

Charter Review Commission

Report of a Meeting of the Legislative and Oversight Committee

Date; Time of Meeting: January 23, 2024; 6:00 pm

Chair: Victor Tervalo

People Present:

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| <u>Committee Members:</u> | Victor Tervalo, Juliane Montes de Oca, Dayvon Love, Matthew Stegman, Emily Levy |
| <u>Commission Members:</u> | Joshua Harris, John Willis |
| <u>Staff:</u> | Aaron Degraffenreidt, Hilary Ruley. Timothy Goldsby, Ben Guthorn |
| <u>Members of the Public:</u> | Jessie Blunt |

Purpose: Discussion of Proposed Amendments to Article III, City Charter

Discussion:

- The Committee Chair announced that the next meetings of the Legislative and Oversight Committee will be Tuesday, February 6, 2024. The President of the City Council, Nick Mosby, may attend the meeting and present proposed amendments to Article III.
- The Chair also announced that he drafted a letter to members of the City Council inviting them to join discussions of the Charter Review Commission and present any proposed charter amendments to individual committees of the Commission. The letter was sent to Aaron Degraffenreidt, the City Council's Chief Counsel, to distribute to Councilmembers.
- The committee discussed Commissioner Elliis's proposed amendment that would provide City voters the right to petition certain laws to referenda before a law took effect. In such instances the voters at a general election would decide whether the law took effect. The right exists in every charter county in Maryland.
- Hilary Ruley, the Law Department's representative, stated that her tentative research suggested that, unlike county home jurisdictions, the City did not have express authority to establish this type of referenda. The Chair questioned whether the City's police power was broad enough to allow the City to provide this right to City voters. Ms. Ruley concluded that it was an open question but suggested that certainty could only be obtained if the General Assembly expressly granted the right rather than the City relying on its police power. Discussion ensued about this option and whether the City might ask the Maryland Attorney General for an opinion about whether the City could establish this right.

- The committee reviewed and discussed Montgomery County’s referenda provision as a potential model for use by the City if the Commission favored moving forward with the proposal. One open question is the percentage of signatures that might be required to refer a law to the voters. The Chair noted that the counties usually specified a number between 5% and 10%. With approximately 390,000 registered City voters, a 5% cap would mean it would take approximately 19,000 signatures to refer a law to City voters.
- Discussion moved to Council Bill 24-0473, which seeks to amend the process of redrawing councilmanic districts as expressed in Article III of the City Charter. Aaron Degraffenreidt, the City Council’s Chief Counsel, explained the general intent of the bill and its provisions. The bill’s provisions provide more detail about the redistricting process than exists currently. A question was raised about whether the City Council could amend the plan presented to them because that power is not expressly provided in the bill. Mr. Degraffenreidt and Ben Guthorn, the Acting Director of the Department of Legislative Reference, both stated that the right is implied, and the intent of the bill was to provide the City Council the right to amend the Mayor’s plan. The Committee did not decide whether it should recommend this amendment to the bill’s language.
- The committee began discussing Commissioner Willis and Lee’s proposed charter amendment that would have an independent commission establish the City’s redistricting plan. Commissioners Willis stated that it was a popular option in many cities, which is intended to reduce political gamesmanship that can arise in redistricting questions. The Chair noted that Maryland’s urban charter counties tend to rely on an independent commission.
- The committee reviewed the City of Seattle’s provisions establishing an independent redistricting commission. Commissioner Willis had referred to this model in email exchanges with the committee. Seattle provides for a 5-member commission that is appointed every 10 years following the decennial census. A redistricting master is appointed by the commission to establish a districting plan. The plan becomes the subject of multiple public hearings and, ultimately, a districting ordinance.
- Under Seattle’s law, the City’s elected officials cannot alter the districting plan proposed by the Commission. The committee discussed whether it might be a better policy to allow elected officials some avenue to amend a proposed plan in the event there is serious debate about its efficacy. To this end, the committee discussed a potential alternative that would require any proposed amendments to the commission’s plan be adopted only if a super majority approved the amendment. In this way, the integrity of the independent process might be maximized while still allowing elected officials some voice if wide-spread doubts about a proposed plan arise.
- Discussion turned to Commissioner Hartley’s proposal that would require the President of the City Council to be elected by the membership of the City Council rather than by the voters of Baltimore. The Chair pointed out that the proposal had “global implications” not only because it would require the elimination of an elected office, but that this elected

office is a fundamental component of the Board of Estimates. The potential elimination of one of the three elected officials that partially comprise the BOE could call into question the policies and practices that underlie BOE operations, which could extend as far as questioning the need for an elected Comptroller. With these questions in mind, the committee concluded that it needed to identify the problem this proposed amendment seeks to resolve.

- The Chair opened the floor for public comment. Only one member of the public was present. Mr. Jesse Blunt stated concerns about the classes and programs offered by City public schools. In response, committee members engaged in a discussion of the complicated relationship that exists between the City government and its public schools. It was suggested that concerns about school classes and programs would be better addressed to the school board.
- At that point the Chair adjourned the meeting.

Next Steps: Continued discussion of the topics raised to date and begin discussion of Article 10, Office of the Inspector General.