

CITY OF ROCKVILLE, MARYLAND

**REPORT OF THE 2012
CHARTER REVIEW COMMISSION**

DECEMBER 19, 2012

MAYOR AND COUNCIL

**Phyllis R. Marcuccio, Mayor
John F. Hall, Jr.
Tom Moore
Bridget Donnell Newton
Mark Pierzchala**

REPORT OF THE 2012 CHARTER REVIEW COMMISSION

City of Rockville Charter Review Commission Members

Steven VanGrack, Chair
Wilma Bell - resigned
Laura Berthiaume
John Britton
David Celeste – ex officio
Margaret Chao
Donald Hadley
Susan Hoffmann
Joseph Jordan
Charles Littlefield
Virginia Onley
Rev. Jane Wood

City of Rockville Staff

Doug Barber, City Clerk/Treasurer
Brenda Bean, Deputy City Clerk
Marylou Berg, Communications Manager
Debra Yerg Daniel, City Attorney
Sara Taylor- Ferrell, Assistant to the City Clerk

2012 ROCKVILLE CHARTER REVIEW COMMISSION REPORT

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INTRODUCTION AND AUTHORIZATION

The Mayor and Council of Rockville unanimously approved the establishment of a Charter Review Commission (Commission) to review and make recommendations concerning elections. The Commission was instructed to review the provisions of the Charter on “Number, Selection, Term, Qualification, and Payment; Registration, Nominations and Elections; and Election of Mayor and Council”.

The Mayor and Council passed Resolution No. 6-12 (Exhibit A), on April 10, 2012 which created the Commission, established the method of selecting Commissioners, and directed the following issues be specifically addressed:

1. The length of the elected terms of the Mayor and Council;
2. The number of members of the City Council; and
3. The schedule by which elections for the Mayor and Council are held.

The Mayor and Council also asked the Commission to review and evaluate additional provisions of the Charter as they relate to elections. The Commission was instructed to solicit citizen input and to prepare a final report to the Mayor and Council.

The Mayor and Council shall consider the recommendations of the Commission and shall decide whether to place these recommendations on the November, 2013 City ballot as advisory referenda.

The Mayor and Council are to be commended for undertaking a review of the Charter. The election process is a fundamental part of our City and democracy. It is extremely important to the operation of government that there be trust of the citizens to that government. A periodic review of the election process should be performed at all levels of government - local, state, and federal.

The Commission, as selected by the Mayor and Council, is comprised of citizens with diverse backgrounds, interest and experience, all of whom are committed to making Rockville the best City it can be. The Commission reflects an incredible amount of experience in Rockville, for which we all have dedication and commitment to this truly All America City.

PROCESS

A. RECENT CHARTER REVIEWS

The 2012 Commission reviewed many of the previous Charter Reviews reports. We focused our attention on the 1986 Election Task Force Final Report and on the 2002 Charter Review Commission Report. These were the two most recent Charter reviews/revisions.

B. CORDIALITY

The Commission adopted and acted without deviation from Guidelines which we believe enhanced our efforts. This concept should be adopted and acted upon without deviation at all levels of government (Exhibit B).

C. GOALS

With unanimous support of all Commissioners, the Commission adopted a Statement of Goals, which served as its guiding principles. These goals were considered to be such an important part of our process that they are included in the body of this report in their entirety.

Goals of the 2012 Charter Review Commission

To advance recommendations to the Mayor and Council regarding the provisions of the City Charter as to the electoral process and conditions of holding office that will:

- A. Increase citizen participation at all levels of City government, in particular in the election of the Mayor and Council ["Participation"],
- B. Promote City governance that listens, represents, responds and is accountable to the citizens and communities of the City ["Responsiveness"],
- C. Effectuate City governance that reflects and serves the needs of a growing and diverse community within a growing and diverse region, in an equitable and inclusive manner ["Effectiveness"], and
- D. Encourage, bring forth, develop and facilitate civic leadership ["Leadership"].

D. TOWN HALL MEETINGS

The Commission held four Town Hall Meetings on October 2, 9, 17, and 24, at locations throughout the City (Exhibit C-1 and C-2). These meetings were promoted in Rockville Reports, Rockville Channel 11 TV, posters placed around the City, and press releases. The meetings were less formal than normal Rockville hearings. There was extensive questions and answers among the speakers and the Commissioners. Former Rockville City Councilmembers, former city clerks, former candidates for elected office in Rockville, and Rockville activists explained their views. Some citizen activists brought written documents with extensive analyses of Rockville Elections.

A number of citizens communicated with the Commission via the postal service and email.

E. MARYLAND MUNICIPAL GOVERNMENTS

The Commission extended an invitation to elected officials in other Maryland municipalities, primarily in Montgomery County, to advise us on how they hold elections. We met directly with some and received written statements from others.

F. STUDIES

The Commission reviewed information about all 157 incorporated municipalities in Maryland, as well as several political studies and articles. While helpful in some cases, this information did not guide the Commission's overall analysis. Instead, the studies helped the Commission on Rockville's uniqueness. In particular, the Commission found that no two city governments in Maryland were identical—each city maintains (or modifies) its system of government based on its own unique demographics, political and social characteristics.

G. RECOMMENDATIONS

The Commission reviewed many provisions of the Charter to which we made no recommendations for change. These provisions will not be reviewed in this report.

While the recommended changes to the Charter correlate and complement each other, they are presented individually and should not be under consideration by the Mayor and Council as a package.

TERMS OF OFFICE

The City of Rockville currently elects its Mayor and all four Councilmembers to two year terms of office. The Commission was asked to examine whether two year terms best serve the City or if the terms of office should be lengthened.

One of the Commission's goals was to find ways to improve the effectiveness of overall governance in the City, taking into account Rockville's growing population and increasing diversity and their associated demands. Another goal established by the Commission was to encourage, bring forth and facilitate civic leadership. Both of these goals were examined as they relate to the capacity and responsibility of the City's elected officials who are not only committed to public service, but also invest considerable time, energy and other resources in carrying out their responsibilities. Based on this analysis, the Commission believes that longer terms—specifically four-year terms—will improve overall governance in the City.

A longer term would allow newly elected officials a greater time period to gain and exercise experienced judgment. Individuals would experience a learning curve as they adapted to new and complex information and protocols, as well as administrative and operational processes between elected officials and City staff.

In particular, the Commission recognizes the benefit that longer terms can have on the annual City budget process. With the current two year terms, a newly elected official only participates fully in one budget cycle, since the on-going budget cycle is well underway when they take office in November. With four-year terms, newly elected Councilmembers will have the opportunity to weigh in effectively on three budgets. The annual budget is one of the key responsibilities of elected officials, and the ability to provide input with maximum insight and expertise is highly desirable.

Four-year terms would allow for a greater "return" on time invested in relationship-building among Councilmembers, City staff, other cities, county/state government, community and business leaders, etc. The overall effect would be to enhance the City's governance, and also the negotiation and networking capacity of its elected representatives. The Commission received testimony from elected officials of other cities similar in size to Rockville, through which it was made clear that four years in office allows for much more effective relationship-building and networking. Rockville is the third largest City in Maryland and the county seat of the most populated county in the state; its ability to build strong relationships with its peers, and with other levels of government, is absolutely essential to the City's long-term success.

The Commission discussed the politicization that occurs during election years. Less politicization might result in more substantive discussions of the issues without the need to "campaign" from the dais. The Commission recognized that this conduct has proven disruptive in the past, and has possibly dissuaded some residents from getting more civically involved due to the unpleasant, contentious atmosphere.

The Commission discussed that the need to campaign every two years means that our elected body is back on the campaign trail every 18 months, knocking on doors and raising money, and may be seen as another dissuading factor. It also has been suggested that the inability to settle into one's office and govern, without the need to stand for election so soon again, is an impediment for some who may want to run, but are not inclined to engage in the process. There is enough anecdotal evidence to support these concerns, as well. Four year terms would eliminate this issue.

RECOMMENDATION

The Commission recommends that the length of terms for the Mayor and Councilmembers be extended from two years to four years.

SCHEDULE OF ELECTIONS

The Charter Review Commission was asked to review and evaluate the schedule by which Rockville City Elections for the Mayor and Council are held. The current practice is to select a Mayor and four Councilmembers to serve two year terms in November of every odd-numbered year.

One of the Commission's goals was to look for ways to increase citizen participation in the Election of the Mayor and Council. This is an issue and concern that is raised after every City Election, yet the turnout continues to be low. Another goal of the Commission was to create governance that reflects and serves the needs of a growing and diverse community. The consistently low voter turnout in Rockville City Elections hinders this goal.

There is little doubt that moving the City Election to an even year schedule would have a significant and positive effect on voter participation. In the recent 2012 Presidential Elections, turnout in Montgomery County approached 70%, while the recent 2011 City Election in Rockville achieved a turnout of only 16.9%. Clearly, turnout in even year Presidential Elections represents more than a four-fold difference compared to stand-alone, odd year City Elections.

Moving to even year elections would eliminate most, if not all, the expense of running odd year elections. An estimate from a former City Clerk put that cost at approximately \$50,000. There no longer would be a need to recruit election judges, arrange for polling locations, or establish unique voting districts. City Elections would benefit from any enhanced voting methods the County now uses, such as early voting, or would institute in the future.

The predominant argument against holding City Elections in even years has been that of quantity versus quality. In other words, while voter turnout is low, those that do vote are the best informed and most concerned citizens of Rockville. This thinking has resulted in a somewhat limited system of voting. It fosters an environment where candidates for elected office need to reach out to only a small part of the electorate, based on voting records from previous years. Holding City Elections in even years would bring more citizens into the process and those elected would be more representative of the City as a whole. This greater participation and inclusiveness addresses both goals highlighted above: participation and effectiveness.

Elsewhere in this document, the Commission recommends changing the term of office from two years to four years. When considering changing to an even year election, the fact that there are various jurisdictional elections every two years must be taken into account. Presidential Elections and mid-term (Gubernatorial) Elections are both conducted on even year, four year cycles, but not in the same year – they alternate.

Presidential Elections tend to be less “cluttered” with other jurisdictional elections. On the other hand, local mid-term elections have many more offices to consider on the ballot, including Gubernatorial, State legislators, County Executive, County Council, Board of Education, Judges, Courthouse, etc. If the City Elections were held on the mid-term cycle, candidates would be at the bottom of a relatively long ballot.

RECOMMENDATION

The Commission recommends changing the scheduling of Rockville City Elections to be held every four years and to coincide with the Federal Presidential Election.

COUNCILMEMBERS

Resolution No. 6-12 that established the Charter Review Commission specifies that the Commission is to review and evaluate the number of members of the City Council. Council size has not been adjusted since the City Charter was enacted. Council size was last reviewed by the 2002 Charter Review Commission. That Commission recommended against changing the number of Councilmembers. In 2002, the City's population had remained fairly stable for the prior 25 years ranging between 43,000 and 45,000. In the decade since that Commission's report was published, the City's population has increased by almost a third. As of July 2011, Rockville's population is 62,334 (U.S. Census Bureau). Much of this growth is attributed to the new developments of King Farm, Fallsgrove, and Town Center coming online. It is anticipated that further growth of this magnitude is not likely in the foreseeable future due to a lack of undeveloped space. With the population somewhat stabilized at about a third higher than it was only a decade ago, the Commission believes that the time is upon us to create a smaller proportion of the population per representative to meet the goal of a more inclusive and a more responsive City Government.

The Commission reviewed information regarding the size of City councils, invited testimony from current and former officials from many jurisdictions, and solicited testimony and other input from the citizens of Rockville. The Commission found a wide range of opinions on this matter. What did emerge from this research was a clear understanding that the size of Rockville's Council is one of the smallest in the Metropolitan Washington region, and indeed in the nation, especially for a City of our size. According to Bruce Calvin, National League of Cities (August, 2012), councils can range in size from 5 to 51 across the nation, although the national average is 6. This is further demonstrated by data provided by the Maryland Municipal League that, of the 157 municipalities incorporated in Maryland, Rockville's Council size is among those with the lowest number of Councilmembers.

Except for Baltimore, which is treated as equivalent to a county under Maryland's system of government, the City of Rockville has the highest number of constituents per elected official in the entire state (15,302 per Councilmember). Numerically speaking, this high ratio suggests that it may be more difficult for our City's Councilmembers to engage with individual residents, and that--conversely--it may be more difficult for residents to engage effectively with their elected representatives. Adding two additional Councilmembers would improve this ratio, thus placing Rockville's level of representation in a range closer to other sizable cities such as Frederick, Gaithersburg, Bowie and Hagerstown.

The Commission heard a wide variety of opinions on the appropriate number of Councilmembers from citizens and from officials from other jurisdictions. While other local jurisdictions have as many as 11 Councilmembers, input from Rockville citizens indicated that remaining the same to an increase of two members would be appropriate. For example, seven citizens expressed opinions on council size at the Town Hall meetings. Five felt that increasing the Council size by two would be appropriate. One wanted to increase the size of the Council but did not indicate by how many. One felt that the Council size should remain at four. An increase in the size of the City Council would come with what the Commission believes is a modest cost. Estimates from City staff indicate that one Council position costs approximately \$27,000 for salary and benefits only.

Estimates for associated operating costs vary. It is understood that the Council hearing room now can accommodate two more seats as it does during Planning Commission meetings. Given this information, it appears that this increase in Council size would cost less than \$70,000.

RECOMMENDATION

The Charter Review Commission recommends that the number of members of the City Council be increased from four to six.

ENHANCED VOTING

In the analysis of Rockville Elections, the Commission identified several areas of enhanced voting which would automatically be implemented should the Even-year Election recommendation be followed. However, if it is not followed, these concepts should be considered.

AN IMPORTANT GOAL IS TO INCREASE CITIZEN PARTICIPATION AT ALL LEVELS OF CITY GOVERNMENT, IN PARTICULAR, THE ELECTION OF THE MAYOR AND COUNCIL.

The most powerful, yet simplest mode of citizen participation comes with the casting of one's vote. Many of the recommendations of the Commission are affected by the need to significantly increase the number of people who vote.

We must understand that the importance of building faith in government with our citizens comes when they have participated in the electoral process. We need to guarantee that every Rockville citizen is able to exercise his or her right to vote with an efficient and effective voting system.

There are several areas of enhanced voting to be considered.

Early Voting – The Montgomery County Election process has recently added Early Voting. This has been well received. Should the Charter be amended to provide for elections on the even Presidential years, then early voting would become a part of the City Election process. Should the Charter not be so amended, then the Commission recommends Early Voting in City Elections. Early Voting could be expanded to allow voting as early as 10 days preceding Election Day.

Polling Places – The Commission heard several citizens' complaints about the confusion of voting in one place for county/state/federal elections and having another polling place for City elections. Should the Charter be amended to include elections in the even Presidential years, then one polling place in each precinct would become a part of the City Election process.

Weekend Voting – The concept of weekend voting is likely to improve voter participation. While the concept is sound, the County is not likely to include this voting enhancement in its elections and the expense would be too much for the City to undertake on its own at this time. However, the Commission recommends the Mayor and Council consider this in the future.

Voting by Mail – The concept of voting by mail is likely to improve voter participation. While the concept is sound, the County is not likely to include this voting enhancement in its elections and the expense would be too large for the City. However, the Commission recommends the Mayor and Council consider this in the future.

Online Registration/Voting – Flexible voter registration is important and should include online registration. The use of online voting has begun to appear in municipalities in our country and abroad. While it is likely to improve voter participation, there is concern that the technology is unproven at this time. The Commission recommends the Mayor and Council consider this in the future.

Contributors

Mayor and Council

Phyllis Marcuccio, *Mayor*
John Hall, Jr., *Councilmember*
Tom Moore, *Councilmember*
Bridget Newton, *Councilmember*
Mark Pierzchala, *Councilmember*

Charter Review Commissioners

Steven VanGrack, *Chair*
Wilma Bell (*resigned*)
Laura Berthiaume
John Britton
David Celeste (*ex officio*)
Margaret Chao
Donald Hadley
Susan Hoffmann
Joseph Jordan
Charles Littlefield
Virginia Onley
Rev. Jane Wood

Staff Support

Doug Barber, *City Clerk/Treasurer*
Brenda Bean, *Deputy City Clerk*
Marylou Berg, *Communications Manager*
Debra Yerg Daniel, *City Attorney*
Sara Taylor-Ferrell, *Assistant to the City Clerk*

Invited Guests/Experts

Kay Daniels-Cohen, *Councilmember, Takoma Park*
Cathy Drzyzgula, *Councilmember, Gaithersburg*
Claire Funkhouser, *former Rockville City Clerk*
Sidney Katz, *Mayor, Gaithersburg*
Barbara Matthews, *City Manager, Rockville*
Lewis C. Metzner, *Councilmember, Hagerstown*
Paula Perry, *Councilmember, Hyattsville*

Speakers at Public Forums, October 2, 9, 17 and 24, 2012

Sushil Birla
Marika Brown
Piotr Gajewski, *former Rockville Councilmember*
Beryl Feinberg, *member Board of Supervisors of Elections*
Helen Heneghan, *former Rockville City Clerk*
Jim Marrinan, *former Rockville Councilmember*
Brigitta Mullican
Sima Osdoby
Roald Schrack
Robert Wright, *former Rockville Councilmember*

Written Comments

Terry Baker
Cheryl Camillo
Tina Carter
Allan Fisher, Jr.
R. Flygar
James Goheen
Teresa Harn
Jack Martinelli
Leta Mach, *Councilmember, Greenbelt*
Caleb Michaud
Raymond Mountain
Thomas Reynolds
Frederick Schultz, *Councilmember, Takoma Park*

Resolution No. 6-12

RESOLUTION: To establish a Charter Review Commission to review and make recommendations to the Mayor and Council on certain provisions related to elections contained in the Charter of the City of Rockville.

WHEREAS, the Mayor and Council are resolved to further perfect Rockville's form of government; and

WHEREAS, the form that the City's elected body takes and the schedule by which it is elected are of keen interest to the City's citizenry; and

WHEREAS, the Mayor and Council have identified three areas of the Rockville Charter regarding the election and service of the members of the Mayor and Council that they wish to have examined; and

WHEREAS, the Mayor and Council desire to establish a Charter Review Commission for the purpose of reviewing Article II, "The Mayor and Council," Section 1, "Number, Selection, Term, Qualification, and Payment," Part (a), and Article III, "Registration, Nominations and Elections," Section 4, "Election of Mayor and Council," of the City Charter, as well as any additional provisions of the City Charter and Rockville City Code related to these topics; and

WHEREAS, the Mayor and Council desire that the Charter Review Commission solicit citizen input, deliberate with all due care, prepare a report with its recommendations, and deliver that report to the Mayor and Council.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE MARYLAND, as follows:

1. That a Charter Review Commission is hereby established as follows:
 - a. The Charter Review Commission shall be comprised of no more than eleven members, all of whom shall be residents of the City.
 - b. The City shall solicit applications for the Charter Review Commission from eligible members of the public according to the appointment procedures prescribed in the Mayor and Council's "Guidelines And Procedures For Citizen Boards and Commissions," adopted March 12, 2012.
 - c. Each member of the Mayor and Council may choose one member to serve on the Charter Review Commission. The Mayor and Council shall select and approve five additional members.

- d. The Chair of the Supervisors of Elections shall additionally serve as a non-voting *ex officio* representative to the Charter Review Commission.
 - e. The Mayor shall nominate and the Council shall approve an additional member to serve as the Chair of the Charter Review Commission.
2. That the Charter Review Commission has the following duties and responsibilities:
- a. To review and evaluate Article II, Section 1(a), and Article III, Section 4, of the City Charter regarding the following issues:
 - i. the length of the elected terms of the Mayor and Council;
 - ii. the number of members of the City Council; and
 - iii. the schedule by which elections for the Mayor and Council are held.
 - b. To review and evaluate any additional provisions of the City Charter and Rockville City Code related to the topics in 2.a. that the Commission believes are appropriate.
 - c. To solicit citizen input regarding these issues by public forums or other processes.
 - d. To prepare a final report and deliver it to the Mayor and Council no later than December 15, 2012, setting forth the findings, recommendations, and any proposals for amendments to the Charter, or changes to the Code, of the City of Rockville.
3. That the Mayor and Council shall carefully consider the recommendations of the Charter Review Commission and vote on whether to place such recommendations on the November 2013 City ballot as advisory referenda, as prescribed by Section 8-23 of the Rockville City Code.

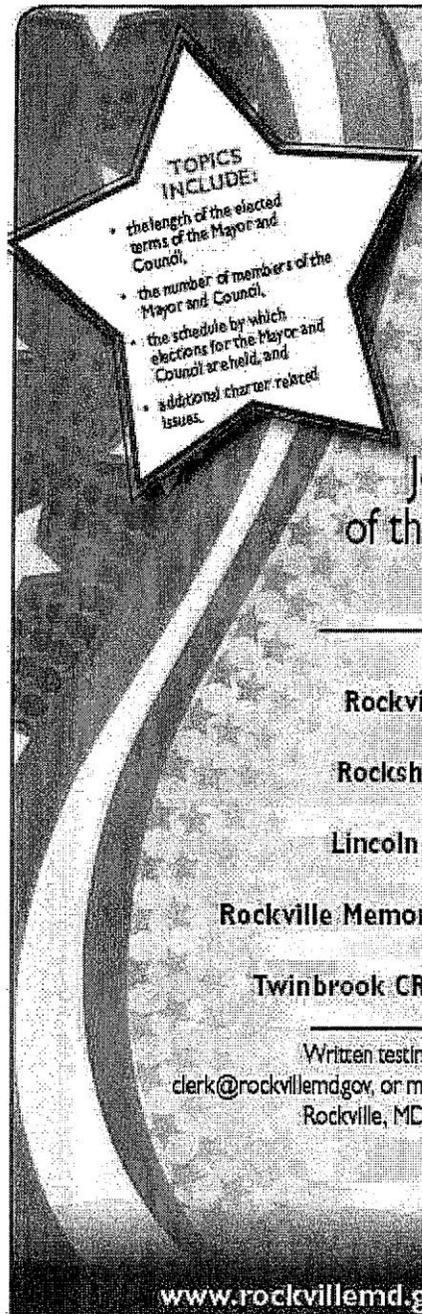
I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Mayor and Council at its meeting of April 30, 2012.



Douglass A. Barber, City Clerk/Treasurer

Proposed Meeting Guidelines
Charter Review Commission
June, 2012

1. Have fun!
2. Start on time and end on time
3. Regularly attend meetings and be on time
4. Cell phones off or on vibrate
5. Follow the agenda
6. Actively participate and listen in each meeting
7. Be open to new ideas by respecting the opinions of others
8. Treat each other with respect
9. Be concise so everyone has an opportunity to participate
10. Only one person talks at a time
11. Assume good will
12. All will share ideas in order
13. Questions may be asked to clarify ideas
14. No one may criticize another
15. Discussions are about positions, not personalities
16. Celebrate accomplishments
17. Decision will be made by majority rule



TOPICS INCLUDE:

- the length of the elected terms of the Mayor and Council,
- the number of members of the Mayor and Council,
- the schedule by which elections for the Mayor and Council are held, and
- additional charter-related issues.

Attend A Town Hall Meeting

to discuss the City's election process.

Join us at 7 p.m. at one of the following meetings:*

*The Commission will hold a brief business meeting at 6:30 p.m.; the Town Hall will then begin at 7 p.m.

Tuesday, Oct. 2
Rockville Sr. Ctr./1150 Carnation Dr.

Tuesday, Oct. 9
Rockshire C.C., 2351 Wootton Plkwy.

Wednesday, Oct. 17
Lincoln Park C.C., 357 Frederick Ave.

Wednesday, Oct. 24
Rockville Memorial Library, 21 Maryland Ave.

Tuesday, Oct. 30
Twinbrook CRC, 12920 Twinbrook Parkway

Written testimony will be taken at the meetings, by email: clerk@rockvillemd.gov, or mail: City Clerk's Office, 111 Maryland Ave, Rockville, MD, 20850 or call: City Clerk, 240-314-8282.



www.rockvillemd.gov 240-314-5000



Exhibit C-2

GOOD EVENING

Thank you for coming!

CHARTER

The City of Rockville Charter is the "Constitution" for the City of Rockville and serves as the basic set of rules for our City's government.

The Mayor and Council have appointed an 11-member body of Rockville residents to review the City's Charter, with a focus on examining City elections.

ISSUES

The Charter Review Commission would like your opinion on possible changes to the Charter, including the following issues:

1. Should elected officials in Rockville continue to be elected for 2-year terms, or would residents prefer longer terms, such as 3-year or 4-year terms? What would be the main reason(s) for changing the length of terms, or leaving them as they are?
2. Would you prefer that Rockville continue to hold elections in "odd years," (2011, 2013, etc.) or would you prefer that elections be held in even years so that they coincide with state and national elections? What would be the benefits to changing Rockville's election schedule or leaving it as is?
3. Do you think the number of councilmembers is adequate, or would you prefer increasing the number? What considerations should be taken into account when analyzing the number of councilmembers Rockville should have?
4. Does our present system of non-partisan, at-large representation serve the City best, or would another system work better?
5. What are your views on allowing new types of voting in the City of Rockville, such as early voting and online/Internet voting?

PROCEEDINGS

The Charter Review Commission is most concerned that you provide us with your ideas and opinions. However, we ask that you be considerate of others so that everyone can be heard in a timely manner. The Chair reserves the right to establish time limits if necessary. Members of the Charter Review Commission will be allowed to engage in questions to the presenters.

THANK YOU.

The City of Rockville is appreciative of the time and effort you have given to this endeavor.