

**Regular Meeting of County Commissioners**

**Tuesday, January 15, 2019**

The regularly scheduled meeting of the County Commissioners was convened at 9:06 a.m. with the following persons in attendance:

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

*\*Gilbert O. Bowling, III, County Commissioner absent*

**Open Session**

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

**Proclamation 2019-01 Martin Luther King, Jr. Day of Service and Beyond**

The Commissioners proclaimed January 21, 2019, as Martin Luther King, Jr. Day of Service and Beyond in Charles County. Proclamation 2019-01 was received by Ms. Dyotha Sweat, President, Charles County NAACP; Ms. Janet Wilson, Past President, Charles County NAACP; and Mr. Michael Bellis, Executive Director, Charles County United Way.

**Commissioners' Comments**

There were no comments

**Approval of the Minutes of January 8, 2019**

A motion was made by Commissioner Coates, seconded by Commissioner Rucci, and passed, with Commissioners Coates, Rucci, Stewart and Collins, voting in favor to approve the minutes of January 8, 2019. *\*Commissioner Bowling was not present for the vote.*

**Notice of the Preliminary Agenda of January 29, 2019**

Ms. Carol DeSoto, Acting Clerk, announced the tentative agenda for January 29, 2019. It was noted that there was no scheduled session for January 22, 2019.

**Approval Items**

**FY2019 Budget Amendment Increase #6391 Material Recovery Facility (MRF) Processing Fees**

Mr. Jake Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that the funds for this budget amendment increase request would cover increases in the Material Recovery Facility processing fees which have increased due to unfavorable market conditions. Mr. Bill Shreve, Director, Department of Public Works, explained that this is a nationwide problem and that the County is looking to form private/public partnerships in order to address this issue and control cost increases.

A motion was made by Commissioner Rucci, seconded by Commissioner Coates, and passed, with Commissioners Rucci, Coates, Stewart and Collins, voting in favor to approve FY2019 Budget Amendment Increase #6391 for one hundred twenty-two thousand dollars (\$122,000.00).

*\*Commissioner Bowling was not present for the vote.*

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**Lobbyist Agreement**

Ms. Danielle Mitchell, Acting County Attorney, reviewed the one (1) year agreement with Greenwill Consulting Group, LLC. and the Board of County Commissioners Charles County. Mr. Ivan Lanier, President; Ms. Katie Nash, Lobbyist; and Mr. John Fiastro, Jr., Lobbyist, Greenwill Consulting Group, LLC. gave a brief overview of their services and requested information from the Board of Commissioners on what the Board's specific objectives for the legislative agenda would be.

The Commissioners directed Mr. John Stevens, Acting County Administrator, to work with Greenwill Consulting Group to begin this process of identifying the County's objectives. Ms. Danielle Mitchell, Acting County Attorney, indicated that she would provide Greenwill Consulting Group, a copy of the County's legislative proposals that was forwarded to the Charles County State Delegation for the 2019 Maryland Legislative Session.

A motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with Commissioners Rucci, Coates, Stewart and Collins voting in favor to terminate the current agreement with Perry, White, Ross, and Jacobson and to give authority to Commissioner Collins to execute the agreement with Greenwill Consulting Group, LLC. *\*Commissioner Bowling was not present for the vote.*

**Closed Session**

At 9:31 a.m. a motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with Commissioners Coates, Rucci, Stewart, and Collins, voting in favor to go into closed session pursuant to Section 3-305(b)(1)(7)(8) of the General Provisions Article of the Annotated Code of Maryland to appoint two (2) members to the Tri County Council and to seek update and legal advice related to one (1) potential/pending litigation case and one (1) ongoing negotiation. The reason for closing is to protect the applicants' confidential application and preserve the ability to attract applicants and to keep legal strategies and approaches confidential.

*\*Commissioner Bowling was not present for the vote.*

**Summary Closed Session Items**

**3-305(b)(1) Personnel**

Present: Commissioners Collins, Rucci, Coates, Stewart, John Stevens, Danielle Mitchell, and Carol DeSoto

Ms. Carol DeSoto, Acting Clerk, provided an overview of the nominations needed to fill the Charles County representation on the Tri-County Council for Southern Maryland's Executive Board.

The Commissioners' official action, on these nominations, was taken in open session on this day, January 15, 2019, as reflected in Action on Boards, Commissions and Committees of these minutes.

**3-305(b) (8) Potential Litigation**

Present: Commissioners Collins, Rucci, Coates, Stewart, John Stevens, Danielle Mitchell, Carol DeSoto, and Elizabeth Theobalds.

Ms. Elizabeth Theobalds, Deputy County Attorney, provided an update on a potential litigation case and presented some options for the Commissioners to consider.

The Commissioners provided direction for Ms. Theobalds to follow on how to proceed with this case.

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**3-305(b) (7) Legal Advice for Ongoing Negotiation**

Present: Commissioners Collins, Rucci, Bowling, Coates, Stewart, John Stevens Rucci, Danielle Mitchell, Carol DeSoto and Evelyn Jacobson.

*\*Commissioner Bowling returned to session at 10:43 a.m.*

Ms. Evelyn Jacobson, Chief of Information Technology, Department of Fiscal and Administrative Services, provided an update on an ongoing negotiation.

The Commissioners provided directions for Ms. Jacobson to follow on how to proceed with this negotiation.

At 11:02 a.m., a motion was made by Commissioner Coates, seconded by Commissioner Bowling and passed, with all Commissioners present voting in favor to end closed session.

The Commissioners returned to open session at 11:08 a.m.

**Briefing and Request for Approval: Joining the Multi-Year Encroachment Protection Funding Agreement-United States Department of Defense (DoD) and Environmental Protection Integration (REPI) Program**

Mr. Charles Rice, Program Manager, Department of Planning and Growth Management; Ms. Christine Hays, Senior Realty Specialist, and Ms. Brittany Marshall, Realty Specialist, NAVFAC Washington, reviewed a Power Point outline of the United States Department of Defense and Environmental Protection Integration (REPI) Program. This program is a partnership to share the cost of acquisition of conservation easements to preserve compatible land uses and natural habitats near military installations.

This will give the County an additional funding source and could help landowners since Charles County would become eligible to use Department of Defense's REPI funding. It also, furthers the goals and objectives of the Joint Land Use Studies related to Naval Support Facility Indian Head, Blossom Point and Dahlgren.

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with all Commissioners present voting in favor to approve Commissioner Collins to execute the Multi-Year Encroachment Protection Funding Agreement, Amendment twenty-two (22) with the added language:

“The participation in this agreement is not intended to obligate the Board of County Commissioners for Charles County, Maryland, a body politic and corporate, to change its land use policies or zoning regulations to reflect the mission of the REPI program. Instead, the obligations of the Board of County Commissioners for Charles County will be limited to those set forth in any future Deed of Conservation Easement executed in conjunction with its participation in the REPI program.”

**Briefing: FY2018 Audit Presentation**

Ms. Jenifer Ellin, Director, Department of Fiscal and Administrative Services, Mr. William DeAtley, Chief of Accounting; and Mr. Chris Lehman, Engagement Partner, SB & Company, LLC., reviewed the scope of services, the audit process and approach, and the findings related to the FY2018 audit. The results included an unmodified opinion on the financial statements and discovered no instances of fraud and no material weakness in internal controls. The one deficiency noted was related to fixed asset accounting where there is no process in place to ensure that all projects included in the construction in

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progress balances at year end are closed out in a timely manner. Ms. Ellin explained that the recommendation, of this review process of assets being reclassified when placed into service to the appropriate fixed asset account, is in process.

**Briefing: Charles County Financial Policies**

Ms. Jenifer Ellin, Director, and Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services provided an overview of the current financial policies which include: investment policies, debt policies, revenue policies, fund balance policies, expenditure policies, capital management policies, budget policies, accounting policies, and financial reporting policies. It was noted that the County now has an Internal Audit Office under the County Administrator's Office as a mechanism to help detect fraud. It was also indicated that these financial policies are reviewed every two (2) years and often result in no changes to the policies.

**Department Briefing: County Attorney's Office**

Ms. Danielle Mitchell, Acting County Attorney, provided an overview of the County Attorney's Office. She introduced staff; outlined scope of work that the County Attorney's office provides; reviewed some current assignments and provided a brief history of the County's grant process and the formation of the Charles County Charitable Trust.

The Commissioners requested that the Charles County Charitable Trust be added to a near future agenda to provide a briefing of their services.

**Department Briefing: Human Resources Office**

Ms. Megan Donnick, Acting Director, Department of Human Resources, provided an overview of the Human Resources Department. She outlined the departments responsibilities which includes handling the collective bargaining with the three unions: Sworn Officers, Correctional Officers, and Paramedics/EMTs. She also reviewed some of the upcoming projects for her department, which include training employees to use Perform, the new performance management system; completing the Healthiest Maryland Business scorecard; and the Classification/Compensation study. Ms. Donnick also explained the Employee Survey and some of the prior survey accomplishments.

The Commissioners directed staff to review the telework policy as it relates to inclement weather.

**Work Session: Concept of Forming a Rural Land Use Designations Task Force**

Commissioner Bowling presented his concept of forming a Rural Land Use Designation Task Force.

The Commissioners agreed to have staff help prepare a resolution that would outline clear goals and charge for this task force, and membership types. It would also make sure that this task force does not conflict with the charge of any other Board, Commission or Committee.

It was the consensus of the Board to bring this proposed resolution back on January 29, 2019 agenda.

*\*Break 2:20 p. m. – 2:39 p.m.*

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**Discussion: Broadband in Charles County**

Commissioner Bowling began the discussion about the need to find solutions for the lack of accessibility of broadband in rural areas of the County. Mr. Tom Dennison, Government and Public Affairs Director, Southern Maryland Electric Cooperative (SMECO), joined the discussion indicating that this was a statewide problem of lack of broadband service to underserved areas. He reviewed some of the recommendations submitted by the Maryland Task Force on Rural Internet, Broadband, Wireless, and Cellular Services, to the Maryland General Assembly in January 2019. Some of the recommendations of the task force include: implementation of legislation that allows utility easement and rights-of-way (ROW) to be used for broadband; impose limitations on damages where an electric utility easement or right-of-way is used for broadband; provide support for additional resources and a capital budget request for the Office of Rural Broadband; work to increase federal grant funding or matching funds for rural broadband; and oppose public policy that discourages private or public investment in rural broadband. He indicated that there will be a new bipartisan Bill introduced in the Maryland General Assembly within the next few weeks, related to broadband. Mr. Dennison informed the Commissioners that he would track this bill related to ROW being used for broadband and will keep them updated.

Ms. Evelyn Jacobson, Chief of Information Technology, Department of Fiscal and Administrative Services, outlined the major areas in Charles County that does not have broadband services; the County's current efforts of applying for grant monies to help build the network in the areas that needs service; and the brief history of a few projects that did not work since the internet service providers pulled out of the project because they could not build a viable business there to provide services. Ms. Jacobson stated that the County needed to develop a multi-faceted approach and hire a consultant with expertise in bringing broadband services to rural areas. Based on Ms. Deborah Hall's, Deputy County Administrator, white paper summary, that Mr. John Stevens, Acting County Administrator, summarized, and from the input of Ms. Jacobson, the recommendation was to create a task force, to develop a broadband plan, guide book, for how to get broadband services to the areas in Charles County that does not have services.

The Commissioners directed staff to begin the process of creating a comprehensive broadband plan to articulate recommendations for each area of need to include methodologies and technologies needed to solve this issue. They stressed that this was not to be a long-term study but rather a solution driven plan. This needs to be brought back to the Commissioners within three (3) months or less.

The Commissioners furthered directed that the lobbyist for the County should be informed of helping Charles County bring to the State and National level that broadband should be a utility, a right, and not a convenience.

**Request for Approval: Additional Legislative Proposals for the 2019 General Assembly Session**

Ms. Jessica Andritz, Associate County Attorney, and Mr. David Martinez, Attorney, Jenkins Law Firm, LLC, reviewed two (2) legislative proposals recommended by the Charles County Board of License Commissioners, Liquor Board.

1. *Creation of a new class of alcoholic beverage license in Charles County- a resort complex alcoholic beverage license*

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A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners voting in favor to approve and send a letter of support to the Charles County State Delegation.

2. Modify Section 18-601 of the Alcoholic Beverage Article to exempt license holder of State manufacturing licenses from the off-sale license quotas set forth in Section 18-601

A motion was made by Commissioner Stewart, seconded by Commissioner Coates and passed, with all Commissioners present voting in favor to approve and send a letter of support to the Charles County State Delegation.

Ms. Danielle Mitchell, Acting County Attorney, indicated that her office will forward to the lobbyist the full package of legislative proposals sent to the Charles County State Delegation.

**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 nominate Delegate Davis to represent Charles County on the Tri-County Council for Southern Maryland and to nominate Ms. Ellen Flowers-Fields as the Charles County At- Large member on the Tri-County Council.

**Commissioners' New Business**

Commissioner Stewart asked for clarification on what items would be addressed under "Commissioners' New Business" and "Commissioners' Comments."

It was clarified that:

"Commissioners' New Business" would be for any future items the Commissioners would like to have addressed on an upcoming agenda and would still need to follow the procedure to submit an agenda request for the schedule. No votes or actions would take place on these items during "Commissioners' New Business."

"Commissioners' Comments" would be for items that had already happened and for the Commissioners to provide updates on their committee assignments.

At 3:43 p.m. a motion was made by Commissioner Bowling and seconded by Commissioner Coates 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 15, 2019

Time: 9:31 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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:** to appoint two (2) members to the Tri County Council

3-305(b)(7) **Legal Advice:** to discuss pending negotiation

3-305 (b)(8) **Potential Litigation:** to discuss one (1) potential litigation case and strategies.

**REASON FOR CLOSING:**

To protect applicants' confidential application and preserve the ability to attract applicants; to keep options and approaches confidential and to maintain confidential information and strategies.



Reuben B. Collins, II, Esq., President