

Regular Meeting of County Commissioners

Tuesday, April 16, 2019

The regularly scheduled meeting of the County Commissioners was convened at 9:01 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
Amanda M. Stewart, M.Ed., County Commissioner
Mark Belton, County Administrator
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

Proclamation 2019-15 National Volunteer Week

The Commissioners proclaimed the week of April 7-13, 2019 as National Volunteer Week. Proclamation 2019-15 was received by Mr. Rick Bowie, President, Charles County Volunteer Fire Association and Ms. Lisa Yates, President, Charles County Association of Emergency Services.

Recognition: Volunteer Fire and Emergency Services Top Service Call Runners

The Commissioners recognized the following volunteers for being the top Emergency Medical Service (EMS) and Fire call runners: Mr. Timothy Goff, Sr., Mr. Ronald Evans, Mr. Edward Payne, Jr., Ms. Colleen Hughes, Mr. Rick Stegmeier, Mr. Barry Howard, Mr. Jimmy Payne, Ms. Dawn-Moree Dugan, Mr. Jeff Goldsmith, Mr. Donald Lathan, Mr. Mitchell Ruslander, Mr. James Williams, Mr. Wayne Higdon, Mr. Wallace Danielson, Mr. Michael Ivie, Mr. William Caswell, Mr. Quincy Cobey, Mr. James Stonestreet, Mr. Dave McCormick, Mr. Matthew Enid, Mr. Brandon Rice and Mr. Kevin Plumber-Hershman.

Commissioners' Comments

Commissioner Collins asked for a moment of silence to honor Mr. Michael Busch, Speaker of the Maryland House of Delegates, who passed away on April 7, 2019.

Approval of the Minutes of April 9 and April 10, 2019

A motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to approve the minutes of April 9, 2019.

A motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to approve the minutes of April 10, 2019.

Notice of Tentative Agenda of April 30, 2019

Ms. Carol DeSoto, Acting Clerk, stated that there was no scheduled session on April 23, 2019. She stated that on April 24, 2019 the Lieutenant Governor was holding a Maryland Opportunity Zone Leadership Task Force Meeting at the Indian Head Pavilion in Indian Head at 4:30 p.m. Ms. DeSoto went on to announce the tentative agenda for April 30, 2019

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Approval Items

FY2019 Budget Transfer Request- Watershed Protection Restoration Fund (WPRF)

Mr. Jake Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this budget transfer request covered three (3) items covered under the Watershed Protection Restoration Fund, which is an enterprise fund. Seventy six thousand dollars (\$76,000.00) will fund emergency repairs made by the Roads Division for improvements to the drainage system; one hundred and eleven thousand eight hundred dollars (\$111,800.00) will cover additional administration cost of the reorganization of the Planning and Growth Management Department; and forty one thousand eight hundred dollars (\$41,800.00) would fund certain capital projects to cover non-bondable expenses. He further explained that this budget transfer request did not have an e-bud number assigned to it since it was not done electronically in order to include all three items.

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- Watershed Protection Restoration Fund (WPRF) for a total of two hundred and twenty-nine thousand eight hundred dollars (\$229, 800.00)

Letter of Support: 2019 Chesapeake and Coastal Grants Gateway Proposal

Mr. Charles Rice, Planner, Department of Planning and Growth Management explained that this letter would support the Southern Maryland Resource Conservation and Development (RC&D) grant application for the design of a shoreline restoration project in Charles County.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve the letter of support.

Closed Session

At 9:22 a.m., a motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to move into closed session pursuant Section 3-05(b)(1)(3)(7) of the General Provisions Article of the Annotated Code of Maryland to seek update and legal advice and consider acquisition of real property for a public purpose related to two (2) potential acquisitions. As well as receive an update on the appointment process of the Commissioner appointed Rural Planning and Zoning Task Force. The reason for closing is to keep legal strategies and approaches confidential and to keep applicant information confidential in order to attract applicants.

Summary Closed Session Items

At 10:01 a.m. the Commissioners went into closed session.

3-305 (b) (3) (7) Legal Advice/ Consider Acquisition of Real Property for Public Purpose

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Mark Belton, Danielle Mitchell, Carol DeSoto, Mayor Jeannine James, Councilman Matt Simpson, Councilman Brent Finagin, Councilwoman Paddy Mudd, Town Manager Brent Manuel, Town Clerk Danielle Mandley.

Ms. Jeannine James, Mayor, and Matt Simpson, Councilman, Town of LaPlata reviewed some potential land acquisitions and uses of these properties for the County.

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A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor for County staff to review feasibility of this suggested location and use and to work with the Town on a memorandum of understanding.

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to have staff work with the Town to understand the additional suggested land use, cost, and feasibility.

3-305 (b) (3) (7) Legal Advice/ Consider Acquisition of Real Property for Public Purpose

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Mark Belton, Danielle Mitchell, Carol DeSoto, Deborah Hall, Tracy Dickerson, Katie O'Malley Simpson, Norman Saunders, Dorothy Duffield, and Karl Richardson.

Ms. Deborah Hall, Deputy County Administrator, reviewed potential lease options related to certain properties and their potential uses.

A consensus was made related to the lease options and to bring this back on April 30, 2019 for approval in open session.

3-305 (b) (1) Personnel: Boards, Commissions and Committees

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

Ms. Carol DeSoto, Acting Clerk, provided an update on the applications received to date for the Rural Planning and Zoning Task Force.

At 10:41 a.m. a motion was made by Commissioner Rucci, seconded by Commissioner Coates, and passed, with all Commissioners present, voting in favor to end closed session.

The Commissioners returned to open session at 10:50 a.m.

FY2020 Budget Work Session: General Fund

Ms. Jenifer Ellin, Director and Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services provided an overview of the proposed FY2020 General Fund Operating Budget. This included a review of the proposed budget for the following County Agencies: Charles County Board of Education, Charles County Sheriff's Office, Charles County Library, State Attorney's Office, Department of Health, Charles County Circuit Court, Election Board and the Department of Social Services.

Charles County Board of Education: Ms. Ellin highlighted that the proposed budget for the Board of Education provided funding towards a merit increase and the opening of Billingsley Elementary School.

Dr. Kimberly Hill, Superintendent of Schools, Mr. Randolph Sotomayor, Assistant Superintendent of Fiscal Services and Ms. Latina Wilson, discussed their requested budget. They presented an overview of their objectives, student achievement, trends in enrollment, state funding, county funding trends, expenditures, cost increases, and future financial and program considerations.

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Commissioner Coates suggested that the Board of Education look at an alternative to the Fresh Start Program, add afterschool buses and hire more psychologists. Commissioner Stewart requested the opportunity for her to work with the Board of Education to set policy for the Fresh Start Program. Commissioner Collins recommended that the Board of Education hold a public hearing on the Fresh Start Program to get resident input.

Charles County Sheriff's Office: Ms. Ellin highlighted that the proposed budget for the Sheriff's Office including funds for two (2) School Resource officers; two (2) Forensic Science Unit Lab Technicians; one (1) Vehicle Technician; one (1) Management Information System (MIS) Support Specialist; a five percent (5%) Cost of Living Adjustment (COLA); and one time equipment purchases.

Sheriff Berry and Ms. Erin Shoemaker, Deputy Director of Budgeting, Charles County Sheriff's Office discussed their requested budget and highlighted the work the Sheriff's Office was doing and the priorities of his office. He also discussed the need and difficulty of hiring new officers.

Commissioner Bowling suggested creating a matrix to track the hiring needs to include those who are retiring, and the officers needed and those in the hiring process in order to mitigate vacancies. Commissioner Collins committed to continue the Public Safety Summit and working together on funding to evaluate and explore duplication of services, resources in government.

Charles County Library: Ms. Ellin highlighted that the proposed budget for the Library includes a full year FY2019 Merit funding and additional mobile hotspots. Mr. Lloyd Jansen, Acting Assistant Director, Charles County Library, provided highlights of some of the Library's programs and events such as the "Drop mike" program, the elimination of overdue book funds, and adding passport processing service.

State Attorney's Office: Ms. Ellin highlighted that the proposed budget for the State's Attorney Office included funding for two (2) new attorneys.

Mr. Tony Covington, State's Attorney, reviewed the State Attorney's Office current organization and the ratio of State Attorneys to judges. He stressed the need for five (5) more attorneys to keep up with the workload, explosion of evidence, and new judges.

Department of Health: Ms. Ellin explained that proposed budget for the Department of Health decreased since the net of the Director's supplement is now being funded by the State. Dr. Suzan Lowry spoke about the increase of health regionalization, breast cancer awareness program, expanding the diabetes program and the environment specialist and food specialist inspecting positions.

Charles County Circuit Court: Ms. Ellin highlighted that the proposed budget for the Circuit Court included funding to support the Law Library; funding for audio/visual courtroom presentation equipment to create a smart courtroom; and one-time funding from the Fund Balance Reserves.

Judge Amy Baurgaunier, and Ms. Deborah Zrioka, Court Administrator, Charles County Circuit Court discussed the need for funding a new Case Flow Management Coordinator position and a new Court Research Analyst position. Ms. Zrioka also spoke about the need for more funding for the Law Library expansion project.

Commissioner Collins felt it was a reasonable request for the Law Library expansion since it would help residents who use it for information. He requested that staff bring bank exact numbers needed to consider additional funds for the Law Library.

Election Board: Ms. Ellin highlighted that the proposed budget for the Election Board included the county's share of the increased cost of equipment; funding for printing Judges' manuals; funding for Board of Election employees if the State proposed salary increases are approved.

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Ms. Tracey Dickerson, Director, Charles County Board of Election, answered questions related to the equipment and printing; legislation on early voting sites; and State mandated funding for the elections

Department of Social Services: Ms. Ellin highlighted that the proposed budget for the Department of Social Services provides funding for an outreach Coordinator position.

Ms. Therese Wolfe, Director, Department of Social Services, spoke about how the Outreach Coordinator would help build partnerships in the community and increase visibility of services for residents.

Ms. Ellin concluded this work session by reminding the Commissioners of the public hearing tonight to hear comments on the budget and the additional public hearing on the FY2020 Constant Yield Rate schedule for April 30, 2019.

**Break 1:07 p.m. – 2:32 p.m.*

Briefing and Request for Approval: Sheriff's Office Retirement Plan (SORP) Assumption Changes

Ms. Megan Donnick, Acting Director, Department of Human Resources, and Ms. Erika Bode, Bolton Partners, Inc., reviewed a survey of return assumptions, investment returns, and County contributions, noting that the investment return assumption is the most important assumption. The Sheriff's Office Retirement Plan (SORP) Committee approved the recommendation to decrease the investment return from seven-point five percent (7.50%) to seven-point four percent (7.40%) and to revisit this assumption each year and consider further reductions. Lowering the investment return assumption number will lower the volatility over the years.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve, lowering the investment return assumption as presented.

Briefing and Request for Approval: Sheriff's Office Retirement Plan (SORP) Investment Changes

Ms. Jenifer Ellin, Director, Department of Fiscal and Administrative Services, Ms. Megan Donnick, Acting Director, Department of Human Resources and Mr. Alton Fryer, Bolton Partners, Inc. reviewed the Small Cap Growth recommendation for the Sheriff's Office Retirement Plan (SORP). Mr. Fryer explained that the Voya Small Cap Opportunities Fund was placed on the Watch list at the end of 2017 due to underperformance relative to its benchmark and peers. It underperformed in 2018 and experienced unexpected changes on the analyst team. Mr. Fryer indicated that there were better alternatives available and recommended the Wasatch Core Growth Fund which was deemed to be a superior alternative since it has a consistent investment style, a slightly better absolute performance versus peers and benchmark, a strong three (3) to five (5) year adjusted scores and better "down" capture ratio over the past five (5) years. The Sheriff's Office Retirement Plan Committee approved this recommendation.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve the recommendation to select the Wasatch Core Growth Fund to replace the Voya Small Cap Opportunities Fund.

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Briefing: Wrap-Up Review of the 2019 Maryland General Assembly Legislative Session

Mr. Ivan Lennar, President, and Ms. Katie Nash, Lobbyist, Greenwill Consulting Group, LLC, provided an overview of the 2019 Maryland General Assembly Legislative Session. Mr. Lennar recommended that during the interim, establishing standard procedures to vet ideas before presenting to the General Assembly next year. Ms. Nash provided highlights from the ninety (90) day report. House Bills 389, 388, 438 all local bills submitted on behalf of the County's Board of License Commissioners passed. House Bill 634 related to the rights-of-way for communications activities passed and will help support the implementation of broadband services in rural areas. House Bill 400 did not move forward since additional public comment was requested. This keeps the door open for next year. House Bill 654 was deferred to Summer Study. This Bill would establish procedures and requirements for the deployment, installation, and regulation of certain wireless telecommunications facilities in the State; prohibit an authority from entering into an exclusive agreement for the use of certain rights-of-way for certain purposes; authorize an authority to impose certain rates and fees for use of certain rights-of-way in a certain manner and subject to certain limitations; and authorize a wireless provider to collocate certain facilities and use certain rights-of-way. Ms Nash mentioned two (2) Bills that did not pass that were considered victories. The Bills were related to funding for the College of Southern Maryland and the Tri-County Council of Southern Maryland.

The recommendations for the interim were to start developing a plan of action and time line for the next session; form a local workgroup to look at the Kirwan Bill impact on the County; determine the County's priorities; review with the County Administrator priorities for the Executive Budget approval in August /September; develop a strategic approach to lite rail/transportation so that they can advocate for it; and to have the County work with the lobbyist on the grant cycle which is beginning now.

Meet and Confer with the Town of LaPlata and the Town of Indian Head: FY 2020 Tax Differential

Mr. Jacob Dyer, Chief of Budget, and Ms. TaTanya Bowman, Senior Budget Analyst, Department of Fiscal and Administrative Services, provided an overview of the requirement to meet and confer based on state law and explained the tax differential. Ms. Bowman provided an overview of the FY2020 Tax Differential for the Town of LaPlata and for the Town of Indian Head.

The proposed rate calculation for the Town of LaPlata for the Fiscal Year 2020 would be point one three five (.135) for the residents of LaPlata. Ms. Jeannine James, Mayor, and Mr. Kevin Greenville, Town Treasurer, Town of LaPlata, expressed their satisfaction with the proposed rate calculation.

The proposed rate calculation for the Town of Indian Head for the Fiscal Year 2020 would be point zero three eight (.038) for the residents of Indian Head. Mr. Brandon Paulin, Mayor, Town of Indian Head, stated his satisfaction with the proposed rate.

**Break 3:28 p.m. – 3:50 p.m.*

FY2020 Budget Work Session: Environmental Services Fund and the General Fund Capital Improvement Projects (CIP) Review

Ms. Jenifer Ellin, Director and Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services began the work session with the review of proposed Environmental Service Fund Five-Year plan. The Environmental Service Fee is an annual fee on the property tax bill. The FY2019 Annual Fee is one hundred and one dollars (\$101) per improved lot. The FY2020 proposed

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budget rate would increase this amount by eighteen dollars (\$18). Ms. Ellin reviewed three options for this needed increase:

- A. Use Fund Balance and have the remaining thirteen dollars (\$13) as the FY2020 rate increase or;
- B. Reduce and delay expansion and have the FY2020 rate increase of sixteen dollars (\$16) or;
- C. A combination of A and B with the FY2020 increase of eleven dollars (\$11).

After discussing the options pros and cons, the Commissioners agreed to keep the original proposed Environmental Service Fee for FY2020 of eighteen dollars (\$18).

The budget work session continued with an interactive review of the General Fund Capital Improvement Projects. The Commissioners suggested projects to add and reduce/remove from the proposed budget while staff adjusted live on the computer. The projects that the Commissioners are considering reducing/removing are the Blue Crab's Stadium Improvement Seating Cover, the New Animal Shelter, and the LaPlata Farm projects. The Projects the Commissioners are considering adding are: The LaPlata Library at twenty-eight thousand (28K) square feet; the Waldorf Park; the Hamilton Road Sidewalk Improvements; and potentially the Billingsley Road Improvement project.

The Commissioners requested a briefing on the New Animal Shelter project and a briefing from Mr. John Stevens, Chief of Capital Improvements, Department of Public Works, on the Billingsley Road project since 2013. He was asked to include what studies were done, what recommendations were given, what was the goal of this project, what was accomplished, and how much was spent since 2013. He was furthered asked to provide a comparison of safety enhancements needed and done versus redoing the project to eliminate curves and elevations and the cost to expand the current study that was already completed.

Ms. Ellin concluded this work session by asking the Commissioners to send any further recommendations to staff so that they can prepare for further review on April 30, 2019.

Briefing and Discussion: Charter Form of Government

Ms. Danielle Mitchell, Acting County Attorney, began her review of the three (3) options for forms of local government and the authority level of each form. These forms are: Commissioner County, Code Home Rule and Charter form of government. She went on to explain the basics about Charter Form of Government and what is needed if the Commissioners choose to consider this change. A committee would need to be formed and would have no more than eighteen (18) months to transmit a draft of a charter to include on the ballot. If the goal was to have this added to the 2020 election ballot the charter would need to be submitted by the second Monday in August 2020.

Commissioner Stewart did not agree with it as a goal since it would increase the size of government and the cost of doing business. Commissioner Collins requested that Ms. Mitchell do a cost analysis of transition to Charter Government. Commissioner Bowling felt it warranted more discussion and to find out public safety's concern about this type of government. Ms. Mitchell suggested bringing back an expert on this form of government.

Commissioner Collins asked to bring this discussion back after April 30, 2019 with the requested information and to take a vote at that time.

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Commissioners' New Business

There was no new business.

**Break 5:36 p.m. - 6:01 p.m.*

Public Hearing: Town Center South Development Rights and Responsibilities Agreement (DRRA) Amendment #4

The Commissioners conducted a public hearing on the Town Center South Development Rights and Responsibilities Agreement (DRRA) #4. Ms. John Mudd, Planner, Department of Planning and Growth Management, presented an overview of the proposed amendment. One (1) member of the community provided comments.

A motion was made by Commissioner Stewart, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to close the record.

A motion was made by Commissioner Stewart, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to close the public hearing.

A motion was made by Commissioner Rucci, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve the amendment as presented.

At 6:09 p.m. a motion was made by Commissioner Rucci, seconded by Commissioner Stewart 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: April 16, 2019

Time: 9:22 a.m.

Motion By: Commissioner Rucci

Seconded By: Commissioner Coates

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.

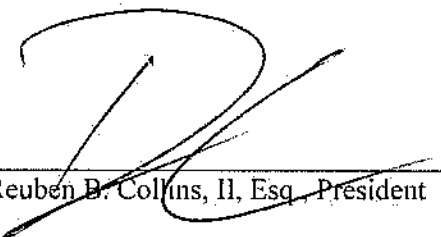
TOPICS TO BE DISCUSSED:

3-305 (b) (3) (7) To seek Legal Advice/Consider Acquisition of Real Property for a Public purpose on two (2) acquisitions

REASON FOR CLOSING: To receive updates and to keep legal strategies and approaches confidential.

3-305 (b) (1) Personnel: Commissioner Appointed Board

REASON FOR CLOSING: To keep applicant information confidential in order to attract applicants



Reuben B. Collins, II, Esq., President