

Respass, Charity

From: joel hurewitz <joelhurewitz@gmail.com>
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To: CouncilMail
Cc: Sager, Jennifer; Glendenning, Craig
Subject: CB42-2023 Administrative Charging Committee

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Dear Councilmembers,

When CB83-2021 was being considered to establish the Police Accountability Board (PAB), I pointed out that the details of the Administrative Charging Committee (ACC) also needed to be addressed. I noted that other counties had included the ACC in their legislation. About a year ago, the PAB was discussing the proposed legislation, but the Administration never pre-filed it. Thus, CB42-2023 is long overdue, particularly as it addresses the qualifications of the members of the ACC and the application of the Public Ethics Law.

However, there are numerous problematic references to "County" in the bill regarding removal of members and notice that need to be clarified, including:

Notice

Page 2, Line 30

Page 3, Line 9

Page 3, Line 20

Page 5, Line 18

Removal

Page 3, Line 6

Page 3, Line 8

County Website

Page 3, Line 1

For the notice provisions by and to the County, who is the responsible county official or employee? To whom is the member to send the notice? The County Executive? The Chief Administrative Officer? The Executive Secretary? Confusingly, Page 3, Line 13 specifies that the member is to copy the "Executive Secretary" but then Page 3, Line 20 references the "County." Normally, contracts, easements, deeds, etc. involving the County have a notice provision naming a

specific person and address.

Similarly, how is the "County" to remove a member? Who makes this decision? The Administration? Chief Administrative Officer? County Executive? Council? Montgomery County's legislation specifically gives removal power to the County Executive and Council. If the intent is to use Section 903 "Removal of the members of Boards and Commissions" of the County Charter, it does not really apply. First, the ACC is not a board or commission under the Charter; it is not a board appointed by the County Executive with confirmation by the Council. Rather, the appointing authorities are the PAB Chair or their designee, the PAB, and County Executive. So are the appointing authorities to be involved in the removal?

Furthermore, the ACC is not a board or commission under the Charter because Section 404 prohibits compensation to members. Thus, the payment of a stipend further shows it is not a board or commission under the Charter.

Additionally, it should be considered whether \$3000, depending on the workload of the ACC, is an appropriate amount. If the ACC only meets for an hour or two a month, they could be the highest paid county employees on an hourly basis.

Lastly, on Page 5, Line 30 there is a typo in the citation; it should be "3-106" not "3.106."

Thank you for your consideration.

Joel Hurewitz
Columbia