

Regular Meeting of County Commissioners
Tuesday October 8, 2019

The regularly scheduled meeting of the County Commissioners was convened at 1:33 p.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
Wesley Adams, County Attorney
Carol A. DeSoto, Acting Clerk to the Commissioners

Morning Events:

- **Building a Trauma Response Network in Charles County Panel Discussion**
- **Ribbon Cutting and Tour: Waldorf Senior and Recreational Center**

Open Session

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

Recognition: Citation-United States Navy Birthday

The Commissioners recognized members who served in the United States Navy. Members of the Charles County Commission for Veterans Affairs and Charles County Employees received the citation recognizing the United States Navy's two hundred and forty fourth (244th) birthday and honoring their service.

Recognition: Proclamation 2019-40 Global Diversity Awareness Month

The Commissioners proclaimed October 2019 as Global Diversity Awareness Month in Charles County. Proclamation 2019-40 was received by Mr. Anthony Johnson, Ms. Destiny Proctor, Mr. John Filer, and Ms. Lori Cherry, Members of Department of Emergency Service Diversity Work Group and Ms. Alexis Blackwell, Director, Department of Human Services and Members of Government Alliance on Race and Equity (GARE).

Commissioners' Comments

Commissioner Stewart spoke about the ribbon cutting, held early this day, of the new Waldorf Senior and Recreational Center and invited the public to go see this new center.

Approval of the Minutes of October 1, 2019

A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve the minutes of October 1, 2019.

Notice of Tentative Agenda of October 22, 2019

Ms. Carol DeSoto, Acting Clerk, announced the tentative agenda for October 22, 2019. She mentioned that there was no scheduled session for October 15, 2019.

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Approval Items

Ebud:

FY2020 Budget Transfer Request #7249 Job Access and Reverse Commute (JARC)

Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this budget transfer request was to reprogram a portion of the general fund capital outlay line which was originally budgeted for one (1) light duty paratransit bus to the general fund transfer line to accommodate the match funds required for the State Job Access and Reverse Commute (JARC) Grant. This grant is partially funding the operating costs of the new VanGo services to the new Waldorf Senior and Recreation Center.

A motion was made by Commissioner Stewart, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to approve the FY2020 Budget Transfer Request #7249 Job Access and Reverse Commute (JARC) for forty-nine thousand seven hundred dollars (\$49,700.00).

Reconsideration:

Memo-Homeowner's Association Dispute Review Board (HOADR) Legislative Proposal for the 2020 Legislative Session

Ms. Danielle Mitchell, Associate County Attorney II, Office of the County Attorney, explained that this proposed legislation was limited to Charles County only since Charles County, under Code Home Rule, is the only County in this class. This is not a statewide change.

A motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to add this proposal to the Charles County 2020 Legislative Package.

Agreement:

American Federation of State, County and Municipal Employees (AFSCME) Neutrality Agreement

Mr. Wes Adams, County Attorney, explained that this agreement would allow AFSCME Council Sixty-Seven (67) to come to Charles County Government to speak to employees about potentially forming a union. Mr. Adams explained that the terms of this negotiated agreement was discussed in closed session and is now coming to open for discussion and approval in public.

After Commissioner Bowling expressed some legal concerns with the document. He made a motion to table this item until he could discuss this with the County Attorney.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to table this discussion.

Briefing and Request for Approval: Charles County Pension Plan Review

Ms. Jenifer Elin, Director, Department of Fiscal and Administrative Services, Mr. David Pappalardo, Vice President and Consulting Actuary, and Mr. Dean Molinaro, Vice President Full-Service Investments, Prudential Retirement briefed the Commissioners on the July 1, 2018 Actuarial Valuation Assumption Study Review. This included the plan's results, funded status, participant statistics, and actuarial funding methods and assumptions.

They also updated the Commissioners on the pension plan's investments, as of June 30, 2019. The recommendation was to diversify the fixed income holdings by transferring funds from the High-Grade Bond/GSAM Fund to the Core plus Bond/PGIM Fund.

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A motion was made by Commissioner Stewart, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to adopt the assumption changes as presented today in this report.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to diversify the fixed income holdings by transferring funds from the High-Grade Bond/GSAM Fund to the Core plus Bond/PGIM Fund.

Briefing: Sheriff's Office Retirement Plan (SORP) Review

Ms. Jenifer Ellin, Director, Department of Fiscal and Administrative Services, Mr. Alton Fryer, IV, Director of Client Services, and Ms. Ann Sturner, Senior Consulting Actuary, Bolton, provided an actuarial update on the Sheriff's Office Retirement Plan. They reviewed Employer Contributions since 2012; potential key risks; trends in investment returns; and County contributions of normal employer cost and unfunded liability payments. They also discussed the plan's provisions, actuarial assumptions, survey of return assumptions, participant statistics and GASB Accounting results. The briefing concluded with a review of the investment asset allocation.

**Commissioner Coates left the Dias at 2:34 p.m. and returned at 3:01 p.m.*

Briefing: Rebuilding Together Charles County

Mr. Alvin Stewart, President, and Ms. Sandra Branan, Treasurer, Rebuilding Together Charles County provided the Commissioners with an update on the services provided by Rebuilding Together Charles County, formerly known as Christmas in April. They shared statistics on project assistance they have provided through volunteer labor and donation of construction supplies. They shared photos of specific home projects and challenges faced in completing necessary renovations.

After the briefing, the Commissioners recognized Mr. Harry Kriemelmeyer, Kiwanis Club, for his service to the elderly, disabled, and low-income residents in Charles County for over twenty (20) years. He was an active member of Christmas in April/Rebuilding Together Charles County. The Commissioners presented Mr. Kriemelmeyer a Citation of Appreciation.

**Break 3:08 p.m. -3:18 p.m.*

Briefing: Charles County Drainage Systems Improvement Program

Mr. John Stevens, Chief of Capital Services, Department of Public Works and Mr. Jason Groth, Planning Director, Department of Planning and Growth Management, briefed the Commissioners on the County's drainage system improvement program. They highlighted the current conditions of the aging infrastructure with many drainage systems exceeding the thirty(30) to forty (40) year life span of corrugated metal pipes and current stormwater challenges that lead to localized flooding. They explained that the county has budgeted six million five hundred and ninety-four thousand dollars (\$6,594,000.00) in capital improvement programs. Four million and forty-two thousand five hundred and seventy-eight dollars (\$4,042,578.00) has been used to complete over seventeen (17) projects to date. The remaining three million two hundred and seven thousand dollars (\$3,207,000.00) will cover current active projects in design. These projects will address flooding concerns, including roads maintenance and drainage pipe rehabilitation projects. They discussed the process for how drainage

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issues are identified and addressed, but emphasized additional investments are needed to pay for a comprehensive study to implement a thorough stormwater management plan which will address maintenance and restoration approach as the drainage infrastructure deteriorates. The proposed timeline outlined included creating a matrix and plan for evaluating and responding to individual stormwater issues by November/December 2019 and having a comprehensive program for responding to stormwater issues and evaluate stormwater management regulations for long term solutions in 2020.

Discussion: Property Standards Internal Work Group

This discussion will be rescheduled.

Briefing: Comprehensive Analysis of Fire Service and EMS Assessment

Mr. William Stephens, Director, Department of Emergency Services, Mr. Rick Harrison, and Ms. Heather McGaffin, Public Safety Consultants, Mission Critical Partners, LLC, reviewed the study conducted by Mission Critical Partners which analyzed the current Fire and Emergency Medical Services (EMS) in Charles County. Ms. McGaffin and Mr. Harrison explained the objectives of the study and reviewed the recommendations. This briefing included the value of the volunteer system; the opportunity to strengthen the relationship with the volunteers; the suggested reorganization, staffing, systemwide finance, capital expenditures, operating expenses, revenues, the 9-1-1 Public Safety Communications, and public education. They provided an overview of individual stations and the recommended areas for new station construction as well as a review of the apparatus and equipment.

Commissioner Bowling stressed the amount of money the volunteer system saves the County.

Commissioner Collins mentioned the significant step that have been taken with this study. The next step would be to meet with the stakeholders in a summit or workshop setting to work on the suggestions in the report and begin to implement changes.

Closed Session

At 4:35 p.m., a motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to move into close session where all or a portion of this session may be closed pursuant to Section 3-305(b)(1)(3)(7)(8) of the General Provisions Article of the Annotated Code of Maryland to seek legal advice on one (1) legal procedure; to discuss one (1) potential litigation case; and to discuss appointments to one (1) Commissioner Committee Assignment. The reason for closing is to keep legal negotiations, approaches and strategies confidential and to keep personnel information confidential.

Summary Closed Session Items

At 5:04 p.m. the Commissioners went into closed session.

3-305(b)(7) Legal Advice:

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Mark Belton, Wes Adams, and Carol DeSoto.

Mr. Wes Adams, County Attorney, provided advice to the Commissioners related to legal procedures related to communications.

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3-305(b)(7)(8) Legal Advice/Potential Litigation:

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Mark Belton, Wes Adams, and Carol DeSoto.

Mr. Wes Adams, County Attorney, provided an update on a potential litigation case and the next steps.

3-305(b)(1) Personnel: Commissioner Assignments

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Mark Belton, Wes Adams, and Carol DeSoto.

Ms. Carol DeSoto, Acting Clerk, explained the request for the Commissioners to nominate representatives to the Maryland Association of Counties (MACo) Legislative Committee.

The Commissioners reached a consensus on these nominations.

The Commissioners' official action, on these nominations, will take place during the October 22, 2019 meeting.

At 5:32 p.m., a motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to end closed session.

**Break 5:32 p.m. – 6:01 p.m.*

The Commissioners returned to open session at 6:01 p.m.

**Commissioner Bowling was not present for the Public Hearings.*

Public Hearing: Bond Resolution

Ms. Jenifer Ellin, Director, Department of Fiscal and Administrative Services and Ms. Cheryl O'Donnell Guth, Counsel, McGuire Woods LLP presented the Bond Authorization Resolution which is related to the bond issuance and explained that the new money issue would not exceed fifty-eight million dollars (\$58,000,000.00) and would be used for financing and refinancing capital projects. Once the bond resolution is approved the bond sale is scheduled for November 5, 2019.

There were no members of the public present to provide comments.

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

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

A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with Commissioners Coates, Rucci, Stewart, and Collins present, voting in favor to close the Public Hearing on the Bond Resolution. **Commissioner Bowling was not present for the vote.*

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A motion was made by Commissioner Stewart, seconded by Commissioner Rucci and passed, with Commissioners Stewart, Rucci, Coates and Collins present, voting in favor to approve Resolution 2019-14, Bond Authorization. **Commissioner Bowling was not present for the vote.*

Public Hearing: Modification to the County's Fiscal Year 2019 MS4 Permit Financial Assurance Plan

Ms. Karen Wiggen, Planner III and Mr. Charles Rice, Program Manager, Department of Planning and Growth Management reviewed the modifications to the County's Fiscal year 2019 MS4 Permit Financial Assurance Plan.

There were no members of the public present to provide comments.

A motion was made by Commissioner Stewart, seconded by Commissioner Rucci and passed, with Commissioners Stewart, Rucci, Coates and Collins present, voting in favor to keep the record open for ten (10) days. **Commissioner Bowling was not present for the vote.*

A motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with Commissioners Rucci, Coates, Stewart, and Collins present, voting in favor to close the Public Hearing. **Commissioner Bowling was not present for the vote.*

At 6:09 p.m. a motion was made by Commissioner Coates, seconded by Commissioner Stewart and passed, with Commissioners Coates, Stewart, Rucci and Collins present, voting in favor to adjourn. **Commissioner Bowling was not present for the vote.*



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: October 8, 2019

Time: 4:35 p.m.

Motion By: Commissioner Coates

Seconded By: Commissioner Rucci

Vote to Close Session:

	AYE	NAY	ABSTAIN	ABSENT
Reuben B. Collins, II, Esq.	[X]	[]	[]	[]
Gilbert O. Bowling, III.	[X]	[]	[]	[]
Thomasina O. Coates, M.S.	[X]	[]	[]	[]
Amanda Stewart, M.Ed.	[X]	[]	[]	[]
Bobby Rucci	[X]	[]	[]	[]

STATUTORY AUTHORITY TO CLOSE SESSION

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

(1) [X] 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) [X] To consult with counsel to obtain legal advice on a legal matter.

(8) [X] 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 particular 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)(7) Legal Advice on one (1) legal procedure

REASON FOR CLOSING: To keep legal approaches confidential

3-305 (b)(7)(8) Legal Advice/Potential Litigation

REASON FOR CLOSING: To keep legal approaches confidential

3-305 (b)(1) Personnel Appointment to one (1) Commissioner Committee Assignment

REASON FOR CLOSING: To keep applicant information confidential



Reuben B. Collins, II, Esq., President