

Montgomery County Civic Federation

President@montgomerycivic.org

October 21, 2025

Montgomery County Councilmembers

100 Maryland Ave

Rockville, MD 20850

Dear Councilmembers Stewart, Jawando, Albornoz, Balcombe,
Fani-Gonzalez, Friedson, Glass, Katz, Luedtke, Mink and Sayles:

I am writing on behalf of the Montgomery County Civic Federation and our members across the county to ask you to reconsider or vote against proceeding in closed session for any part of the process of appointing a replacement for Councilmember Albornoz. We also request that you make all application materials public as they are received by the Council. Removing initial screening, application materials, financial disclosures and initial interviews of top candidates from public view violates the intent of open government and the democratic process.

The Councilmember to be appointed is not the typical appointee--a staff person or other senior appointee that has an employer/employee relationship and will work under the direction of or implement Council or Executive branch functions or existing laws. This appointed person will be a *lawmaker*, who should act independently to represent the 1 million residents of the county, and not the Council incumbents. His or her role is solely and uniquely tied to representing these citizens and should not be seen as representing or reporting to Councilmembers. And yet, despite the sole responsibility of the appointee to represent the public, the Council proposes to exclude the public from most of the selection process. To proceed as if the public has no vested interest or stake in who represents them on the Council is disrespectful and undemocratic. Had the effective date for the resignation, announced in October, been set just one day earlier than December 1, there would have been an election by residents instead of appointment. This situation is worsened by proceeding with key aspects of appointment behind closed doors.

The statute authorizes but does not require that meetings for appointments be done in closed session. The Council may elect to proceed in open session if it so desires. Additionally, General Articles, Section 3-305(a) states:

“The exceptions in subsection (b) of this section shall be strictly construed in favor of open meetings of public bodies.”

The Council’s stated justification for proceeding in closed session and cloaking application materials is:

“in an effort to attract the best applicants to serve for less than one-year, initial application materials will be kept confidential.”

There is no logical correlation between attracting the best applicants and keeping applications confidential from the public. More concerning is that the entirety of what is being kept from public view is far more significant than “initial application materials”. The criteria for screening of initial applications, deliberations on choice of top and final applicants for interview, the questions asked of applicants and responses, and the materials on which the decisions are based, are all cloaked from the public view. This is antithetical to the directive of the state to construe in favor of open meetings.

Many of our members have rightfully been concerned about the growing failures of transparency on the Council’s part and the difficulty of residents in being heard and impacting decisions made by county government. The *pro forma* final televised interview after the deliberative process has been conducted behind closed doors will worsen that perception. Like all Councilmembers, the appointee will be responsible for legislating in the interests of citizens and is accountable to the public. Councilmembers are a crucial link between citizens and government, but that link is broken when citizens are treated as irrelevant to the selection process.

Thank you for focusing on these critical considerations as soon as possible. Should the Council proceed with a discretionary closed meeting, MCCF intends to formally object. Please advise me as to a time and procedure for doing so.

Sincerely,

Cheryl Gannon
President