

Regular Meeting of County Commissioners
Tuesday September 1, 2020 (Legislative Day)

The regularly scheduled meeting of the County Commissioners was convened virtually at 9:02 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
Carol A. DeSoto, Clerk to the Commissioners

Call to Order/Pledge

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

Roll Call

A roll call was taken. All Commissioners were present.

Comments

There were no comments.

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 statistics. Ms. Lilly shared the latest statistics indicating the continued downward trend. Dr. Haft stressed the importance of adhering to the Orders and best practices for businesses which include social distancing, wearing masks, and washing hands to help mitigate the virus since it is community transmitted. He indicated the Vehicle Emissions Inspection Program sites will close at the end of September, but you can still get tested at medical providers, urgent care and local pharmacies. Dr. Haft also welcomed Dr. Dianna Abney back as the Health Officer for Charles County. Both Dr. Haft and Dr. Abney stressed the importance of getting an annual flu shot.

Approval of the Minutes of July 21, 2020

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

Announcement: Next Commissioner Session will be held September 2 and September 15, 2020

Ms. Carol DeSoto, Clerk to the Commissioners, announced that the next scheduled sessions were on September 2 and September 15, 2020.

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Approval Items

FY2020 Budget Transfer Request #8051 Plancheck Close Out

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve FY2020 Budget Transfer Request #8051 for seventy-eight thousand eight hundred and eighty dollars (\$78,880.00).

FY2021 Budget Transfer Request #8037 Mattawoman Water and Sewer Operations

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve FY2021 Budget Transfer Request #8037 for six hundred and twenty-eight thousand one hundred and sixty dollars (\$628,160.00).

FY2021 Budget Transfer Request #8111 Water and Sewer Operations Outback

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve FY2021 Budget Transfer Request #8111 for one hundred and twenty thousand dollars (\$120,000.00).

FY2021 Contingency Transfer Request #8140 Cable Franchise Fund

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve FY2021 Contingency Transfer Request #8140 for one hundred and sixty thousand four hundred and thirty dollars (\$160,430.00).

Letter of Support - The Friends of Maxwell Hall Maryland Historical Trust Grant Application

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve the letter of support for the Friends of Maxwell Hall Maryland Historical Trust grant application.

Letter of Support - Friends of Smallwood State Park Archaeology Grant

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve the letter of support for the Friends of Smallwood State Park Archaeology Grant.

Letter of Support - Enterprise Homes, Inc. Low-Income Housing Tax Credit (LIHTC) Program Application

Commissioner Collins stressed support of this housing concept and felt it was important to meet with the Town of LaPlata to discuss these types of housing projects and consistent funding.

A motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to approve the letter of support for Enterprise Homes, Inc. Low-Income Housing Tax Credit (LIHTC) Program Application.

Resolution 2020-22 Renewed Declaration of Local State of Emergency

A motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to approve Resolution 2020-22 Renewed Declaration of Local State of Emergency until September 11, 2020.

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Tri County Council Youth Employment Program Memorandum of Understanding

A motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to approve the Tri County Council Youth Employment Program Memorandum of Understanding.

Announcement: Utility Service Cut-Off Moratorium Update

The consensus of the Commissioners was to have the County's internal policy follow the Public Service Commission's (PSC) version to extend moratorium of no cutoffs until November 15, 2020.

Review and Request for Approval: FY2020 Fourth Quarter General Fund Report

Ms. Jenifer Ellin, Director, and Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, presented the FY2020 Fourth Quarter General Fund Report which excludes the CARES Act Revenues and Expenses.

A motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to approve the carryover of the Charles County Sheriff's Office (CCSO) unspent funds of three million three hundred and seventy-eight thousand five hundred and thirty-five dollars (3,378,535.00) and to retitle the category CCSO FY2020 to be determined (TBD).

A motion was made by Commissioner Rucci, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve the carryover of the Project Outsourcing funds of one hundred and five thousand dollars (105,000.00); the Waldorf Senior & Recreational Center-Acoustic Panels funds of forty-four thousand eight hundred dollars (44,800.00); and the Employee Leave Sell Back Reserve funds of seven hundred and seventy thousand dollars (770,000.00).

Briefing and Request to Introduce: Bill 2020-05 Investment Policy Update

Ms. Elizabeth Theobalds, Deputy County Attorney, reviewed the proposed legislation that would amend the Code of Charles County to increase the maturity duration of short-term investments.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to introduce Bill 2020-05 Investments.

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to set the public hearing for September 29, 2020 at 6:00 p.m. to be held virtually.

Briefing: Amendment to the 2016 Charles County Comprehensive Plan

Ms. Deborah Carpenter, Director, and Mr. Charles Rice, Assistant Chief of Planning, Department of Planning and Growth Management, reviewed the request to amend the 2016 Comprehensive Plan - Maryland Airport.

A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to have staff initiate the amendment process as presented.

Briefing: Charles County Disparity Study

Mr. Darrell Brown, Director, Ms. Lucretia Freeman-Buster, Chief of Business Development, Department of Economic Development; and Mr. Rodney Strong, Ms. Michele Clark Jenkins and Ms. Kelle Stewart, Griffin & Strong, provided a briefing on the Charles County Disparity Study. They

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explained what a disparity study was an objective research tool that determines whether a governmental agency has actively or passively discriminated against certain groups due to their race or gender. They outlined the methodology and approach, the study process, which includes community engagement, anecdotal evidence and findings and recommendations. Griffin & Strong will provide a virtual public information meeting on Thursday, September 17, 2020 to allow the community to ask questions, learn about the study process, and discuss how they can participate.

Briefing: Census 2020 Update

Ms. Amy Blessinger, Planner III, Department of Planning and Growth Management and Mr. Lee Osberry, Jr., Partnership Specialist, U.S. Census Bureau, provided an update on the 2020 Census. They announced that Charles County had surpassed its 2010 Census response rate. Residents can continue to respond online, by phone or by mail until September 30, 2020.

A motion was made by Commissioner Coates, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve Resolution 2020-23 Charles County Response to the Census.

Briefing: Charles County COVID-19 Relief Collaborative

Ms. Corae Young, Lifestyles of Maryland; Mr. Michael Young, President, Southern Maryland Tri-County Community Action Committee, Inc.; and Ms. Therese Wolfe, Director, Charles County Department of Social Services briefed the Commissioners on the Charles County COVID-19 Relief Collaborative which is group effort between government and community partners to streamline processes to help households facing potential eviction and other financial challenges as a result of COVID-19 impacts.

The Commissioners provided consensus for County staff to research resources and avenues/strategies the County can provide that align with state law in order to assist the Collaborative and that the Media Services staff work with the Collaborative on a communication strategy to promote this program.

Briefing: Youth Legal System

Ms. Michal Gross, and Ms. Monisha Cherayil, Assistant Public Defenders, Maryland Office of the Public Defender, provided a briefing on the Youth Legal System.

Commissioner Collins mentioned that further conversation is needed on this topic and would like to schedule another type of forum/meeting for the public and a more in-depth discussion.

Closed Session

At 1:32 p.m., motion was made by Commissioner Rucci, seconded by Commissioner Coates 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 on three (3) legal options and approaches and to review appointments to three (3) Commissioner Appointed Boards and

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Commissions. The reason for closing is to keep legal approaches and strategies confidential and to keep personnel information confidential.

Summary Closed Session Items

At 4:03 p.m. the Commissioners went into virtual closed session.

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

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

Ms. Jesse Bungcayao, Executive Assistant, reviewed the appointment requests for Commissioner appointed Boards: Nuisance Abatement Hearing Board, Property Tax Assessment Appeals Board and the Charles County Commission for Women.

The Commissioners reached a consensus related to these appointments and took official action on these appointments later this day under Actions on Boards, Commissions and Committees. The Commissioners directed Ms. Bungcayao to work with media on an advertising plan for all Boards, Commissions and Committees.

3-305(b)(7): Legal: Letter Response

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

Mr. Wes Adams, County Attorney, outlined his legal advice on how to respond. He stated that any policy decision should be done in open.

3-305(b)(7): Legal: Procedures Related to a County Code

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

Mr. Jessica Andritz, Associate County Attorney, outlined a proposed resolution and legal procedures related to the County Code.

The consensus of the Commissioners was to add this resolution for approval in open session on September 15, 2020.

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

Present: Commissioners Collins, Rucci, Bowling, Coates and Stewart, Mark Belton, Wes Adams, Carol DeSoto, Deborah Carpenter, Jason Groth, and Ben Yeckley.

Staff and the County Attorney outlined proposed approach to a potential change to County Code.

The consensus of the Commissioners was to have staff proceed with a reasonable and balance approach publicly.

Administrative

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

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Mr. Mark Belton, County Administrator, informed the Commissioners that Governor Hogan announced that the State was moving to Stage Three of Maryland's Roadmap to Recovery at 5:00 p.m. on September 4, 2020.

At 5:35 p.m. a motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to end Closed Session.

At 5:38 p.m. the Commissioners returned to virtual open session.

Roll Call

A roll call was taken. All Commissioners were present.

Action on Boards, Commissions and Committees

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to appoint Monica Temoney, Nicole Williams and Jerome Johnson to the Nuisance Abatement Hearing Board as Citizen Members.

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to appoint Rillita Wilson and Bria Greenfield to the Commission for Women as Citizen Members.

Briefing 2020 Bond Issue

Ms. Jenifer Ellin, Director; Mr. Jacob Dyer, Chief of Budget; and Ms. TaTanya Bowman, Senior Budget Analyst, Department of Fiscal and Administrative Services, briefed the Commissioners on the 2020 Bond Issue. The bond size is fifty-two (\$52) million dollars which will cover government facilities and parks, environmental projects, roads, College of Southern Maryland, Board of Education, and water and sewer.

Commissioners' New Business

There was no new business discussed.

Public Hearing: Bond Resolution

The Commissioners conducted a virtual public hearing on the Bond Resolution. Ms. Jenifer Ellin, Director, and Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services and Ms. Cheryl O'Donnell Guth, Counsel, McGuire Woods LLP reviewed the proposed resolution authorizing the issuance of bonds.

There were no public comments.

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

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

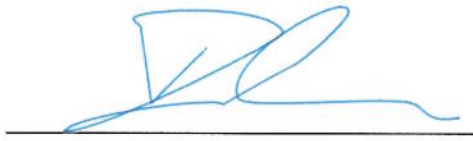
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A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve Resolution 2020-24 Bond Authorization.

At 6:06 p.m. a motion was made by Commissioner Stewart, seconded by Commissioner Bowling 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: September 1, 2020

Time: 1:32 p.m.

Motion By: Commissioner Rucci

Seconded By: Commissioner Coates

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.
- (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: Three (3) Legal Options/Approaches

REASON FOR CLOSING: To keep legal advice

3-305(b)(1) Personnel: Three (3) Appointments to BCC

REASON FOR CLOSING: To keep personnel information confidential



Reuben B. Collins, II, Esq., President