

Regular Meeting of County Commissioners
Tuesday May 5, 2020

The regularly scheduled meeting of the County Commissioners was convened virtually at 12:33 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, Clerk to the Commissioners

Call to Order/Pledge

Commissioner Collins called the meeting to order, and Commissioner Coates led the Pledge of Allegiance.

Charles County Health Department Update: Coronavirus/CoVid-19

Dr. Howard Haft, Executive Director, Maryland Primary Care Program, Maryland Department of Health, and Ms. Michelle Lilly, Director, Department of Emergency Services provided an update on COVID-19. Dr. Haft shared information on the Governor's Executive Order; an update that all Charles County nursing facilities are using technology to connect senior citizens with loved ones; and confirmed that all County nursing home residents were tested for COVID-19 last week, and that all staff members at these nursing homes are anticipated to be tested this week.

Ms. Lilly reported that additional statistics have been added to the daily Situation Report sent to elected and executive leaders and indicated that numbers seem to be on a downward trend. She informed the Commissioners that a kickoff meeting was held last Thursday by the "New Normal Taskforce," which has been charged with developing a plan for re-opening County Government. She stated that there have been more than one thousand eight hundred (1,800) cloth face masks donated. She also reported that one hundred forty-seven (147) Tupperware soup bowls and soup were donated to support local first responders.

Comments

There were no comments.

Approval of the Minutes April 21, April 24, April 28, and April 29, 2020

A motion was made by Commissioner Stewart, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve the minutes of April 21, 2020.

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 24, 2020.

A motion was made by Commissioner Stewart, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to approve the minutes of April 28, 2020.

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A motion was made by Commissioner Stewart, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to approve the minutes of April 29, 2020.

Notice of the Tentative Agenda of May 12, 2020

Ms. Carol DeSoto, Clerk to the Commissioners, reviewed the tentative agenda for May 12, 2020.

Approval Items

FY2020 Budget Transfer Request 7743 Emergency Services Overtime

Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this request was to fund overtime costs for the Emergency Medical Services Division that are estimated to exceed the budget. He explained that the funds for this request will come from the Career Emergency Medical Expenses due to COVID-19 postponement of Physicals for EMS personnel.

A motion was made by Commissioner Stewart, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve FY2020 Budget Transfer Request 7743 Emergency Service Overtime for fifty-nine thousand dollars (\$59,000.00).

FY2020 Budget Transfer Request 7720 Emergency Services Overtime

Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this request was to fund overtime costs for the Emergency Medical Services Division that are estimated to exceed the budget and that the funds will come from savings from full time staff turnover.

A motion was made by Commissioner Stewart, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve FY2020 Budget Transfer Request 7720 Emergency Service Overtime for ninety-five thousand dollars (\$95,000.00).

FY2020 Contingency Transfer Request 7647 Filter #6 Plates

Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this request is needed for additional work discovered during the rehab of filters one (1) through six (6). This additional funding for filter six (6) will complete the rehab of all filters and place them back in service.

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve FY2020 Contingency Transfer Request 7647 Filter #6 Plates for two hundred and twenty-five thousand dollars (\$225,000.00).

Briefing: Update on the Broadband Task Force

Ms. Deborah Hall, Deputy County Administrator, and Ms. Evelyn Jacobson, Chief of Information Technology, Department of Fiscal and Administrative Services, provided a presentation on the Rural Broadband Task Force, which included introducing task force members and their roles and the announcement of the two million nine hundred and twenty four thousand eighty three dollar (\$2,924,083.00) grant award to ThinkBig Networks, LLC for deploying broadband in the Nanjemoy and Cobb Neck areas. Ms. Hall indicated that they expect a summer construction schedule, and it will take about three (3) years to fully deploy broadband to these areas.

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Briefing: Update on the Charles County COVID-19 Grant Relief Program for Non-Profits and the Charles County COVID-19 Loan Relief Program for Small Business

Ms. Vivian Mills and Ms. Deborah Carrington, Charles County Charitable Trust, along with Ms. Lucretia Freeman-Buster and Ms. Margaret Dureke, Department of Economic Development, provided an update on the Charles County COVID-19 Grant Relief Program for Non-Profits and the Charles County COVID-19 Loan Relief Program for Small Businesses. Ms. Mills stated that the Trust distributed grants to twenty-one (21) nonprofit recipients. They had received thirty-seven (37) grant applications. The Charitable Trust will hold a virtual workshop on May 12, 2020 to explain the criteria and standards for the next round of grant applications which are due by May 20, 2020.

Ms. Freeman-Buster and Ms. Dureke provided an update on the Charles County COVID-19 Loan Relief Program for Small Business. The department has received one hundred and fifteen (115) requests for applications; fourteen (14) applications have been submitted, although some applications are incomplete. The Business Loan Committee will meet and make decisions on eight (8) completed applications on Thursday, May 7, 2020. Ms. Dureke commented on the efforts of Economic Development staff in reaching out to all businesses that have requested applications and to offer assistance in completing and submitting their requests.

Commissioner Bowling stressed the need to improve the process to try and get the monies to these small businesses soon.

Budget Work Session: FY2021 General Fund Recap and Special Revenue Funds

Ms. Jenifer Ellin, Director, Mr. Jacob Dyer, Chief of Budget, and Ms. Debra Posey, Grant Analyst III, Department of Fiscal and Administrative Service, reviewed the proposed FY2021 Special Revenue Funds by source. The summary included: governmental funds, debt services funds, proprietary funds, FY2021 Vehicle and Equipment Listing, Excise Tax, Property Tax Related Funds, Federal or State Grant Related Funds, and Service Charge Related Funds. During the FY2021 General Fund Recap, Ms. Ellin pointed out the requested information on the proposed budget by the Charles County State's Attorney's Office related to the Diversion Programs Coordinator position listed in the "Requests Greater than Proposed" document.

Commissioner Collins reiterated his commitment to criminal justice reform and will consider proposing some special revenue funds that may be applied to this Diversion program.

Commissioner Bowling had staff clarify that the County was giving the Board of Education more money than the Maintenance of Effort required. He also clarified that the Board of Education could use these funds to cover salary increase for the teachers if they chose to do this. The Board of County Commissioners approves the Board of Education's budget by categories. The Board of Education approves how these funds are allocated.

Budget Work Session: Follow-up on Enterprise Funds and FY2021-2025 Capital Improvement Projects (CIP)

Ms. Jenifer Ellin, Director, and Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Service Fiscal, provided a follow-up on the Enterprise Funds and FY2021-2025

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Capital Improvement Projects(CIP). Ms. Ellin reviewed the specific requests made by Commissioner Coates related to the add/delete requests to the CIP.

During the review of Commissioner Coates' request to consider swapping the Billingsley Road Safety Improvement Project for the Billingsley Road Realignment Project, Commissioner Stewart expressed concerns of safety and not getting resident's input. She did not feel comfortable doing this without all the actual information. Mr. John Stevens, Chief of Capital Improvements, Department of Public Works, provided his estimates related to these costs and opinions related to these projects.

The majority of the Commissioners agreed to consider potentially swapping the Billingsley Road Safety Improvement Project for the Billingsley Road Realignment Project. This will come back next week before the Commissioners for a vote.

Another request of Commissioner Coates was to add the Bryans Road Senior and Recreation Center and a homeless shelter for a study and design to the CIP by removing funding from the Animal Shelter Project. Ms. Ellin explained that since the Animal Shelter project was bond funded it could not be used for the proposed study and design. It was recommended that Commissioner Coates consider submitting an add/delete request for the General Fund for these one-time cost requests.

Commissioner Stewart commented that staff provided the Commissioners a briefing, report, and recommendations from the Homeless Shelter Work Group on April 21, 2020. The focus was on using resources to support program to help address homelessness. She stressed that the Commissioners needed to be mindful of staff's recommendations.

Ms. Ellin concluded the briefing with the reminder of the Public Hearing on the budget was tonight at 6:00 p.m. and that the final budget review work sessions would be next week.

Commissioners' New Business

There was no new business discussed.

Closed Session

At 2:39 p.m., a motion was made by Commissioner Rucci, seconded by Commissioner Bowling 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 3-305(b)(3)(4)(7)(8) of the General Provisions Article of the Annotated Code of Maryland to seek legal advice on five (5) issues. One (1) related to a business or industrial organization to locate, expand, or remain in the County; three (3) issues related to potential agreements; and one (1) issue related to a potential land acquisition as well as a potential litigation issue. The reason for going into closed session is to keep legal approaches and strategies confidential.

Summary Closed Session Items

At 2:48 p.m. the Commissioners went into virtual closed session.

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

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

Ms. Elizabeth Theobalds, Deputy County Attorney, reviewed a response to requested changes to an agreement.

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with Commissioners Stewart, Bowling, Rucci, and Collins present, voting in favor to the send draft response letter as presented. Commissioner Coates was opposed.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to postpone signature of the letter until Commissioner Coates' questions and concerns are reviewed by legal.

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

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Mark Belton, Wes Adams, Carol DeSoto, Deborah Hall, Elizabeth Theobalds, Judy Michaels and Jenifer Ellin.

Ms. Elizabeth Theobalds, Deputy County Attorney, reviewed a potential land acquisition and the need to do an appraisal. Ms. Jenifer Ellin, Director, Department of Fiscal and Administrative Services, explained that this is a one-time cost. She stressed the importance of the Commissioners moving away from using the Fund Balance for one-time cost and proposed another source for funding.

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

The consensus of the Commissioners was to fund the appraisal with the suggested funding source.

3-305(b)(7) Legal: Proposed Agreement

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Mark Belton, Wes Adams, Carol DeSoto, Deborah Hall, Deborah Carpenter, Shanna Reese, and Jenifer Ellin.

Ms. Deborah Hall, Deputy County Administrator, provided an overview of what was requested. Ms. Deborah Carpenter, Director, Department of Planning and Growth Management, explained the scope and expected outcome for the solicited agreement while Ms. Shanna Reese, Chief of Purchasing, Department of Fiscal and Administrative Services, reviewed the Request for Bid (RFP) process and evaluation of bids. Ms. Jenifer Ellin, Director, Department of Fiscal and Administrative Services, explained that this was a one-time cost. She stressed the importance of the Commissioners moving away from using the Fund Balance for one-time cost and proposed another source for funding.

The majority of the Commissioners agreed to move forward with the assessment using the suggested funding source.

3-305(b)(7) Legal: Proposed Agreement

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

The Commissioners discussed this proposed agreement.

The consensus of the Commissioners was to follow up with the other organizations that provide similar services and allow them to present their proposals.

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3-305(b)(7) Legal Advice: Procedures on Services Provided

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Mark Belton, Wes Adams, Carol DeSoto, Frances Sherman, Bill Shreve, Terri Kahouk, Jacob Dyer, Jason Groth, and Jenifer Ellin

Staff reviewed several proposed changes to procedures that are provided by the County and were seeking direction from the Commissioners and legal advice on how to proceed.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to have the County Attorney draft an opinion letter to the Attorney General to certify the County can proceed as discussed.

The consensus of the Commissioners was to have staff proceed with a cost benefit analysis.

At 4:33 p.m. a motion was made by Commissioner Coates seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor end closed session.

**Break 4:33 p.m. - 6:00 p.m.*

Public Hearing: FY2021 Operating Budget and FY2021-FY2025 Capital Budgets

The Commissioners conducted a virtual public hearing on the Fiscal Year 2021 Operating Budget and the Fiscal Year 2021 through Fiscal Year 2025 Capital Budget. Ms. Jenifer Ellin, Director, and Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, presented an overview of the proposed balanced budget. She reviewed the approach taken and the budget priorities. She reviewed what was included in the proposed budget and the considerations taken to reach the proposed balance budget. Mr. Dyer reviewed the Enterprise Funds, which include: Water and Sewer Fund, Landfill Fund, Environmental Service Fund, and Watershed Protection and Restoration Fund. Ms. Ellin presented the Capital Improvement Program (CIP) proposed budget overview. Mr. Dyer concluded with the review of the Fees and Charges. Fourteen (14) speakers called in to provide comments to the Commissioners.

A motion was made by Commissioner Stewart, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to keep the record open until May 11, 2020.

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

At 7:00 p.m. a motion was made by Commissioner Stewart, 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 *Virtual* Date: May 5, 2020

Time: 2:39 p.m.

Motion By: Commissioner Rucci

Seconded By: Commissioner Bowling

Vote to Close Session:

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

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) [X] To consider the acquisition of real property for a public purpose and matters directly related thereto.

(4) [X] 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
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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: One (1) Agreement

REASON FOR CLOSING: To keep legal approaches confidential

3-305(b)(3)(7)(8) Legal Advice: One (1) Potential Litigation/Potential Land Acquisition

REASON FOR CLOSING: To keep legal approaches confidential

3-305(b)(7) Legal Advice: One (1) Agreement and Negotiation

REASON FOR CLOSING: To keep legal approaches confidential

3-305(b)(7) Legal Advice: One (1) Agreement/ Contract Proposal

REASON FOR CLOSING: To keep legal approaches confidential

3-305(b)(4)(7) Legal Advice: One (1) For a Business or Industrial Organization to Locate, Expand, or Remain in the County

REASON FOR CLOSING: To keep legal approaches confidential



Reuben B. Collins, II, Esq., President