

**Regular Meeting of County Commissioners**  
**Wednesday, February 27, 2019**

The regularly scheduled meeting of the County Commissioners was convened at 11:10 a.m. with the following persons in attendance:

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

*\*Amanda M. Stewart, M.Ed., County Commissioner, absent*

**Open Session**

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

**Briefing: Update on the Comcast Franchise Renewal**

Ms. Deborah Hall, Deputy County Administrator, and Ms. Evelyn Jacobson, Chief of Information Technology, Department of Fiscal and Administrative Services provided introductions. Ms. Hall introduced members of the Broadband Task Force members and Ms. Jacobson introduced the Cohen Law Group and CBG Communications, Inc. members.

Mr. Dan Cohen, Principal, Cohen Law Group, provided an overview of the negotiations with Comcast along with the County's legal rights and the status of the negotiations. Mr. Cohen informed the Commissioners that these franchise negotiations are governed by the Federal Cable Communications Policy Act and regulated by the Federal Communications Commission (FCC), which interprets the Cable Act. He outlined areas cable franchise agreements may cover and are subject to negotiation. These areas include: technical requirements of the cable system; build-out of the system cable services subject to certain number of homes per mile; right-of-way protections; customer service standards; franchise fees; Institutional Network (I-Net); Public, Educational, and Governmental (PEG) Channels and PEG Channel enhancements; financial support for PEG Channels; complimentary cable services to community facilities; reporting requirements; enforcement of cable operators obligations; and length of franchise term. He further outlined what may not be covered in the cable franchise agreement. These areas include broadband internet service; cable programming packages and types of channels; and cable rates and prices.

Mr. Cohen stated that since the Cable Act doesn't cover broadband internet service, the County has limited leverage in the cable franchise negotiations in requiring build-out of unserved or underserved areas for broadband service. He proceeded to list the only reasons the County may deny a franchise renewal. These are listed in Section 626 of the Cable Act.

Mr. Thomas Robinson, President, CBG Communications, explained the areas that counties have negotiated with cable companies, that were covered under law. He also reviewed opportunities counties have used to expand broadband availability. Some of these alternatives include potential federal grants and loans; potential state grants and loans; and potential public/private partnerships. Mr. Robinson reviewed some specific actions other counties have taken to address their broadband needs. He further

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added that Comcast has offered to partner with the County to help serve the unserved and underserved, however, these would need to be separate agreements and not a part of the cable franchise agreement since there is specific criteria of what can and cannot be covered in the cable franchise agreement.

**Closed Session**

At 11:57 a.m. a motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with Commissioners Coates, Rucci, Bowling and Collins, voting in favor to go into closed pursuant to Section 3-305(b)(1)(7)(8) of the General Provisions Article of the Annotated Code of Maryland to discuss employment information related to performing job requirements and to seek update and legal advice related to one (1) ongoing negotiation and potential litigation case. The reason for closing is to protect confidential employment information related to performing job requirements to keep legal strategies and approaches confidential. *\*Commissioner Stewart was not present for the vote.*

**Closed Session**

At 12:08 p.m. the Commissioners went into closed session.

**3-305(b)(7)(8) Legal Advice Ongoing Negotiation and Potential Litigation**

Present: Commissioners Collins, Rucci, Bowling, and Coates, Mark Belton, Danielle Mitchell, Carol DeSoto, Deborah Hall, Evelyn Jacobson, Tom Robinson, and Dan Cohen.

Mr. Dan Cohen, Principal, Cohen Law Group and Mr. Thomas Robinson, President, CBG Communications reviewed a chart of specific areas in the negotiation agreement. Ms. Deborah Hall, Deputy County Administrator, added to the discussion outlining some specific outside areas being reviewed.

The consensus of Commissioners was to proceed with moving toward reaching an agreement and to have staff develop a plan to cover areas not covered in the agreement. The Commissioners also agreed to schedule another public hearing and extending the sign in time frame for public comment.

*Break 1:15 p.m. – 1:35 p.m.*

*\*Commissioner Rucci left closed session at 1:35 p.m. and returned at 2:09 p.m.*

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

Present: Commissioners Collins, Bowling, and Coates, Mark Belton, Danielle Mitchell, and Carol DeSoto

Mr. Mark Belton, County Administrator, outlined some outstanding issues he handled under his former employer and potential committee assignments.

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed with Commissioners Bowling, Coates and Collins, voting in favor to approve the County Administrator being named as a member on a potential board. *\*Commissioners Rucci and Stewart were not present for the vote.*

**Approval of Closed Session Minutes**

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A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with Commissioners Bowling, Coates and Collins, voting in favor to approve closed session minutes of December 11, 2018. \*Commissioners Rucci and Stewart were not present for the vote.

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


A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with Commissioners Bowling, Coates, Rucci and Collins voting in favor to approve the closed session minutes of January 15, 2019. \*Commissioner Stewart was not present for the vote.

Due to printing error, the closed session minutes of January 29, 2019 were not available for the Commissioners to review. They will be brought back for approval.

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling, and passed with Commissioners Rucci, Bowling, Coates and Collins, voting in favor to approve the closed session minutes of February 5, 2019. \*Commissioner Stewart was not present for the vote.

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling, and passed with Commissioners Rucci, Bowling, Coates and Collins, voting in favor to approve the closed session minutes of February 12, 2019. \*Commissioner Stewart was not present for the vote.

At 2:12 p.m. a motion was made by Commissioner Coates, seconded by Commissioner Bowling and passed, with Commissioners Coates, Bowling, Rucci and Collins, voting in favor to end closed session and 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: February 27, 2019

Time: 11:57 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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**

**Appendix C C-2**

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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:

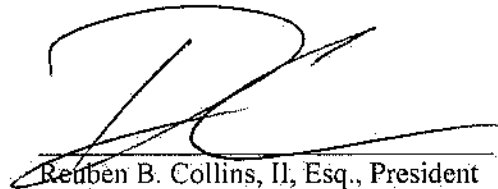
**3-305 (b) (1) Personnel: Information Update and Potential Committee Appointment**

REASON FOR CLOSING: **To protect confidential employment information related to performing job requirements**

REASON FOR CLOSING: **To keep strategies confidential**

**3-305 (b) (7)(8) Legal Advice: Pending negotiations/potential litigation case**

REASON FOR CLOSING: **To keep options and approaches confidential and update legal strategies**



Reuben B. Collins, II, Esq., President