for regular use and an 11.3% additional reserve for extreme emergency financial situations.

d. New Business:

- i. Chair Michaels presented several topics raised by the public and other sources for the Commission to consider:
 1. A citizens' petition for a charter amendment to cap County spending.
 2. A proposal from the County Tax League to reassess properties that are teardowns and complete rebuilds as new construction.

- a. Likely best addressed through legislation.
- 3. A suggestion to allow 16 and 17-year-olds to vote in School Board elections.
 - a. Not something that could be changed by a charter amendment due to Maryland state law.
- ii. There have not been new nominations to replace the current absences on the Commission.

Meeting adjourned at 8:47 AM.

AGENDA
CHARTER REVIEW COMMISSION
Wednesday, February 12, 2025, 8:00 a.m.
Virtual Only
(due to expected inclement weather)
[Zoom Link](#) – Password: 968229

(All times are approximate)

8:00 a.m. – ADMINISTRATIVE MATTERS

- Acknowledgment of a Quorum
- Approval of Agenda
- Approval of minutes of January 8, 2025 meeting

8:10 a.m.

I. REPORT ON OUTREACH TO CITIZEN ADVISORY BOARDS

- Save the Date: March 20, 2025 at 7:00 pm; virtual meeting by Zoom with members of the Mid-County Citizens Advisory Board

8:20 a.m.

II. FUNDING THE OFFICE OF PEOPLE’S COUNSEL

- Report by Chair

8:35 a.m.

III. Defining the Use of Special Taxing Districts as Authorized Under Existing Law

- Update from workgroup
- Questions and Discussion

8:50 a.m.

IV. Budget Reserves

- Update from workgroup (Commissioner Naftal)
- Questions and Discussion

9:05 a.m.

V. Considering a Solicitation of Public Comments

- Could be solicited via Press Release as done in November 2023
- Other methods?
- Timing: spring or summer?

9:20 a.m. – Staff Comments

ADJOURN

REMINDER FOR NEXT MEETING

- Next scheduled meeting is March 12, 2025 at 8:00 a.m.

CHARTER REVIEW COMMISSION
February 12, 2025 – 8:00 a.m.
VIRTUAL ONLY (due to inclement weather) – OVER ZOOM
Minutes

Commission Members Present: Jim Michaels, Chair Howard Denis Jeffrey Naftal Dylan Presman Sherry Brett-Major David Nachtsheim Michael Persh Marvin Lynch	Staff Present: Christine Wellons, Office of the County Council Amina Haleem, Office of the County Attorney Dale Tibbits, Office of the County Executive Stephen Mathany, Office of the County Council
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Commission Chair Jim Michaels called the meeting to order with a quorum at 8:03 a.m.

I. Administrative Items:

- a. Adopted the agenda with unanimous consent.
- b. Adopted minutes of the January 8, 2025 meeting with unanimous consent.

II. Report on Outreach to Citizen Advisory Boards

- a. Chair Michaels reached out to all five Citizen Advisory Boards.
- b. Chair Michaels had a conference call on January 13, 2025 with two of the Citizen Advisory Boards:
 - i. Mid-County Citizen Advisory Board
 - ii. Upcounty Citizen Advisory Board

- c. The Mid County Citizen Advisory Board invited the Charter Review Commission to attend their March 20 meeting.

III. Funding the Office of the People’s Counsel

- a. Chair Michaels, on behalf of the President of Montgomery County Civic Federation, introduced a memorandum in support of funding and staffing the Office of the People’s Counsel.
- b. Chair Michales requested to see if any of the Charter Review Commissioners wanted to advocate for the Office of the People’s Counsel and offered for a County Executive representative to speak to the Commission on this topic.
- c. Chair Michaels also invited the County Executive to address the Commission at a future meeting regarding any topics he feels the Commission should study.

IV. Discussion of Special Taxing Districts

- a. Commissioner Persh proposed a charter amendment to add Special Taxing Districts to the Charter (Sec 317).
- b. Prince Georges and Anne Arundel County have this in their charters.
 - i. The sections in their charters identify how Special Taxing Districts are created, handled, how revenues are budgeted, as well as their limitations.

- c. Commissioner Persh summarized that the County would benefit from a provision that defines how the County procedurally handles Special Taxing Districts.
- d. Commissioners Denis and Nachtsheim questioned whether the amendment is needed since the County already has Special Taxing Districts.

V. Budget Reserves

- a. Commissioner Nachtsheim argued that placing a budget reserve requirement in the Charter would ensure that the County were protected with budget reserves, regardless of the administration in office.
- b. Commissioners Naftal and Persh, with staff input, will determine the appropriate Council and Executive Finance staff to discuss this issue in more depth at a future meeting.
- c. Commissioner Presman inquired if this is too political of a goal to include in the County Charter.

VI. Solicitation of Public Comments

- a. The Charter Review Commission will issue a press release soliciting comments and/or ideas for topics that the Commission should cover for its next report.

Meeting adjourned at 9:02 AM.

AGENDA
CHARTER REVIEW COMMISSION

Wednesday, January 8, 2025, 8:00 a.m.

Council Office Building, 4th Floor, 100 Maryland Ave., Rockville, MD

Join Zoom Meeting

<https://us02web.zoom.us/j/85942055967>

Meeting ID: 859 4205 5967

Dial by your location

- +1 301 715 8592 US (Washington DC)

Find your local number: <https://us02web.zoom.us/j/85942055967>

(All times are approximate)

8:00 a.m.

I. ACKNOWLEDGMENT OF QUORUM & CONSENT TO PROCEED WITH GUEST SPEAKER

8:05 a.m.

II. INTRODUCTION OF GUEST: COUNCILMEMBER EVAN GLASS

- Remarks by President Glass
- Question and answer session

8:45 a.m.

III. ADMINISTRATIVE MATTERS

- Approval of agenda
- Approval of minutes of November 13, 2024 meeting

8:50 a.m.

IV. FUNDING THE OFFICE OF PEOPLE’S COUNSEL

- Introduction of Memorandum provided by Cheryl Gannon, President of the Montgomery County Civic Federation. Topic: “Why Montgomery County Needs the Office of People’s Counsel”

Ms. Gannon had asked to address Commissioners at the February 12, 2025, meeting when she can elaborate on the issue and answer questions. Her memorandum is intended to facilitate that discussion.

8:55 a.m.

V. The Benefits of Authority to Create Special Taxing Districts

- Report on issue from Commissioner Persh
- Questions and Discussion

9:10 a.m.

VI. Budget Reserves

- Report on issue from Commissioner Naftal (See Attachment 1)
- Questions and Discussion

9:25 a.m. – Staff Comments

ADJOURN**REMINDER FOR NEXT MEETING**

- Next scheduled meeting is February 12, 2025 at 8:00 a.m.

CHARTER REVIEW COMMISSION (CRC)
January 8, 2025 – 8:00 a.m.
Virtual via Zoom

Minutes

Commission Members Present: Jim Michaels, Chair Howard Denis Jeffrey Naftal Sherry Brett-Major David Nachtsheim Michael Persh Marvin Lynch Commission Member Absent: Dylan Presman	Councilmember Present: Councilmember Glass Staff Present: Christine Wellons, Office of the County Council Lisa Brennan, Office of the County Attorney Hope Klein, Councilmember Glass’s Office
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Commission Chair Jim Michaels called the meeting to order with a quorum at 8:03 a.m.

I. Administrative Items:

- a. Adopted agenda.
- b. Adopted minutes of the November 13, 2024 meeting.

II. Discussion with Councilmember Glass

- a. Councilmember Glass thanked the Commission and discussed the importance of the Charter in terms of institutional reforms. Councilmember Glass sponsored the 2020 Charter Amendment that increased the size of the Council from 9 to 11 members.
- b. In response to questions about Council staff, Councilmember Glass indicated he believes there should be one leader of both the central staff and the Office of Legislative Oversight. This would allow for better integration of the work of the offices in the development of legislation.
- c. Councilmember Glass encouraged the Commission to engage with the County Executive and Councilmembers. He noted that the work of the Commission is valuable and important, even when the Council does not accept a specific recommendation of the Commission.
- d. Councilmember Glass discussed with Commissioners the timing of the operating budget submission and adoption. The timeline should not be too condensed; there should be adequate time for the Council to perform its review.
- e. In response to questions about special taxing districts, Councilmember Glass noted that new taxing authority would require state and local legislation.
- f. In response to questions about the County’s budget reserve policy, Councilmember Glass discussed the importance of maintaining the AAA bond rating as well as the need for flexibility to draw down on reserves when needed.

III. Additional Follow-up Items

DRAFT

- a. Staff will ask the Council's Executive Director and the County Executive's Office to identify staff who can answer additional questions about special taxing districts.
- b. Staff will ask Council President Stewart's office about her availability to attend a future meeting.

Next meeting will occur February 12, 2025.

Meeting adjourned at 9:10 AM.

AGENDA
CHARTER REVIEW COMMISSION

Wednesday, November 13, 2024, 8:00 a.m.
Council Office Building, 4th Floor, 100 Maryland Ave., Rockville, MD

Join Zoom Meeting

<https://us02web.zoom.us/j/85910468462?pwd=AOBxhLpR7uT4GeGdrlGNZLaLo8bqJj.1>

Meeting ID: 859 1046 8462

Passcode: 873228

Dial in: 301-715-8592

(All times are approximate)

8:00 a.m. – ADMINISTRATIVE MATTERS

- Acknowledgment of a Quorum
- Approval of Agenda
- Approval of minutes of September 11, 2024, meeting

8:05 a.m. – INTRODUCTION OF GUEST: Cheryl Gannon, Montgomery County Civic Federation

- Remarks by Cheryl Gannon, President, Montgomery County Civic Federation.
Topic: “Why Montgomery County Needs the Office of People’s Counsel”

See Attachment #1: Op-Ed published May 19, 2023 by Bethesda Magazine (MoCo 360)

- Question and answer session

8:45 a.m. – Charter Amendment Ballot Question on Term Limits for the Executive

- County Question A: Voter approval for reducing the limit from three to two terms.
- Reaction by Ballot Question Sponsor (Attachment #2, article by MoCo 360, Nov. 6, 2024)

“An initiative resulting in the referendum was sponsored by the Committee For Better Government, which is led by Reardon Sullivan, a former Montgomery County Republican party chair and unsuccessful 2022 GOP county executive nominee. * * * Sullivan praised the results in an email to MoCo360 Tuesday evening. “The political elites in Montgomery County lost despite big name endorsements, stealing our signs, manipulating the Charter Review Commission, and lying about the drivers of the petition,” Sullivan wrote. “The voters know authenticity and good governance when they see it.”

9:00 a.m. – The Benefits of Authority to Create Special Taxing Districts (M. Persh)

- Summary of Issue
 - Background information: video recording of recent public budget forum
<https://www.youtube.com/watch?v=x9aAT9n2qEg> (from 55:00:00 to 1:07:00).
- Potential future presentation by staff from the Office of the Executive
- State law pre-emption: could limit Commission’s role to advocating for state legislation

9:15 a.m. – Referenda Voting Systems - Report on Research (D. Nachtsheim)

- See Attachment #3, Memorandum by D. Nachtsheim.

9:25 a.m. – Staff Comments

ADJOURN

REMINDER FOR NEXT MEETING

- Next scheduled meeting is December 11, 2024 at 8:00 a.m.

Attachment #1

<https://moco360.media/2023/05/19/opinion-why-montgomery-county-needs-the-office-of-the-peoples-counsel/>

Opinion: Why Montgomery County needs the Office of the People's Counsel

Role is key in leveling the playing field between developers and residents.

by [Alan Bowser](#) and [Elizabeth Joyce](#) May 19, 2023 3:00 pm Updated June 20, 2023 2:10 pm

The County Council's Planning, Housing and Parks (PHP) Committee recently declined to fund the Office of the People's Counsel, which operated between 1999 and 2008 but has remained unfunded since then.

County Executive Elrich's FY23 and FY24 budgets proposed refunding the agency, which represents the public interest (but not parties) in land use proceedings and provides technical assistance to residents.

The Council failed to fund the OPC last year, and recently, Council Vice President Andrew Friedson proposed Bill 18-32 to remove the current OPC statute from the county code and replace the OPC with a toothless technical assistance agency. The Montgomery County Civic Federation opposes Bill 18-23 and supports funding the OPC to support the needs and rights of residents.

Residents testifying at an April 18 council hearing on Bill 18-23 strongly agreed with us. Of the 11 who testified, 10 argued for rejecting the bill and permanently funding the OPC. The only supporter, a former lobbyist for the developer-funded Coalition for Smarter Growth, opposed the right of residents to obtain legal information from the county on zoning and their land use rights.

The OPC's role is to protect the public interest, to promote full and fair administrative proceedings, and to help produce sound land use decisions. It also helps level the playing field between developers and ordinary residents, who don't stand a chance against wealthy financial interests with expert attorneys on retainer.

The committee's resistance to the OPC is troubling because of their recent unanimous passage (10/22) of Thrive Montgomery 2050, the county's controversial new 30-year general plan, rushed through by the previous County Council before the last election.

Thrive Montgomery creates the foundation for a myriad of new planning initiatives related to housing, transit, and the environment, which will affect most residents and require thoughtful and comprehensive analyses of prospective changes to communities throughout the county.

Now, more than ever, residents would benefit from the technical assistance and advocacy provided by the Office of the People's Counsel.

Montgomery County residents will need informed legal advice to negotiate the complex new landscape Thrive is likely to create. Montgomery County Civic Federation members were encouraged that the at-large members of the County Council: Albornoz, Glass, Jawando and Sayles, all expressed support for the Office of the People's Council at our online candidate forum last spring.

Although OPC's two-person staff operated only between 1999 and 2008, it accomplished a great deal. From 2002 to 2007, the OPC participated in 267 land use proceedings and provides 18,281 instances of technical assistance on 135 different subjects, as well as 47 mediation sessions at a cost ranging from \$104,000 to \$246,375 per year (the most recent budget request for FY 24). Martin Klauber, the first People's Counsel, prided himself on deescalating conflicts and solving problems amicably. "I really believe people can sit down and negotiate their differences."

In a 2008 report from the Office of Legislative Oversight (OLO), the OPC received considerable praise. Most government respondents supported continuing the OPC as a neutral party that represents the public interest. They praised the OPC's explanations of the land use decision process in advance of hearings, which better prepared residents to participate, to present relevant and legally significant testimony, and even to develop suggestions that may influence the final design or conditions placed on land use approvals.

Land use attorneys complimented the People's Counsel's success in promoting a complete record, his moderating influence on hearing participants, and success in making proceedings go more smoothly. Some respondents urged expanding the OPC's role to represent individuals rather than the public interest as now defined by the law.

The OPC gives low-income and minority residents access to needed help. A recent racial equity/social justice (RESJ) analysis of the bill by the Office of Legislative Oversight (4/19/23) stated: "As advocates for the public's interest in land use decisions, Office of the People's Counsel can be uniquely positioned to advocate for the interests of BIPOC and low-income constituents not typically represented in land use decisions." OLO urged fully funding the OPC and requiring RESJ reviews for all land use proposals. Because the law now requires RESJ analyses of all new laws and ZTAs, a funded OPC could help the county avoid challenges and even lawsuits over perceived civil rights violations.

The OLO report made several recommendations for the Council to pursue: (1) to revisit the purpose, duties, and structure of OPC as outlined in County law; and (2) postpone the personnel decision regarding reappointment of the OPC until the Council completes that review. The report did not suggest eliminating or defunding the OPC.

Council Opposition: So why do some council members want to make the OPC a toothless technical information office with no legal powers? Most arguments for this viewpoint are meritless.

First, the OPC's proposed FY 24 funding is negligible—\$246,375 or .0004% of the FY 23 budget. Yes, there is a budget crunch. But councilmembers recently proposed to spend \$315,000 further media outreach, on top of the council's \$25M media budget and up to \$300K on canvassing, when current agencies such as the Planning Board (with a \$25.4M budget last year) have millions to spend on outreach. So why is the currently unfunded OPC not a priority?

Second, although the OLO report repeatedly charged the council with addressing their modest recommendations, the Council chose not to comply for 15 years. Yet because Elrich has recently requested OPC funding, the council is blaming him for not proposing language to modify the OPC statute as recommended in the OLO report. At a recent Planning, Housing, and Parks Committee meeting (43:48), committee members took turns chastising Elrich's land use expert, despite her willingness to work with them on the issue. The goal of this tactic is clear—to avoid responsibility for an unpopular effort to defund an agency that helps their constituents.

Third, The OLO report undercuts critics' claims that OPC would favor residents at the expense of other parties. The OPC's charge, as the statute makes clear, is to serve the public interest—not the County nor petitioners nor residents involved in the process. A report from 2007 cited by OLO showed the OPC "most often appeared in support of an application or remained neutral" (p. 21). Therefore, fears of OPC working on behalf of residents who want to "stop projects" are baseless.

Finally, and most important, is the argument (recently voiced by developer lobbyists) that "government funds must not be used to advocate for residents." By that logic, we would not have a robust Montgomery County Office of Consumer Protection, ethics commissions, inspectors general, or Federal agencies such as the FTC, the SEC, and the EEOC to protect residents' rights. Do the bill's sponsors (both of whom have accepted significant developer donations) really want to oppose the needs and rights of their constituents after last year's bitter conflicts about Thrive and the forced resignation of the Planning Board? Democrats (the party of all council members) seek to promote the greatest good for the greatest number. So why would the council intensify the crisis of trust they have created by seeking to eliminate this successful agency?

As the Civic Federation has argued for two years, there is no excuse for not funding the Office of the People's Counsel. They should address OLO's recommendations and fund the OPC immediately.

Attorney Alan Bowser, president of the Montgomery County Civic Federation and contributor to many civic organizations, lives in Silver Spring.

Second Vice President Elizabeth Joyce, a member of the Maryland Legislative Agenda for Women Board, also lives in Silver Spring.

<https://moco360.media/2024/11/06/elrich-facing-final-two-years-in-office-after-term-limit-referendum-passes/>

Elrich facing final two years in office after term-limit referendum passes

County charter will be amended to limit county executive to two terms

by **Ginny Bixby** November 6, 2024 12:55 am

County Executive Marc Elrich (D) is facing his final two years in office after voters passed a term-limit referendum Tuesday that will amend the county charter to restrict the county executive to serving two terms.

An initiative resulting in the referendum was sponsored by the Committee For Better Government, which is led by Reardon Sullivan, a former Montgomery County Republican party chair and unsuccessful 2022 GOP county executive nominee. The committee gathered enough valid signatures earlier this fall to have the referendum placed on the ballot, despite criticism from the county's Charter Review Commission.

The referendum will amend the county charter to limit a county executive to serving two consecutive terms instead of three consecutive terms. That limit, which also applies to County Councilmembers, was approved by voters in 2018. Elrich is currently serving the second year of his second four-year term.

Nearly 68% of county voters cast a ballot in support of the referendum, according to results posted by the Maryland State Board of Elections.

Elrich said he was disappointed by the results when he spoke to MoCo360 at the watch party for Democratic Senate candidate Angela Alsobrooks in College Park on Tuesday evening.

"You've got Republicans who couldn't beat me one on one, the developers couldn't beat me one on one. They faced an election in two years. The best strategy was to try to use term limits to knock me out," Elrich said. "They didn't tell people that the executive already had term limits ... they're smart enough to lie and misrepresent the truth, because that's where Republicans stand."

Sullivan praised the results in an email to MoCo360 Tuesday evening.

"The political elites in Montgomery County lost despite big name endorsements, stealing our signs, manipulating the Charter Review Commission, and lying about the drivers of the petition," Sullivan wrote. "The voters know authenticity and good governance when they see it."

While the initiative was originally posed by Sullivan as nonpartisan despite his prominent Republican connections, the race was increasingly politicized in the days leading up to the general election.

The Montgomery County Republican Central Committee voted to endorse the referendum, while the Montgomery County Democratic Central Committee lent its name to a movement

against the proposed charter change. Several signs placed at polling places urging residents to vote against the initiative bore the name of the Democratic party.

In the weeks preceding Election Day, the movement opposing the referendum gained momentum, with U.S. Sen. Chris Van Hollen (D-Md.), Rep. Jamie Raskin (D-Dist. 8), former County Executive Ike Leggett, four state senators and 14 state delegates who represent the county encouraging constituents to “vote no” when they cast their ballots, according to the “Against Question A” political action committee website.

Meanwhile, those supporting the referendum, including a political action committee backed by real estate developers and businesses, raised 30 times as much money, collecting more than \$66,000 compared to the \$2,300 received by the opposition, according to state campaign finance data.

Nine of the 11 members of the entirely Democratic Montgomery County Council were among the opposition, urging voters to select “no,” according to the Against Question A committee’s website. Council President Andrew Friedson (D-Dist. 1) and Councilmember Dawn Luedtke (D-Dist. 7) did not publicly take a position.

Several unions also recommended a “no” vote, including the Amalgamated Transit Union (ATU) Local 689, International Brotherhood of Electrical Workers (IBEW) Local 26, Service Employees International Union (SEIU) Local 500, the Municipal & County Government Employees Organization (MCGEO) Local 1994, and the Montgomery County Education Association, the local teachers union.

Attachment #3

Memorandum

From: Commissioner David Nachtsheim

Question: Are there referenda voting systems in which voters are presented with multiple discrete choices relating to the enactment, change, or annulment of a law, including a provision of a constitution?

Answer: In practice, no.

Referenda, also called initiatives or ballot propositions, are often used to determine public support for and to effectively enact a change of a law or provision of a constitutional document. The change can include the establishment of a new law or constitutional provision, the amendment of an existing law or constitutional provision by partial change or substitution, or repeal of a law or constitutional provision without substitution. Some nations have rules for referenda that limit the scope of changes that can be proposed, or the jurisdictional level (national, provincial, county, city/village) of a law subject to change by referendum. Other constraints include the number of required voters, and the proportion of favorable votes required for enactment.

Referenda are generally framed as providing a choice to support a specific change. The tacit understanding of the referendum is that the change will create a new law where none exists, or nullify all or part of an existing law and enact a change of the law in a specified way, or repeal the law. Approval of the referendum by a sufficient number of votes will enact the change.

Referenda seldom present a full set of options to voters. For example, a referendum proposing a specific standard for term limits of an elected or appointed office will typically only specify a precise number as a limit on terms. Voters have the choice to approve that precise number as a limit, or not approve that limit. Voters who oppose term limits, and voters who approve of a different numerical limit, are both constrained to vote “NO” on the referendum and their different preferences are not considered. As an alternative, voters could simultaneously be presented with the option to:

- Impose no term limits,
- impose the limit of terms specified in the referendum to be served consecutively,
- impose the limit of terms specified in the referendum to be served in the lifetime of a candidate, whether or not served consecutively,
- impose a different limit of terms to be served consecutively, or
- impose a different limit of terms to be served in the lifetime of a candidate, whether or not served consecutively,
- repeal any existing term limits.

Within the United States, 24 States allow citizens to bypass the legislature and initiate legislation through the petition process. These include Alaska, Washington, Oregon, California, Idaho,

Nevada, Montana, Wyoming, Colorado, Utah, Arizona, Nebraska, Oklahoma, Missouri, Arkansas, Illinois, Louisiana, Michigan, Ohio, Florida, Maine, and Massachusetts. 23 states have popular referendum processes. These include Alaska, Washington, Oregon, California, Idaho, Nevada, Montana, Wyoming, Colorado, Utah, Arizona, Nebraska, Oklahoma, Missouri, Arkansas, Michigan, Ohio, Maryland, and Massachusetts. <https://www.ncsl.org/elections-and-campaigns/initiative-and-referendum-processes>

States impose various restrictions on the scope and content of citizen-initiated proposals. 49 States provide for legislatively referred constitutional amendments. Many States allow legislatures to initiate ballot measures. <https://www.ncsl.org/elections-and-campaigns/initiative-and-referendum-processes>

California:

California provides that referenda may only address the approval or rejection of a statute or part of a statute. California also provides for ballot initiatives to recall elected officials, repeal laws, and enact laws. <https://elections.cdn.sos.ca.gov/ballot-measures/pdf/statewide-initiative-guide.pdf>

New York:

New York allows the State legislature to refer statewide ballot measures for constitutional amendments and bond issues, but bars citizen-originated initiatives or referenda. https://ballotpedia.org/New_York_2024_ballot_measures

Florida:

Florida allows citizens to initiate constitutional amendments or call a constitutional convention, but bars citizen-originated legislation or repeal legislation. The Florida State legislature, and two designated State Boards, may place measures on the ballot as legislatively referred constitutional amendments. [Laws_governing_the_initiative_process_in_Florida](#)

Illinois:

Illinois allows citizens to initiate constitutional amendments. Citizens may not initiate state statutes or veto referendums. The Illinois General Assembly may place legislatively referred constitutional amendments on the ballot with a three-fifths majority vote of each chamber. https://ballotpedia.org/Laws_governing_the_initiative_process_in_Illinois

Maryland:

Maryland prohibits referenda relating to appropriations, except that an increase of an appropriation may be referred to the public upon petition, and non-emergency laws subject to referendum may not take effect until 30 days after voter approval, and an emergency law shall stand as repealed 30 days after voter rejection. <https://www.ncsl.org/elections-and-campaigns/initiative-and-referendum-processes#marylandpr>

CHARTER REVIEW COMMISSION (CRC)
November 13, 2024 – 8:00 a.m.
County Office Building – Capital Crescent Conference Room
100 Maryland Avenue, 4th Floor
Rockville, MD 20850
Minutes

Commission Members Present: Jim Michaels, Chair Howard Denis Jeffrey Naftal Dylan Presman Sherry Brett-Major David Nachtsheim Michael Persh Marvin Lynch	Staff Present: Christine Wellons, Office of the County Council Lisa Brennan, Office of the County Attorney
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Commission Chair Jim Michaels called the meeting to order with a quorum at 8:05 a.m.

- I. Administrative Items:**
 - a. Adopted agenda with one change: the scheduled speaker, Ms. Gannon, will attend a meeting at a later date.
 - b. Adopted minutes of the September 11, 2024 meeting.
- II. Discussion of the Office of the People’s Counsel**
 - a. Chair Michaels summarized the role of the People’s Counsel.
 - b. Noted that the position has not been funded since 2008.
 - c. Discussed whether the Charter is the appropriate place to address the People’s Counsel.
- III. Discussion of County Executive Term Limits**
 - a. The Chair noted that Councilmembers publicly thanked the Commission for its service. The Council and County Executive are grateful for the Commission’s work.
 - b. The Chair noted for the record that statements made in the media alleging that the Commission was “manipulated” were false and offensive. Every member gave thoughtful consideration to the issues before the body, including the amendment on term limits.
- IV. Discussion of Special Taxing Districts**
 - a. Discussed whether the creation of special taxing districts should be addressed in the Charter.
 - b. Noted that Anne Arundel County’s Charter has provisions to govern special taxing districts.
 - c. Asked Council staff to identify Council and Executive staff who could discuss special taxing districts with the Commission.
 - d. Mr. Persh, Mr. Nachtsheim, and Mr. Presman plan to research the topic further.
- V. Additional Follow-up Items**
 - a. The Chair plans to contact regional service directors.

- b. Staff will ask Councilmember Glass if he would like to discuss potential Charter amendments with the Commission.

Next meeting will occur in December or January, depending upon the availability of speakers.

Meeting adjourned at 9:08 AM.

AGENDA
CHARTER REVIEW COMMISSION

Wednesday, September 11, 2024, 8:00 a.m.
Council Office Building

4th Floor, Capital Crescent Conference Room
100 Maryland Ave., Rockville, MD 20850

Virtual: [ZOOM](#) | Password: 290536 | Dial In: +13017158592

(All times are approximate)

8:00 a.m. – ADMINISTRATIVE MATTERS

- Acknowledgment of a Quorum
- Approval of Agenda
- Approval of minutes of July 10, 2024, meeting

8:10 a.m. – Chair Update

- Brief Summary of County Council meeting held on July 23, 2024
 - Resolution to adopt the Commission’s proposed Charter amendment on voting requirements for budget approvals and tax levies: defeated, 5 to 6
 - Resolution to adopt the Commission’s proposed Charter amendment on Executive appointments: no action, withdrawn for lack of support
 - Petition for a Charter amendment to reduce the term limit for the County Executive: placed on the ballot after signature requirement met.
- Solicitation for applicants to fill 3 vacancies posted: “open until filled”
 - All 3 to be filled by the County Executive; no more than 2 may registered “D”

8:25 a.m. – Outreach to Citizens Advisory Boards

- 5 Citizen Advisory Boards – discuss attendance at future meeting with the board chairs
- For discussion: consider allowing chairs to schedule and conduct discussions among board members before trying to hold a meeting with Commission members.
 - Upcoming CAB meetings
 - Wed. Oct. 2 at 7 pm (East County CAB) Briggs-Chaney Rd. in Silver Spring
 - Mon Oct. 14 at 7 pm (Silver Spring CAB) via Zoom
 - Wed. Oct. 16 at 7 pm (Mid-County CAB) via Zoom
 - Monday Oct. 21 at 7 pm (Western CAB) via TEAMS (or Nov. 18)
 - Monday Oct. 21 at 7 pm (Upcounty CAB) via Zoom (or Nov. 18)
- Public Listening Sessions: one meeting in each of the five regional service areas to solicit views of the public on potential charter amendments
 - WHEN: January and February
 - FORMAT: participants can either suggest topics for study or comment on a list of potential topics provided by the Commission
 - Identify options for locations in Sept. and Oct.

8:40 a.m. Potential Topics for the Commission to Study

- Discussion about what process to follow. Last year’s process:
 - Members identified potential topics, stating the issue without discussion or debate. Identified which charter section would be affected. The goal was simply creating a list (already started at the July meeting).

- Staff used the list created to advise Commissioners whether any of the topics have been addressed previously by the Commissions or the Council. Also advised on topics that would not be within the Commission's jurisdiction
 - Commissioners perform preliminary research to inform a future discussion and debate. (Written documentation and write-ups were helpful.)
 - Commissioners discussed and debated, then voted to select a limited number of topics that the Commission wanted to study and include in its next report.
 - Working groups were formed so that each group could study and discuss, then submit a report to the full Commission.
 - Discussion by the full Commission before adopting a majority recommendation, which was then converted into a written report.
- Using a flexible schedule
 - Some topics might be studied between now and June 2025. Other topics might be studied from June to December 2025.
 - Topics identified at July 2024 meeting
 - Additional topics?

9:20 a.m. – REPORT FROM STAFF

ADJOURN

REMINDER FOR NEXT MEETING

- Next scheduled meeting is October 9, 2024 at 8:00 a.m.

CHARTER REVIEW COMMISSION (CRC)
September 11, 2024 – 8:00 a.m.
County Office Building – Capital Crescent Conference Room
100 Maryland Avenue, 4th Floor
Rockville, MD 20850
Minutes

Commission Members Present: Jim Michaels, Chair Howard Denis Jeffrey Naftal (Virtual) Dylan Presman Sherry Brett-Major David Nachtsheim (Virtual) Michael Persh (Virtual) Commission Members Absent Dylan Presman Marvin Lynch	Staff Present: Christine Wellons, Office of the County Council (Virtual) Stephen Mathany, Office of the County Council Lisa Brennan, Office of the County Attorney (Virtual)
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Commission Chair Jim Michaels called the meeting to order with a quorum at 8:06 a.m.

I. Administrative Items:

- a. Adopted agenda by unanimous consent.
- b. Commissioner Naftal moved approval of the June 12, 2024 minutes as drafted, second by Commissioner Dennis. Adopted minutes.
- c. Noted that Commissioners Grant and Samuels resigned since the previous meeting.

II. Update from the Chair

- a. Chair Michaels summarized the July 23, 2024 Council Meeting, explaining:
 - i. The Council considered but did not adopt a resolution to place on the ballot a question about altering voting thresholds for budget adoption.
 - ii. Councilmember Jawando withdrew a resolution that would have put a question on the ballot to alter the executive appointments process.
 - iii. The Council passed a resolution to approve language for the petitioned question on term limits (contingent upon certification of the petition).
- b. Three vacancies remain on the Charter Review Commission. Advertisements to fill this role are posted.

III. Outreach to Citizen Advisory Boards

- a. Planned to ask the Chairs of each board to hold an internal discussion on charter amendments and the purpose of the Charter Review Commission before the Charter Review Commission holds listening sessions.
- b. Planned to reach out to new Council President and Vice President in the new year to address the Charter Review Commission.

IV. Potential topics for next term

- a. Discussed potential issues to study for the Commission's next report. Potential issues include:
 - i. Conflicting Ballot Measures;
 - ii. Montgomery County Budget Reserves;
 - iii. Office of Legislative Oversight being brought into the purview of the County Council itself;
 - iv. Office of People's Counsel;
 - v. Taxation for tear down and rebuilds; and
 - vi. Special taxing districts.

Commissioner Dennis motioned to adjourn (in memory of the victims of September 11, seconded by Chair Michaels).

Meeting Adjourned AT 9:29 AM.

AGENDA

CHARTER REVIEW COMMISSION

Wednesday, July 10, 2024, 8:00 a.m.

Council Office Building

4th Floor, Capital Crescent Conference Room

100 Maryland Ave., Rockville, MD 20850

Virtual: [Zoom](#) | Password: 173504 | Dial In: +13017158592

(All times are approximate)

8:00 a.m. – ADMINISTRATIVE MATTERS

- Acknowledgment of a Quorum
- Approval of Agenda
- Approval of minutes of June 12, 2024, meeting
- Report on vacancies and quorum requirements

8:10 a.m. – CHAIR AND STAFF UPDATE: RESPONSES TO THE COMMISSION’S REPORTS

- Council presentation on June 18, 2024
- Status of Commission’s Draft Press Release
- Board of Election’s announcement July 5, 2024
- Council Resolutions introduced July 9, 2024
- Scheduled public hearing on July 16, 2024
- Public commentary

8:45 a.m. – DISCUSSION OF COMMUNITY OUTREACH MEETINGS

- Meetings of the 5 Citizen Advisory Boards
 - Wed. Oct 2 at 7 pm (East County CAB) Briggs-Chaney Rd. in Silver Spring
 - Mon Oct 14 at 7 pm (Silver Spring CAB) via Zoom
 - Wed. Oct 16 at 7 pm (Mid-County CAB) via Zoom
 - Monday Oct 21 at 7 pm (Western CAB) via TEAMS (or Nov. 18)
 - Monday Oct 21 at 7 pm (Upcounty CAB) via Zoom (or Nov. 18)
- Public Listening Sessions: one meeting in each of the five regional service areas
 - WHEN: January and February
 - FORMAT: participants can suggest topics for study or comment on a list of potential topics the Commission provides

9:15 a.m. – REPORT FROM STAFF

ADJOURN

REMINDER FOR NEXT MEETING

- No meeting in August during Council recess
- Will resume our regular schedule with a meeting on Sept. 11, 2024 at 8:00 a.m.

CHARTER REVIEW COMMISSION (CRC)
July 10, 2024 – 8:00 a.m.
County Office Building – Capital Crescent Conference Room
100 Maryland Avenue, 4th Floor
Rockville, MD 20850
Minutes

Commission Members Present: Jim Michaels, Chair Howard Denis Jeffrey Naftal (Virtual) Marvin Lynch Sherry Brett-Major David Nachtsheim (Virtual) Michael Persh Commission Members Absent Dylan Presman	Staff Present: Christine Wellons, Office of the County Council Stephen Mathany, Office of the County Council Lisa Brennan, Office of the County Attorney (Virtual)
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Commission Chair Jim Michaels called the meeting to order with a quorum at 8:01 a.m.

I. Administrative Items:

- a. Commissioner Nachtsheim moved approval of the agenda, second by Commissioner Naftal, adopted unanimously.
- b. Commissioner Lynch moved approval of the June 12, 2024 minutes as revised, second by Commissioner Nachtsheim.
 - i. Amend II(a)ii by removing the word “two”.
 - ii. Amend Commissioner Nachtsheim’s position in II(a)ii to “Support”
- c. Commissioners Grant and Samuels resigned since the previous meeting.
 - i. All three current vacancies are County Executive appointments.
 - ii. The County Executive has placed announcements for the vacancies.

II. Responses to the Commission’s Report

- a. Two charter amendment resolutions were introduced at the July 9, 2024 Montgomery County Council session.
- b. Public hearings to be held on July 16, 2024 for these items.

III. Discussion of Community Outreach Meetings

- a. Dale Tibbets provided information regarding when the Citizen Advisory Boards are meeting in the fall.
- b. Hope to meet with each of the boards in October and November. Chair Michaels will reach out to ensure that they will each entertain the Charter Review Commission at the meetings.
- c. Develop ideas for next report by January 2025.
- d. The Charter Review Commission will aim to hold listening sessions on new topics in March 2025.
- e. The Charter Review Commission can explore issuing an earlier or interim report to the Council so that the Councilmembers have more than three weeks to consider the issues.

IV. Potential topics for next term

- a. Commissioner Nachtsheim recommends taking a unique approach to conflicting ballot questions by adding any conflicting questions into one ranked choice question.
- b. Commissioner Naftal suggests increasing the required budget reserve requirements.
- c. Likely to receive citizen's request to investigate mandating the Office of the People's Counsel.

Commissioner Nachtsheim motioned to adjourn, second by Commissioner Persh.

Meeting Adjourned AT 8:50 AM.

AGENDA
CHARTER REVIEW COMMISSION

Wednesday, June 12, 2024, 8:00 a.m.

Council Office Building

4th Floor, Capital Crescent Conference Room

100 Maryland Ave., Rockville, MD 20850

Virtual: [Zoom](#) | Password: 412388 | Dial In: +13017158592

(All times are approximate)

8:00 a.m. – ADMINISTRATIVE MATTERS

- Acknowledgment of a Quorum
- Approval of Agenda
- Approval of minutes of April 24, 2024, meeting

**8:05 a.m. – DISCUSSION OF PROPOSED CHARTER AMENDMENT ON TERM LIMITS
FOR THE COUNTY EXECUTIVE (Charter section 202)**

- Refer to the Chair’s briefing memo dated June 5, 2024
- Commission position on supporting or opposing the petition to change the 3-term limit to a 2-term limit
- Discussion of a potential alternative amendment

9:10 a.m. – DISCUSSION OF COMMUNITY OUTREACH MEETINGS

- Proposed Locations: at least one meeting in each of the five regional service areas
- Participants: attempt to collaborate with the Citizens Advisory Board for that region
- Proposed Schedule: October and November
- Format: public listening session where participants can suggest topics for study or comment on any list of potential topics the Commission provides

9:20 a.m. – REPORT FROM STAFF

ADJOURN

REMINDER OF UPCOMING MEETINGS

- **Chair’s Presentation to the Council on the Commission’s 2024 Report:** Tues. June 18 (exact time still to be determined)
- **Next commission meeting:** Wed. July 10, 2024 at 8:00 a.m.
 - July 10th is our last scheduled meeting before the August recess.
 - Will resume our regular schedule with a meeting on Sept. 11, 2024 at 8:00 a.m.

June 5, 2024

To: Charter Review Commission

From: Jim Michaels, Chair

Subject: Discussion of Term Limits at the June 12th meeting

I plan to include on the agenda of our June 12th meeting, a discussion of the petition that is being publicly circulated in support of an amendment to Charter Section 202 titled “Election and Term of Office” for the County Executive. The proposed amendment would prohibit anyone from serving as County Executive for more than 2 consecutive terms, beginning in 2026. If enacted, that amendment would replace the existing 3-term limit.

I am proposing that, on June 12, the Commission vote on whether to support or oppose this proposed Charter amendment. That would enable me to inform the County Council and the general public of the Commission’s position and reasoning on June 18 when I’m also presenting the Commission’s 2024 Report. The precedent for the Commission weighing in on this matter is described below.

Background

In 2016, voters approved Charter amendments to prohibit the County Executive and Council members from serving more than 3 consecutive terms. Accordingly, our current County Executive, who was elected in 2018 and 2022, is permitted to serve a third term under the existing law, but he would be prevented from doing so if the amendment is enacted.

The petition drive was initiated by an organization known as “The Committee for Better Government” (“CBG”) which states that it was formed specifically “to limit the number of consecutive four-year terms that the Montgomery County Executive may hold.” The petition being circulated by CBG proposes a charter amendment that would prohibit the sitting executive and future executives from seeking a third consecutive term but would not affect the existing three-term limit for Council members.

If CBG’s petition is signed by at least 10,000 voters, CBG’s proposed charter amendment will appear on the November 2024 ballot for voters’ approval. The 10,000 signature requirement was established in 1915 when our population was considerably smaller, but with over 1 million residents there is a good chance the requirement can be met by the August 12th deadline.

The Charter Review Commission’s mandate under section 509 is to study the Charter and provide “recommendations concerning proposed Charter amendments.” While Commission members can make proposals of their own, the Commission solicits and receives proposals and input from county residents, government officials, businesses, civic organizations and other groups. While CBG did not choose to submit its petition to the Commission as a suggested

change, circulation of its petition has made CBG's proposal widely known and it has been the subject of media reports and public discourse.

CBG's decision to bypass the Commission does not prevent Commissioners from considering the issue raised by CBG's public campaign. The Commission can be expected to respond publicly to the input it receives from any source on charter-related issues if it has reason to do so. The Commission's mandate to study the charter and make recommendations is not restricted.

When a proposed charter amendment is being circulated for public support, members of the Commission certainly have the ability and the right to consider it and express a view on the proposed amendment. In my view, the commission has a duty to do so. This allows both the voters and public officials to take the Commission's views into account when deciding whether or not to support the proposed change. The Council's upcoming public hearing on June 18, 2024 is a logical forum for making the Commission's view known to the public.

Montgomery County's History with Term Limits

The original Montgomery County Charter of 1948 vested both executive and legislative powers in the County Council, and the council appointed a County Manager to serve at the Council's discretion. A new County Charter adopted in 1968 provided for an elected County Executive who would first be elected in 1970 and who would hold the same administrative and executive responsibilities and powers as a city mayor, including veto power over some Council actions.

Since 1970, there have been 7 county executives. Only 2 of the previous executives served three terms: 2 executives served two terms, and 2 served just one term. The current executive is in his second term. (A list of the executives and their terms of office is attached.)

Term limits have been the subject of a proposed charter amendment by petition three times: in 2000, 2004 and 2016:

- In 2000, a proposed Charter amendment by petition that sought to limit the Executive and members of the County Council to two consecutive terms in office was defeated. The Charter Review Commission issued a Statement urging voters to vote against it (copy attached).
- In 2004, a proposed Charter Amendment by petition to limit the Executive and members of the Council to three consecutive terms in office was also defeated. The Charter Review Commission's 2004 Report recommended that "county voters cast their votes against this proposal."
- In 2016, a proposed Charter Amendment by petition to limit the Executive and Council members to three consecutive terms was approved by voters.

As amended in 2016, Montgomery County's charter only limits the number of consecutive terms that the elected official can serve. Consequently, an official who serves three consecutive terms can leave office, wait for four years, and then seek a fourth term, fifth term and even a sixth term.

In comparison, some other jurisdictions adopt "lifetime" term limits. In those jurisdictions, if a 3-term limit exists, after the official serves three consecutive terms they are ineligible to hold the same office again even if they wait for 4 years. Thus, another way of "tightening" our existing term limit rule -- without converting the existing 3-term limit to a 2-term limit -- would be to revise the Charter to limit officials to serving a total of three terms instead of three consecutive terms.

Other Maryland Counties

CBG's webpage makes a claim about its proposal that simply is not true. On that page, CBG states: "The two four-year term limit is consistent throughout most of the counties in Maryland" (emphasis added).

However, according to a chart published by the Maryland Association of Counties, of the 24 counties in Maryland, there are 15 counties with no term limits, and 3 counties (including Montgomery) that allow three consecutive 4-year terms. That makes CBG's proposal for a two-term limit inconsistent with 18 of 24 counties.

A chart published by the Maryland Association of Counties shows which of Maryland's 24 counties uses term limits: <https://www.mdcounties.org/DocumentCenter/View/5449/2023-NEOO---Co-Government-Structure?bidId=>

MACO's chart erroneously states that the Montgomery County Executive and Council members are limited to two consecutive terms even though Charter sections 105 and 202 specify a limit of three consecutive terms. The accuracy of the remainder of MACO's chart has not been independently verified, but it's consistent with some other sources, and shows the following:

According to the MACO's website, of the 24 counties in Maryland:

15 counties are listed as having no term limits.

3 counties have a limit of 3 consecutive 4-year terms (when Montgomery County is included).

- This includes Anne Arundel County and Montgomery County which elect a County Executives.¹
- St. Mary's County applies the limit to its Board of Commissioners and Board President.

6 counties are listed as having a limit of 2 consecutive 4-year terms.

- 5 counties apply a limit of 2-consecutive terms to their County Executive (Baltimore County, Frederick County, Harford County, Howard County, and Prince George's County).
- Carroll County has no executive but applies the limit of 2 consecutive terms to its Board of County Commissioners and the President of its Board.

The Commission's Opposition in 2000 to the Term Limit Ballot Question

In October, 2000, the Charter Review Commission issued a press release announcing its opposition to the proposed charter amendment on the 2000 ballot that would have limited the County Executive and County Council members to two terms, stating: "The Commission finds the amendment is both unnecessary and unwise."

The Commission's public statement noted that incumbents "have not been unchallenged," further stating that "voters can determine if an incumbent has done a good job and that they are ready and able to replace those whose performance they disapprove with challengers who offer better qualifications or more appealing programs." The Commission found it "unwise" to deny voters the opportunity to retain an experienced and popular incumbent who is willing to seek another term."

Opposition to Term Limits in the 2004 Report of the Charter Review Commission

The Charter Review Commission's 2004 Report made recommendations on two proposed charter amendments that were put on the ballot by petition, including the proposal for term limits.² In 2004, the Commission opposed term limits for Council members and the Executive and recommended that county voters cast their votes against the proposal. Relevant excerpts from the Commission's 2004 Report are attached to this memorandum, and the full 2004 report is available here:

<https://www.montgomerycountymd.gov/crc/Resources/Files/crc2004.pdf>.

¹ In 2022, Anne Arundel County expanded its two-term limit to a three-term limit.

² In its 2004 Report, the Charter Review Commission also opposed a charter amendment that had been proposed by petition to eliminate the council's ability to override the "soft" property tax cap established in Charter section 305.

In 2004, only two Commissioners favored term limits. The 2004 Report stated that those who favored term limits asserted that they would improve the quality of public servants by replacing "career" politicians (who were claimed to be primarily motivated by their own reelection), with "citizen-legislators" (who are believed to be motivated solely by public interest). According to the 2004 Report, proponents of term limits also asserted that increasing turnover in representation would lead to more integrity and accountability in the political process.

The 2004 Commission's Report noted that voters already had the power to replace their elected representatives when they are dissatisfied with their performance, by voting them out of office. In contrast, term limits eliminate voters' ability to evaluate each candidate, and instead, impose an arbitrary amount of time that an official may serve. The Commission noted that term limits may actually reduce the effectiveness of incumbents in their last term of office because they may have little incentive to improve performance and may be viewed as "lame ducks".

The 2004 Report also contained opponents' argument that term limits reduce the choices voters have on Election Day:

"Along with implementing a substantial amount of turnover in representation, term limits may result in reduced institutional knowledge, expertise in particular issue areas, and political acumen. Inexperienced representatives may actually impede the political process because they must learn how to navigate the political system and the bureaucracy. Term limits on legislators may also dramatically increase the influence of lobbyists and legislative staffers who are not accountable to the voters."

See Attachments

Background Information on Term Limits

Compiled for the 2024 Charter Review Commission (June, 2024)

1. Copy of the Petition currently being circulated by the “Committee for Better Government”

Their complete petition can be viewed at: <https://thecommitteeforbettermocogovernment.com/>
The following is an excerpt from their website:

“Who We Are

The “Committee for Better Government” was formed to limit the number of consecutive four-year terms that the Montgomery County Executive may hold. Currently, the County Executive can have three consecutive terms before he/she is term limited. The purpose of this ballot petition is to secure enough signatures to get the question on the ballot for the 2024 election.”

“Objective

We want to ensure no Montgomery County Executive serves more terms than the US President or the Maryland Governor. If it's good enough for Reagan, Obama, and Hogan, isn't it good enough for our County? The two four-year term limit is consistent throughout most of the counties in Maryland.”

STATE OF MARYLAND-CHARTER AMENDMENT PETITION

To: President of the County Council of Montgomery County

We, the undersigned voters of Montgomery County, hereby petition to have this amendment of the County Charter submitted to a vote of the registered voters of the County, for approval or rejection at the next general election.

It is the intent of this proposed amendment to bar the County Executive from serving more than two full or partial consecutive terms of office, although no officeholder who has served two consecutive terms will be barred from running for re-election to more than two non-consecutive terms. This proposed amendment is intended to apply to both current and future officeholders. The full text of this proposal is printed on the back of this form.

PROPOSED CHARTER AMENDMENT FOR TERM LIMITS

This is a petition pursuant to article XI-A, § 5, of the Maryland Constitution and Montgomery County Charter § 507 to submit to the voters of Montgomery County in the next general election a proposal to amend the Charter of Montgomery County to require term limits for the County Executive by amending § 202 of the Charter as follows:

Section 202 of the Charter, Election and Term of Office, shall be amended to state:

The County Executive shall be elected by the qualified voters of the entire County at the same time as the Council and shall serve for a term of office commencing at noon on the first Monday of December next following the election and ending at noon on the first Monday of December in the fourth year thereafter, or until a successor shall have qualified. *In no case shall a County Executive be permitted to serve more than ~~three~~ **two** consecutive terms. Any County Executive who will have served ~~three~~ **two** or more consecutive terms at noon on the first Monday of December 2018 **2026** shall be prohibited from commencing to serve a successive term of office at that time. For purposes of this Section, service of a term includes complete service of a full term and partial service of a full term. Partial service of a full term means service by a County Executive of more than two years of a term.*

2. Election Results for Previous Ballot Questions (in 2016, 2004 and 2000).

2016 General Election Ballot Question

Montgomery County

Question B

Charter Amendment by Petition

Term Limits - County Council and County Executive

Amend Sections 105 and 202 of the County Charter to: --limit the County Executive and members of the County Council to **3** consecutive terms in office; --provide that a County Executive and any member of the County Council who will have served **3** or more consecutive terms on December 3, 2018, cannot serve another successive term in the same office; and --provide that service of a term includes complete service of a full term and partial service of a full term.

For:	299,713	69.8%
Against:	129,761	30.2%

2004 General Election Ballot Question

Montgomery County

Question B

Charter Amendment by Petition

Term Limits - County Council and County Executive

Amend Sections 105 and 202 of the County Charter to:

- limit the County Executive and members of the County Council to **3** consecutive terms in office, and
- provide that a County Executive and any member of the County Council who will have served **3** or more consecutive terms on December 4, 2006, cannot serve another successive term in the same office.

For:	179,295	48.18%
Against:	192,823	51.82%

2000 General Election Ballot Question

Montgomery County

Question C

Charter Amendment by Petition

Term Limits -- County Council and County Executive

Amend Sections 105 and 202 of the County Charter to limit the County Executive and members of the County Council to **two** consecutive terms in office, and provide that a County Executive and any member of the County Council who on December 2, 2002 will have served **two** or more consecutive terms cannot serve another successive term in the same office.

For:	157,362	46.2%
Against:	183,017	53.8%

3. History of the Executive Position in Montgomery County

Terms of the Executives: <https://www.montgomerycountymd.gov/exec/previous/index.html>

- James Gleason, 1970-1978 (2 terms)
- Charles Gilchrist, 1978-1986 (2 terms)
- Sidney Kramer, 1986-1990 (1 term)
- Neal Potter, 1990-1994 (1 term)
- Douglas Duncan, 1994 – 2006 (3 terms)
- Isiah Leggett, 2006 – 2018 (3 terms)
- Marc Erich, 2018 – present

Administrative History:

https://montgomeryhistory.org/wp-content/uploads/2018/09/mca_RG01_fa_county_executive.pdf

Under the provisions of the Montgomery County Charter of 1948, both the executive and legislative powers resided in the County Council, which appointed a County Manager to serve at the Council's discretion. However, the County Council-County Manager system was seen to be inadequate for the rapidly growing population of the County who were demanding more services and accountability from the local government.

A new charter provided for a County Executive who would be elected in 1970 and who would hold the same administrative and executive responsibilities and powers as a city mayor, including veto power over some Council actions. He would be responsible for administering all Montgomery County Government departments, while day-to-day operations would be supervised by a Chief Administrative Officer (CAO) appointed by the County Executive. The office provides budget development and analysis, fiscal and inventory control, personnel and payroll management, training and supervision, contract administration, and procurement.

4. Discussion Contained in Prior Reports of the Charter Review Commission

A. Charter Review Commission's October 2000 Press Release

FOR RELEASE ON RECEIPT
October 11, 2000

FOR INFORMATION: Justina Ferber
240-777-7938

CHARTER REVIEW COMMISSION **OPPOSES TERM LIMITS AMENDMENT**

The Montgomery County Charter Review Commission today added its voice to those opposing voter approval of an amendment to the County Charter that would limit the County Executive and members of the County Council to two terms.

"The Commission finds the amendment is both unnecessary and unwise," said Chairman Kenneth Clark and Vice Chairman Royce Hanson. "It is unnecessary because there is ample evidence that Montgomery voters can determine if an incumbent has done a good job and that they are ready and able to replace those whose performance they disapprove with challengers who offer better qualifications or more appealing programs. No county executive has served more than two terms since the current Charter went into effect in 1970. Two served only a single term before being defeated or declining to seek a second term. While some Council members have served several terms, others have been defeated in either primary or general elections. Those who have been reelected have not been unchallenged. There is simply no evidence that the ability to seek reelection more than once has discouraged challengers, nor ensured the electoral success of incumbents."

"The proposal is unwise for several reasons. It denies voters the opportunity to retain an experienced and popular incumbent who is willing to seek another term. Rather than encourage strong alternative candidacies, term limits can discourage timely challenges to incumbents and instead lead to waiting until their terms expire. Term limits can also lead to situations, such as Prince Georges County now faces, where the calendar can result an almost total turnover in Council membership, depriving it of experienced members that voters may prefer to retain if they had the choice. Montgomery County Councils have historically been composed of experienced members of long service whose

MORE

institutional memories and familiarity with County programs and budgets have provided stability, balanced by a number of newly elected members in each Council who have brought new energy and ideas to government. Finally, we note that the current system has, since the first charter was adopted a half-century ago, produced a number of outstanding multi-term Council members, such as Stella Werner, Elizabeth Scull, Neal Potter, and Betty Anne Krahne, who stand as models of public service. We should not deny ourselves the opportunity of such servants in the future.”

The Charter Review Commission is a nonpartisan body appointed by the Council and Executive to study proposed charter amendments and recommend changes needed to keep the county’s organic law current with the times. It serves for a four-year period and has recommended two Charter amendments for approval in the 2000 election cycle. One amendment proposes to clarify the definition of emergency appropriations and increase the number of votes required for approval of supplemental appropriations prepared in the first six months of the fiscal year. The other amendment proposes to align provisions of the Charter concerning the merit system with current employment practices.

The Commission is currently studying the impact of changes in the economic structure, demography, and information technology on the structure of county government to determine if these changes require any amendments to the Charter.

#

B. 2004 Report of the Charter Review Commission

<https://www.montgomerycountymd.gov/crc/Resources/Files/crc2004.pdf>

(at pages 4-5)

PETITION-GENERATED REFERENDA

In addition to the issues raised by Commission members and the public, several Councilmembers asked the Commission to review and make recommendations on two proposed Charter amendments that will appear on the ballot in the November 2004 General Election as a result of petition drives. One of the proposed Charter amendments would prohibit Councilmembers or the Executive from serving more than three consecutive four-year terms of office by amending Charter Sections 105 and 202. The Commission opposes term limits for Councilmembers and the Executive and recommends that County voters cast their votes against

this proposal. (Refer to the information beginning on page 19.) A minority opinion on term limits for the Executive is contained on page A-27. * * * *

(at pages 19- 21)

Referendum on Term Limits

Background

Presidential term limits have been in existence since 1951 when the 22nd Amendment to the U.S. Constitution, which limits the president to serving two four-year terms, was ratified. Gubernatorial term limits date back to the mid-18 century and are currently in effect in 36 states including Maryland, with most limiting service to two consecutive four-year terms (see page A-43).

Proposals to limit the terms of legislators emerged as a "hot button" issue in the 1990s when initiatives were passed by voters in several states. In addition to local governments with term limits, the National Conference of State Legislatures reports that 16 states currently have legislative term limits (see page A-45). In 2002, 322 state legislators or 21 percent of the representatives in states with term limits were barred from seeking reelection. For example, the Michigan Senate lost 71 percent of its incumbent membership because term limits made these officials ineligible to run for another term (see page A-47).

Term limits may be divided into two categories: consecutive and lifetime limits. Consecutive term limits prevent an official from running for another consecutive term of office after a particular number of years. If the limit is reached in a particular position, the official may either run for another position or leave public office. After a set period of time, the clock restarts, and a former legislator may run again for the office originally held. Lifetime limits prohibit a legislator from ever running again for a particular office once a specific limit is reached.

Charter Sections 105 and 202 provide that Council members and the Executive serve four-year terms but do not limit the number of terms that may be served. The proposed Charter amendment is a consecutive term limit proposal and, if passed by the voters, would apply to both current and future officeholders. In 2000, a measure that would have established two consecutive four-year term limits for both Councilmembers and the Executive was defeated by County voters.

Discussion

Throughout much of the initial term of this Commission, the petition drive was underway for this Charter amendment. As a result, the Commission received little public comment about term limits at its December 2003 public forum. Subsequent comments opposing this amendment were offered by the Montgomery County Chamber of Commerce, which noted that "County voters already enjoy the ability to limit the terms of Councilmembers and the Executive through the electoral process".

Those in favor of term limits believe that these limits will improve the qualities of public servants by replacing "career" politicians (who are believed to be primarily motivated by their own reelection), with "citizen-legislators" (who are believed to be motivated solely by public interest). Proponents of term limits also claim that increasing turnover in representation will lead to more integrity and accountability in the political process.

Opponents of term limits note that such limits reduce the choices voters have on Election Day. Along with implementing a substantial amount of turnover in representation, term limits may result in reduced institutional knowledge, expertise in particular issue areas, and political acumen. Inexperienced representatives may actually impede the political process because they must learn how to navigate the political system and the bureaucracy. Term limits on legislators may also dramatically increase the influence of lobbyists and legislative staffers who are not accountable to the voters.

If voters are dissatisfied with the performance of their elected representatives, they have the power to replace them. Term limits eliminate voters' ability to evaluate each candidate, and instead, impose an arbitrary amount of time that an official may serve. In addition, these limits may actually reduce the effectiveness of incumbents in their last term of office because they may have little incentive to improve performance and may be viewed as "lame ducks".

Recommendation

A majority of the Commission determined that term limits are not necessary because voters already have the power to remove a representative from office through the election process. The Commission voted (8-2) against term limits for Councilmembers and the Executive, and recommends that County voters disapprove the term limit proposal. A minority opinion on term limits for the Executive is contained on page A-27. Commissioner McKeehan was absent at the time of the vote but concurs with the minority opinion on this issue.

(2004 Report at page 27)

MINORITY OPINION ON TERM LIMITS

Commissioners McKeehan, Skelton, and Skolnick respectfully dissent from the majority opinion that opposes a petition regarding term limits of three consecutive terms for either Councilmembers or the Executive. While we agree with the majority opinion opposing term limits for Councilmembers, we believe that term limits are appropriate for the Executive.

Term limits are usually applicable to the head of the Executive branch of government. Both the President of the United States and the Governor of Maryland are limited to two consecutive

terms. In total, 36 states have gubernatorial term limits generally comprised of two four-year terms.

We believe that a similar limitation for the Executive would be appropriate. Accordingly, Commissioners McKeehan, Skelton, and Skolnick recommend that voters be given an alternative to the proposed term limit petition. Charter Section 202 should be amended as follows (New language is underlined.):

Section 202 Election and Term of Office

The County Executive shall be elected by the qualified voters of the entire County at the same time as the Council and shall serve for a term of office commencing at noon on the first Monday of December next following the election, and ending at noon on the first Monday of December in the fourth year thereafter, or until a successor shall have qualified. On and after noon of the first Monday of December 2006, a County Executive is not permitted to serve more than two consecutive terms.

(Note: Voter approval of this proposal would preclude the current County Executive from seeking reelection for a fourth term.)

B. 2016 Report of the Charter Review Commission

<https://www.montgomerycountymd.gov/crc/Resources/Files/ReportCRC2016.pdf>

(2016 Report at page 2)

Issues for Future Consideration

In addition to studying the issue of filling a vacancy in the position of County Executive and making the above recommendation, members of the Commission have suggested other issue areas for future study. The Commission anticipates considering some or all of these issues over the next two years. A nonexclusive list of these potential areas of study, in order of their location in the Charter, not necessarily in order of priority, is below:

- the composition of Council districts, redistricting procedure, and compensation of Councilmembers, as provided in Charter Sections 103, 104, and 107, respectively;
- the prospect of term limits for Councilmembers and the County Executive. The Commission is aware of a petition drive proposing an amendment that would limit these officials to three terms.

CHARTER REVIEW COMMISSION (CRC)
June 12, 2024 – 8:00 a.m.
County Office Building – Capital Crescent Conference Room
100 Maryland Avenue, 4th Floor
Rockville, MD 20850
Minutes

Commission Members Present: Jim Michaels, Chair Howard Denis Jeffrey Naftal (Virtual) Marvin Lynch Sherry Brett-Major David Nachtsheim (Virtual) Michael Persh (Virtual) Marcela Samuels (Virtual) Commission Members Absent Dylan Presman CeCe Grant	Staff Present: Khandikile Sokoni, Office of the County Council Stephen Mathany, Office of the County Council Dale Tibbits, Office of the County Executive Erin Ashberry, Office of the County Attorney Amina Haleem, Office of the County Attorney
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Commission Chair Jim Michaels called the meeting to order with a quorum at 8:04 a.m.

I. Administrative Items:

- a. Commissioner Lynch moved approval of the agenda, second by Commissioner Denis, adopted unanimously.
- b. Commissioner Naftal moved approval of the April 24, 2024 minutes as revised, second by Commissioner Samuels.
 - i. Correct Commissioner Denis’s name in the Administrative Items section, point “a.” from “Howard” to “Denis”.

II. Ballot Initiative – maximum of two term limit for the County Executive Office

- a. Three Questions for Commissioners:
 - i. Whether to support the current ballot initiative.
 1. Commissioner Persh – Opposed
 2. Commissioner Naftal – Opposed
 3. Commissioner Samuels – Opposed
 4. Commissioner Nachtsheim – Opposed
 5. Commissioner Denis – Opposed
 6. Commissioner Brett-Major – Opposed
 7. Commissioner Lynch – Opposed
 8. Chair Michaels – Opposed
 9. Commissioner Grant (Not present or counted) – Opposed
 10. Commissioner Presman (Not present or counted) – Opposed
 - ii. Whether to support Chair Michaels suggestion to keep the current term limit three terms while removing the stipulation that term limits are only applied to consecutive terms.

1. Commissioner Persh – Support
 2. Commissioner Naftal – Support
 3. Commissioner Samuels – Opposed
 4. Commissioner Nachtsheim – Support
 5. Commissioner Denis – Opposed
 6. Commissioner Brett-Major – Support
 7. Commissioner Lynch – Support
 8. Chair Michaels – Support
 9. Commissioner Grant (Not present or counted) – Support
 10. Commissioner Presman (Not present or counted) – Support
- iii. Whether to support the draft public statement circulated by Chair Michaels.
1. Commissioner Persh - Support
 2. Commissioner Naftal – Support
 3. Commissioner Samuels – Support
 4. Commissioner Nachtsheim – Support
 5. Commissioner Denis – Support
 6. Commissioner Brett-Major – Support
 7. Commissioner Lynch – Support
 8. Chair Michaels – Support
 9. Commissioner Grant (Not present or counted) – Support
 10. Commissioner Presman (Not present or counted) – Support

III. Discussion of community outreach for the next report

- a. Chair Michaels suggests that the Charter Review Commission hold at least one public outreach effort in each of the 5 county areas.
- b. Chair Michaels will work with Council staff over the coming months to determine dates and times for community input listening sessions.
- c. The hope is to have hybrid meetings at each location.

IV. Staff Announcements

- a. Reimbursements to be submitted to staff no later than Friday June 14 to allow time to process before the end of the fiscal year.
- b. Chair Michaels will present the 2024 Charter Review Commission Report to the County Council on June 18. The staff report will be submitted for publication on June 13.
- c. Khandikile Sokoni will no longer be staffing the Charter Review Commission going forward as she is moving to the Office of Zoning and Administrative Hearings as the new Hearing Examiner.

Commissioner Denis motioned to adjourn, second by Commissioner Lynch.

Meeting Adjourned AT 8:58 AM.

AGENDA

CHARTER REVIEW COMMISSION

Wednesday, April 10, 2024, 8:00 a.m.

County Office Building – Capital Crescent Conference Room

100 Maryland Avenue, Rockville, MD 20850

Virtual Link: [ZOOM](#) | Password: 539440 | Dial in: (301) 715 8592

(All times are approximate)

8:00 a.m. – ADMINISTRATIVE MATTERS

- Acknowledgment of a Quorum
- Approval of Agenda
- Approval of minutes of March 13, 2024 meeting

8:05 a.m. REVIEW OF DRAFT 2024 REPORT

8:05 - 8:25 a.m.– Group 1: Voter Direct Election of Council President; Term of the President

8:25 - 8:45 a.m. – Group 3: Requirements for Approval of Budget & Revenue Matters under Charter Section 305

8:45 - 9:05 a.m. – Group 4: Executive Appointments to “Non-merit” Positions under Charter Sect. 215

9:05 a.m. – 9:20 a.m. – Discussion or Comments on Other Portions of Draft Report

9:20 a.m. DISCUSSION OR COMMENTS ON PROPOSED SCHEDULE

9:25 a.m. REPORT FROM STAFF

ADJOURN

PROPOSED SCHEDULE FOR SUBMITTING INDEPENDENT STATEMENTS & EDITORIAL SUGGESTIONS

- Individual Statements – submit for incorporation by Sat. April 13
- Revised Drafts (if any) & Editorial suggestions – submit by Mon. April 15 - 2:00 p.m.
- Distribution of Final Draft to Commission members and Staff – Fri. April 19
- Special Meeting to Approve & Adopt Final Report – Wed. April 24 at 8:00 a.m.
- Staff pre-publication formatting & submission of Final Report to the Council April 25-30
- Press release announcing Final Report with posting on website – 1 week after transmission to the Council

REMINDER OF NEXT COMMISSION MEETING

- Wednesday April 24, 2024 at 8:00 a.m. – FINAL APPROVAL AND ADOPTION OF 2024 REPORT

CHARTER REVIEW COMMISSION (CRC)
April 24, 2024 – 8:00 a.m.
County Office Building – Capital Crescent Conference Room
100 Maryland Avenue, 4th Floor
Rockville, MD 20850
Minutes

Commission Members Present: Jim Michaels, Chair Howard Denis Jeffrey Naftal (Virtual) Marvin Lynch Sherry Brett-Major David Nachtsheim (Virtual) Michael Persh CeCe Grant (Virtual) Commission Members Absent Dylan Presman Marcela Samuels	Staff Present: Khandikile Sokoni, Office of the County Council Stephen Mathany, Office of the County Council Dale Tibbits, Office of the County Executive (Virtual)
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Commission Chair Jim Michaels called the meeting to order with a quorum at 8:05 a.m.

I. Administrative Items:

- a. Commissioner Denis moved approval of the agenda, second by Commissioner Persh, adopted unanimously.
- b. Commissioner Lynch moved approval of the April 10, 2024 minutes as revised, second by Commissioner Naftal.
 - i. II(b)i- “unanimous” changed to “two-thirds”.

II. Approval of 2024 Report.

- a. Two changes made from circulation of draft report:
 - i. Commissioner Nachtsheim withdrew his dissenting position on section 305 and requested that his dissenting opinion be removed from the final report.
 - ii. Commissioner Naftal will join the Chair’s concurring opinion on Section 302.
- b. Moved by Chair Michaels and second by Commissioner Nachtsheim to approve publication of the final report with any technical or formatting edits to be made by staff.
- c. Approved by all present:
 - i. Chair Michaels
 - ii. Commissioner Denis
 - iii. Commissioner Naftal
 - iv. Commissioner Brett-Major
 - v. Commissioner Lynch
 - vi. Commissioner Nachtsheim
 - vii. Commissioner Persh
 - viii. Commissioner Grant (confirmed her approval of report upon joining meeting)

- d. The Charter Review Commission is tentatively scheduled to present the report and findings to the County Council on Tuesday June 11, 2024.
- III. **Commission will not meet in May 2024. Meetings will resume in June 2024.**
- IV. **Meeting on July 10, 2024 will remain.**
- V. **Commissioner Persh motions to adjourn, seconded by Commissioner Denis.**

Meeting Adjourned AT 8:43 AM.