

Regular Meeting of County Commissioners
Tuesday June 9, 2020

The regularly scheduled meeting of the County Commissioners was convened virtually at 10:00 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
Wesley Adams, County Attorney **Joined Session at 1:00 p.m.*
Danielle Mitchell, Associate County Attorney
Carol A. DeSoto, Clerk to the Commissioners

Call to Order/Pledge

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

Roll Call

A roll call was taken. All Commissioners were present.

Comments

There were no comments.

Closed Session

At 10:02 a.m., a motion was made by Commissioner Bowling, seconded by Commissioner Stewart 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)(7) of the General Provisions Article of the Annotated Code of Maryland to seek legal advice pertaining to personnel matters and investigations. The reason for closing is to keep personnel information confidential

**Break 10:03 a.m. – 1:07 p.m.*

Summary Closed Session Items

At 1:07 p.m. the Commissioners went into closed session in the Government Building Conference Room.

3-305(b)(1)(7) Personnel

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Wes Adams, Carol DeSoto, Danielle Mitchell, Alexis Blackwell, Eric Paltell, and Bernadette Sargent. **Commissioner Coates and Wes Adams joined session virtually.*

Mr. Wes Adams, County Attorney, and Mr. Eric Paltell and Ms. Bernadette Sargent, Outside Counsel, provided an overview of personnel issues that were investigated. Mr. Paltell provided legal recommendations.

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A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with Commissioners Bowling, Rucci, Stewart and Collins present, voting in favor to approve *specific recommended actions*. Commissioner Coates was opposed. The motion passed four (4) to one (1).

The Commissioners reached a consensus related to changes to the Commissioners' Rules of Procedures. The official action on this item took place in open session on this day and noted in the minutes under Discussion: Proposed Changes to the Charles County Board of County Commissioners' Rules of Procedures.

At 2:25 p.m. a motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to close Closed Session.

The Commissioners returned to open session at 2:45 p.m.

Roll Call

A roll call was taken. All Commissioners were present. *Commissioner Coates and Mr. Wes Adams, County Attorney, joined session virtually.

Discussion: Proposed Changes to the Charles County Board of County Commissioners' Rules of Procedures

Commissioner Collins stated: *"The Board of Commissioners have made clear their intolerance for illegal discrimination and harassment directed at County employees. The Commissioners have also made it clear that they will not tolerate bullying directed at County employees. The current Commissioners' Rules of Procedure do not include a policy prohibiting discrimination, harassment, or bullying by Commissioners. In order to ensure that the Commissioners are held to the same standards as County employees, the Rules of Procedure should be amended to include a policy prohibiting such behaviors. The proposed amendment prohibits discrimination, harassment and bullying directed at County employees by any Commissioner. The amendment also creates a complaint process whereby County employees may bring a complaint of discrimination, harassment and/or bullying to the attention of the County's Director of Human Resources. The Director is empowered to investigate such matters, and to prepare and present a report of his/her findings to the Board in a closed session. Under the proposed amendment, the Board is authorized to take remedial actions against a Commissioner found to have violated the policy. Commissioners are also prohibited from retaliating against persons who make good faith complaints of discrimination, harassment and/or bullying."*

Mr. Eric Paltell, Outside Counsel, read the proposed amendment to the Commissioners' Rules of Procedures:

Like County employees, Commissioners are required to refrain from intimidating and disruptive workplace behaviors. Charles County is committed to maintaining an environment where all employees and all others who work here are able to work free from discrimination and harassment in any form. Intimidating, coercive and disruptive behaviors contribute to work errors, can demoralize and intimidate staff, may cause good employees to seek new positions in a more professional setting, and are not reflective of the County's values. Discrimination and/or harassment by any Commissioner, in any form, will not be tolerated.

Commissioners are also required to refrain from bullying behaviors directed towards County employees and all others who work here. Bullying is a pattern of repeated behavior that a reasonable person would find hostile,

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offensive, and unrelated to the County's legitimate business interests. Bullying behavior may take many forms including physical, verbal, or written acts or behaviors. Workplace bullying often involves an abuse or misuse of power. A single physical, verbal, or written act or behavior generally will not constitute bullying unless especially severe and egregious.

Commissioner should also treat each other with respect and professional decorum. While disagreement with other Commissioners may be a normal part of the political process, there is no justification for any Commissioner to harass, defame, or bully another Commissioner.

Any County employee who believes he or she has been subjected to behavior by a Commissioner that violates this policy may file a complaint with the County's Director of Human Resources. The Director will, in his/her discretion, either engage an outside professional to investigate the complaint or arrange for County Human Resources personnel to investigate the complaint.

The investigator or investigators will interview witnesses and review documents and other information as they deem necessary. When the investigation is complete, the findings of the investigation shall be presented to the Commissioners in a closed session.

The Commissioners shall determine whether any action should be taken against the Commissioner or Commissioners against whom the complaint was made. No action may be taken without the unanimous support of all Commissioners who are not the subject of the complaint. Remedial actions available to the Commissioners include, but are not limited to, public censure and/or suspension of the Commissioner's pay for one or more 30-day periods.

Commissioners may not engage in any retaliatory action against any person who brings a good faith complaint against a Commissioner. Any act of retaliation shall be deemed a violation of this policy.

A motion was made by Commissioner Rucci, seconded by Commissioner Stewart and passed, with Commissioners Rucci, Stewart, Bowling and Collins present, voting in favor to approve the amendment to the Commissioners' Rules of Procedures as read. Commissioner Coates was opposed. A roll call of the vote was taken. Commissioner Bowling-yes; Commissioner Coates-no; Commissioner Stewart-yes; Commissioner Rucci-yes; Commissioner Collins-yes. The motion passed four (4) to one (1).

Commissioners' New Business

There was no new business discussed.

At 3:01 p.m. a motion was made by Commissioner Bowling, 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: Virtual

Date: June 9, 2020

Time: 10:02 a.m.

Motion By: Commissioner Bowling

Seconded By: Commissioner Stewart

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) [] 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.

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(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)(1)(7) Legal: Personnel/Investigations

REASON FOR CLOSING: To keep legal advice and personnel records confidential



Reuben B. Collins, II, Esq., President