

Regular Meeting of County Commissioners
Tuesday, January 8, 2019

The regularly scheduled meeting of the County Commissioners was convened at 9:02 a.m. with the following persons in attendance:

Reuben B. Collins II, Esq., President, County Commissioner
Gilbert O. Bowling, III, County Commissioner
Thomasina O. Coates, M.S., County Commissioner
Amanda M. Stewart, M.Ed., County Commissioner
Bobby Rucci, County Commissioner
Danielle Mitchell, Acting County Attorney
Carol A. DeSoto, Acting Clerk to the Commissioners

Open Session

Commissioner Collins called the meeting to order and led the pledge of allegiance

Recognition: Oath of Office Certificates of Appreciation

The Commissioners recognized Charles County Staff, Charles County Sheriff's Office and Explorers, St. Charles High School JROTC and Galazio's Staff for the service they provided during the Oath of Office for this Board of County Commissioners.

Commissioners' Comments

Commissioner Collins commented on the honor he received, at the Maryland Association of Counties (MACo) conference, to serve on the Board of Directors for MACo.

Approval of the Minutes of December 11, 2018

A motion was made by Commissioner Bowling, seconded by Commissioner Coates, and passed with all Commissioners present voting in favor to approve the minutes of December 11, 2018.

Notice of the Preliminary Agenda of January 15, 2019

Ms. Carol DeSoto, Acting Clerk, announced the tentative agenda for January 15, 2019.

Approval Items

FY2019 Budget Transfer Request #6383 Centrifuge Design

Mr. Jake Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that the funds for this budget transfer request would cover the bid for design services for the Mattawoman Wastewater Treatment Plant Belt Filter Press Replacement for five hundred thousand dollars (\$500,000).

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A motion was made by Commissioner Bowling, seconded by Commissioner Rucci, and passed with all Commissioners present voting in favor to approve FY2019 Budget Transfer Request #6383 Centrifuge Design of five hundred thousand dollars (\$500,000).

FY2019 Budget Transfer Request #6378 Economic Development Strategic Planning

Mr. Dyer explained this request would cover the cost of two (2) part-time Business Retention and Expansion Consultants for an additional six (6) months.

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed with all Commissioners present voting in favor to approve Budget Transfer Request #6378 Economic Development Strategic Planning for forty-five thousand eight hundred and eighty dollars (\$45,880.00).

Update: Bill 2018-10 County Code Amendment to Add International Association of Fire Fighters (IAFF), Local 4658, Board of Fire and Rescue Membership

Ms. Megan Donnick, Acting Director, Department of Human Resources, informed the Commissioners that the International Association of Fire Fighters (IAFF), Local 4658 sent a letter to officially withdraw their request to permit IAFF members to the Board of Fire and Rescue. The letter stated that the County had fulfilled its contractual obligations of the Collective Bargaining Agreement by introducing this legislation.

Ms. Danielle Mitchell, Acting County Attorney, explained that under Legislative Procedures, the Commissioners had the option to reject any Bill after being introduced without holding a Public Hearing with two thirds vote.

Ms. Carol DeSoto, Acting Clerk, explained that if the Commissioners wanted to take any action on this Bill, that they would need to make this day a Legislative Day.

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling, and passed with all Commissioners present voting in favor to make January 8, 2019 a Legislative Day.

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling, and passed with all Commissioners present voting in favor to reject Bill 2018-10 County Code Amendment to Add International Association of Fire Fighters (IAFF), Local 4658, Board of Fire and Rescue Membership.

Ms. DeSoto explained that the Commissioners would need to announce that the Public Hearing scheduled later this evening for Bill 2018-10 would be canceled. Ms. Mitchell felt that Ms. DeSoto's announcement would suffice as notice for the cancellation of the Public Hearing this evening at 6:00 p.m.

Closed Session

At 9:21 a.m. a motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed with all Commissioners present voting in favor to go into closed session pursuant to Section 3-305(b)(1)(8) of the General Provisions Article of the Annotated Code of Maryland to discuss appointments to six (6) Commissioner Appointed Boards: Board of Appeals, Planning Commission, Liquor Board, Library Board of Trustees, Ethics Commission and Board of Electrical Examiners and

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Commissioner Committee Assignments. As well as personnel employment for the reason to protect applicants' confidential application and preserve the ability to attract applicants and keep employment records confidential. Also, to seek update and legal advice related to one (1) potential/pending litigation case.

Summary Closed Session Items

3-305(b)(1) Personnel

Present: Commissioners Collins, Bowling, Coates, Stewart and Rucci, Danielle Mitchell, Carol DeSoto, William Stephens, Megan Donnick, and Jennifer Harris.

Mr. William Stephens, Director, Department of Emergency Services and Ms. Megan Donnick, Acting Director, Department of Human Resources provided the Commissioners an overview of a personnel issue and actions taken. Ms. Jennifer Harris, Chief of Media Services joined the discussion to provide additional information.

The Commissioners directed staff on the recommended course of action and a consensus was reached to prepare a follow up statement outlining these actions.

3-305(b) (8) Potential Litigation

Present: Commissioners Collins, Bowling, Coates, Stewart and Rucci, Danielle Mitchell, and Carol DeSoto.

Ms. Mitchell, Acting County Attorney, reviewed the history on a potential litigation case and presented some options.

A motion was made and approved to have the County Attorney's office contact outside counsel to review this case.

**Break 10:10 a.m. – 10:14 a.m.*

3-305(b) (1) Personnel Boards and Commissions Appointments and Commissioner Committee Assignments

Present: Commissioners Collins, Bowling, Coates, Stewart and Rucci, Danielle Mitchell, and Carol DeSoto.

Ms. Carol A. DeSoto, Acting Clerk, provided an overview of applicants for vacancies for the following Commissioner-appointed boards:

1. Planning Commission - a consensus was reached to review all applications after the advertised close date for applications to be submitted, of January 31, 2019.
2. Board of Appeals - a consensus was reached to review all applications after the advertised close date for applications to be submitted, of January 31, 2019.
3. Board of Electrical Examiners – a consensus was reached related to the appointment of the Chairperson.
4. Board of License Commissioners (Liquor Board) – a consensus was reached related to a member no longer meeting membership requirements for this board.
5. Ethics Commission – a consensus was reached related to the appointment to this board.
6. Library Board of Trustees- Commissioners requested that appointments to this board be scheduled for another date.

Ms. Carol DeSoto provided an overview of Commissioner Committee Assignments.

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The Commissioners' official action, on these appointments, was taken in open session on this day, January 8, 2019, as reflected in Action on Boards, Commissions and Committees of these minutes.

**Break 10:52 a.m.-11:12 a.m.*

3-305(b)(1) Personnel

Present: Commissioners Collins, Bowling, Coates, Stewart and Rucci, Danielle Mitchell, Carol DeSoto, and Megan Donnick.

The Commissioners discussed the resignation and appointments of County personnel.

A motion was made and approved to accept a resignation.

A motion was made and approved to enter into an employment agreement.

A motion was made and approved an acting appointment.

**Break 11:32 a.m. – 11:39 a.m.*

At 11:40 a.m., a motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed with Commissioners Bowling, Coates, and Collins voting in favor to end closed session.

**Commissioners Stewart and Rucci were not present for the vote.*

The Commissioners returned to open session at 11:48 a.m. **Commissioner Stewart was not present.*

Briefing: Inclement Weather and Snow Removal Policies and Procedures

Ms. Terri Kahouk, Deputy Director; Mr. Stephen Staples, Chief of Roads; and Ms. April Knott, Office Associate, Department of Public Works, reviewed with the Commissioners, a PowerPoint presentation of the County's Snow Removal Program. They discussed Snow Removal Implementation Plan; Equipment Breakdown use during each phase of the plan; the Snow Removal Policy and Exceptions to the Policy. They outlined the approaches used for public awareness and helpful tips for residents.

**Break 12:04 p.m. – 1:32 p.m. *Commissioner Stewart returned to session at 1:32 p.m.*

Board of Education Recognition of Charles County High Schools' Pages to the Maryland General Assembly for the 2019 Legislative Session

The Commissioners joined members of the Board of Education at the Charles County Board of Education Building to recognize four (4) Charles County High School Students selected to serve as Student Pages for two (2) weeks during the spring of the 2019 Legislative Session of the Maryland General Assembly.

Department Briefing: Fiscal and Administrative Services

Ms. Jenifer Ellin, Director, Department of Fiscal and Administrative Services, explained that her department was responsible for the fiscal and technological administration for the County. These responsibilities are handled by the five (5) divisions within this department. The Chief of each division joined the briefing to provide the Commissioners an overview of their division, including the breakdown of staff, responsibilities, and projects. The first to speak was Ms. Evelyn Jacobson, Chief of Information Technology followed by Ms. Shanna Reese, Chief of Purchasing; Mr. Eric Jackson, Chief of Treasury; Mr. William DeAtley, Chief of Accounting; and concluded with Mr. Jake Dyer, Chief of Budget. Mr. Dyer gave an overview of the County's Operating Budget and Capital Budget. He also,

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noted that the budget process for the fiscal year two thousand twenty (FY2020) had begun and outlined the process used to prepare this budget for the Commissioners review and approval.

Staff was directed to provide the Commissioners with the Commercial Tax Base numbers in order to track trends and serve as an indicator of how policy decisions affect these numbers.

Discussion: Charles County Options for a Charles County Fire Marshall

Commissioner Rucci shared his concern about the need to review options for the County to have its own certified Fire Marshall to do inspections and review plans in order to help speed up the permit process to help businesses grow in the County. Currently, the Fire Marshall serves the three (3) counties, St. Mary's, Calvert and Charles County, which slims his time for Charles County businesses. Mr. Steve Kaii-Ziegler, Director, and Mr. Ray Shumaker, Chief of Codes, Permits, and Inspection Services (CPIS), Department of Planning and Growth Management, joined the discussion to include additional information for the Commissioners to consider such as the State having difficulty hiring fire certified engineers; the potential to include the Fire Marshall's use of the EnerGov software program being used in the County; and the potential to find a hybrid solution from all of the suggestions.

The Commissioners directed Mr. Kaii-Ziegler to review options and provide an update in thirty (30) days to include the following information: a fiscal note for hiring a certified fire trained engineer; information on the permit process since using the new EnerGov software; what is the actual process and cost needed to become a certified fire trained engineer; a review of how Calvert and St. Mary's Counties handle these permit and inspection delay issues; and any other viable options.

Work Session and Request for Approval: Board of County Commissioners Rules of Procedures

Commissioner Collins shared with the Commissioners his redlined version of changes to the "Commissioners' Rules of Procedures." He shared that his thoughts for the changes were tailored to reflect consistency with the structure of government Charles County has, which is a Commissioner form of Government, and that the actual authority is with the Board of County Commissioners. He furthered that the President has somewhat limited powers. He wanted it clear what type of government we have is not a County Executive of Charter form of government.

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling. During the discussion, the section pertaining to the Vice President, Commissioner Bowling nominated Commissioner Rucci as Vice President for the entire four (4) year term. Commissioner Collins clarified that this would adjust the language in the Rules of Procedures to designate a Commissioner for a four (4) year term and that it would be Commissioner Rucci.

A motion was made by Commissioner Bowling, seconded by Commissioner Coates, and passed with Commissioners Bowling, Coates, Collins and Rucci voting in favor to adjust the language in the Rules of Procedures to reflect designating a Commissioner for a four (4) year term and that it would be Commissioner Rucci. Commissioner Stewart was opposed.

A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed with Commissioners Coates, Rucci, Bowling and Collins voting in favor to approve the Rules of Procedures as presented with the added changes to the Vice President section, to reflect being designated for a four (4) year term. Commissioner Stewart was opposed.

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Work Session: Charles County Sponsorship Process - * To Be Rescheduled

Work Session: Commissioners' Standard Operating Procedures (SOP): Community Support Policy and County Commissioner's Expense Policy- * To Be Rescheduled

Action on Boards, Committees, and Commissions

A motion was made by Commissioner Rucci, seconded by Commissioner Coates, and passed with all Commissioners present, voting in favor to approve John Zanlotti as Chairperson for the Board of Electrical Examiners for 2019.

A motion was made by Commissioner Bowling, seconded by Commissioner Coates, and passed with all Commissioners present voting in favor to appoint Ralph Patterson to the Ethics Commission.

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling, and passed with all Commissioners present voting in favor of Commissioner Coates being assigned to the Diversity Forum at the College of Southern Maryland's (CSM) Diversity Institute and that Commissioner Bowling being assigned to the Tri County Council (TCC) Executive Board and to the Tri County Council Veterans Regional Advisory Committee.

Commissioner's New Business

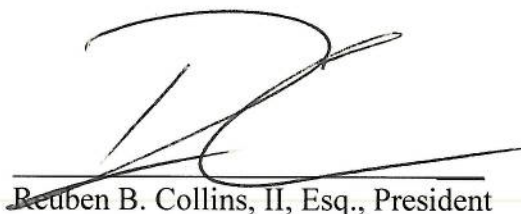
No new business was discussed.

Ms. Carol DeSoto, Acting Clerk, made a reminder announcement that the Public Hearing originally scheduled for 6:00 pm this evening was cancelled.

At 2:48 p.m. a motion was made by Commissioner Coates and seconded by Commissioner Bowling and passed with all Commissioners present voting in favor to adjourn.



Carol A. DeSoto, Acting Clerk



Reuben B. Collins, II, Esq., President

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FORM OF STATEMENT FOR CLOSING A MEETING

Location: Commissioners' Meeting Room

Date: January 8, 2019

Time: 9:21 a.m.

Motion By: Commissioner Coates

Seconded By: Commissioner Rucci

Vote to Close Session:

	AYE	NAY	ABSTAIN	ABSENT
Reuben B. Collins, II, Esq.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gilbert O. Bowling, III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thomasina O. Coates, M.S.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Amanda Stewart, M.Ed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bobby Rucci	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

STATUTORY AUTHORITY TO CLOSE SESSION

General Provisions Article §3--305(b):

(1) To discuss:

(i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or

(ii) Any other personnel matter that affects one or more specific individuals.

(2) To protect the privacy or reputation of individuals with respect to a matter that is not related to public business.

(3) To consider the acquisition of real property for a public purpose and matters directly related thereto.

(4) To consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State.

(5) To consider the investment of public funds.

(6) To consider the marketing of public securities.

(7) To consult with counsel to obtain legal advice on a legal matter.

(8) To consult with staff, consultants, or other individuals about pending or potential litigation.

(9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations.

(10) To discuss public security, if the public body determines that public discussions would constitute a risk to the public or public security, including:

(i) the deployment of fire and police services and staff; and

(ii) the development and implementation of emergency plans.

FORM OF STATEMENT FOR CLOSING A MEETING

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(11) To prepare, administer or grade a scholastic, licensing, or qualifying examination.

(12) To conduct or discuss an investigative proceeding on actual or possible criminal conduct.

(13) To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a proceeding or matter.

(14) Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

TOPICS TO BE DISCUSSED:

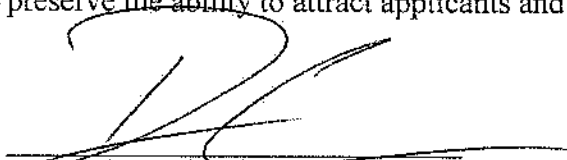
3-305(b)(1) Personnel; Commissioner Committee Appointments to discuss appointments to six (6) Commissioner Appointed Boards: Board of Appeals, Planning Commission, Liquor Board, Library Board of Trustees, Ethics Commission and Board of Electrical Examiners and Commissioner Committee Assignments. As well as personnel employment. for the reason to protect applicants' confidential application and preserve the ability to attract applicants and keep employment records confidential. Also, to seek update and legal advice related to one (1) potential/pending litigation case.

3-305 (b)(8) discuss one (1) potential litigation case and strategies

REASON FOR CLOSING:

To protect applicants' confidential application and preserve the ability to attract applicants and to keep employment records confidential.

To maintain confidential information and strategies.



Reuben B. Collins, II, Esq., President