

# Two Charter Amendments

Voters will determine whether Council membership is part-time or full-time.

BY MARY VAUSE  
THE ALMANAC

**O**n Nov. 7, voters will have a chance to decide whether service on the County Council should be considered a full-time position, and whether there should be a set time limit for the county executive to veto legislation from the Council.

Two charter amendments were recommended for the ballot by the Charter Review Commission, an eleven-member, bi-partisan group that reports to the County Council in even-numbered years.

"We ask them to look at range of issues and make recommendations about what should be on ballot," said Patrick Lacefield, spokesperson for the County Council.

Charter amendments can also be petitioned onto the ballot with 10,000 signatures. Getting a countywide referendum onto the ballot requires 25,000 signatures. Three ballot questions were posed in the 2004 election.

**IF PASSED**, the first ballot question would make Council membership — which is currently considered part-time despite much longer hours — officially a full-time position. Though full-time status for Councilmembers does not guarantee a pay increase, a Compensation Commission that meets every other year would take the status change into account when determining the salaries of the politicians.

Councilmembers currently make \$79,721 per year, and the Council president makes \$87,694. In June, several Councilmembers said they oppose the status change because it could lead to a pay increase and could also discourage outside em-

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ployment.

The Council approved of putting the question on the ballot by a 6-3 vote with at large Councilmembers Steve Silverman (D), Nancy Floreen (D) and Michael Subin (D) opposing.

"The Charter Review Commission recognizes that all of us are working seven days a week as Councilmembers," said Council president George Leventhal (D-at large). "It's just a recognition of fact that all of us are working substantially more than 40 hours [per week] at our job."

**THE SECOND** ballot question would allow the County Council to legislate how many days the county executive has to approve or veto a measure passed by the Council.

"It really hasn't been a problem, but it's one of

those things that's may be seen as unclear or that could be interpreted in different ways," said Lacefield. "So why not clarify it now so there won't be any questions in the future?"

Leventhal said that he plans to vote yes to both amendments but added that neither are "super high policy priorities."

The text of the charter amendments as they will appear on the Nov. 7 ballot:

"I'm disappointed that the judges ruled that it should not go on the ballot, but I know I can always do that again in two years."

— Robin Ficker,  
tax activist and county  
executive candidate

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# Ficker's Tax Amendment Struck

FROM PAGE 13

◆ "Amend Section 107 of the County Charter to specify that membership on the Council must be considered a full-time position for the purpose of setting Councilmembers' compensation."

◆ "Amend Section 208 of the County Charter to clarify when the County Council must send enacted legislation to the County Executive and when the Executive must act on that legislation."

**ROBIN FICKER**, an attorney and tax activist from Boyds, has successfully petitioned 20 questions onto the ballot since 1974. He collected 13,500 signatures for an amendment that would have required the Council to decrease property taxes if it raises the "piggyback" income tax above 50 percent.

The County Council rejected proposed ballot question in August.

"It was poorly worded and referred to revisions of state law that have been revoked by the General Assembly," said Leventhal. "We don't have a piggyback tax anymore, so on the advice of the county attorney we did not place it on the ballot. Under state law, [the county has] the right to determine if a proposed charter amendment is consistent with state law."

Ficker appealed, but on Thursday, a county Circuit Court judge upheld the Council's decision. Because the ballot certification deadline has now passed, there is not time for Ficker to appeal a second time.

Ficker, who is running as an independent for county executive, was unperturbed by the ruling, which he said stemmed from his use of "an older, outdated definition" of the county income tax.

"I'm disappointed that the judges ruled that it should not go on the ballot, but I know I can always do that again in two years," he said. "This time I'm on the ballot anyway [as a candidate] so I can advance the cause personally of property tax. I know voters want to know what's in it for them, and I can guarantee property tax relief."

Ficker said that several of his ballot amendments over the last 26 years have passed, including an amendment barring construction or operation of garbage dumps in a residential zone and an amendment that eliminated long distance charges between upper Montgomery County and Prince George's County and Northern Virginia.