

Regular Meeting of County Commissioners
Tuesday October 6, 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.

Announcement of Charles County Board of County Commissioners' Issued Proclamations for October 2020

Ms. Carol Desoto, Clerk to the Commissioners, read the list of proclamations that the Commissioners issued for October. They were: 2020-27 National Disability Employment Awareness Month; 2020-28 Breast Cancer Awareness Month; 2020-29 Global Diversity Awareness Month; 2020-30 Domestic Violence Awareness Month; and 2020-31 National Cybersecurity Awareness Month

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. Dianna Abney, Health Officer, Charles County Department of Health; Ms. Michelle Lilly, Director, Department of Emergency Services provided an update on COVID-19 statistics. Ms. Lilly reviewed the weekly statistics and noted the decline of the positivity rate and overall statistics. Dr. Abney Reviewed COVID Testing and the need to adhere with social distancing, wearing masks, washing hands, and not gathering in large groups. She stated that the Department of Health is following the Centers for Disease Control (CDC) and Prevention guidance during the holiday season, including wearing masks, avoiding high-risk activities and large crowds, and practicing social distancing. County staff are prioritizing compliance with state executive orders and best practices for business and industry; public adherence to facial coverings, social distancing and hygiene; testing and contact tracing; and keeping vulnerable individuals safe.

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Approval of the Minutes of September 29, 2020

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

Announcement: Next Commissioner Session will be held October 20, 2020

Ms. Carol DeSoto, Clerk to the Commissioners, announced that the next scheduled session is on October 20, 2020.

Approval Items

FY2021 Budget Transfer Request #8212, VanGO Facility

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve FY2021 Budget Transfer Request #8212 for fifty thousand dollars (\$50,000.00).

Request to Set the Public Hearing for FY2021 MS4 Permit Financial Assurance Plan (FAP)

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to set the public hearing for October 27, 2020 at 6:00 p.m. to be held virtually.

**Break 9:15 a.m. – 9:45 a.m.*

Roll Call

A roll call was taken. All Commissioners were present.

Briefing: Charles County Pension Plan Update and Actuarial Report

Ms. Jenifer Ellin, Director, Department of Fiscal and Administrative Services, Mr. David Pappalardo, Vice President and Consulting Actuary, Mr. Lazaro Guzman, Vice President, Full-Service Investments, Prudential and Ms. Johanna Hunt, Director Key Accounts, Retirement, Prudential Retirement, joined the Commissioners to review fiduciary responsibilities, asset allocation review and an actuarial update as it relates to the Charles County Pension Plan.

Briefing: Other Employee Post Benefit (OEPB) Update

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, joined the Commissioners to review the performance of the Charles County Other Employee Post Benefit account including economic review, second quarter market review and asset allocation summary and performance.

Briefing: Charles County Sheriff's Office Retirement Plan (SORP) Update and Actuarial Report

Ms. Jenifer Ellin, Director, Department of Fiscal and Administrative Services, Mr. Alton Fryer, IV,

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Director of Client Services, and Ms. Ann Sturner, Senior Consulting Actuary, Bolton, reviewed the fiduciary responsibilities, investment performance review and an actuarial update as it relates to the Charles County Sheriff's Office Retirement Plan.

Briefing: Westlake Business Association and St. Charles Towne Center

Mr. Dexter Bordes, Westlake Business Association, and Mr. Carlos SanieI, Simon Properties, briefed the Commissioners about the need for sidewalks, crosswalks, and landscaping improvements in the Westlake business district. Mr. Bordes also recommended the County purchase the property lots at O'Donnell Lake to provide an open space for Waldorf, St. Charles, and White Plains residents. Mr. SanieI spoke on the St. Charles Towne Center's COVID-19 update, as well as completion of enhancement projects, including Route 301 sight line enhancement, parking lot LED retrofit, restroom renovation, food court soft seating and faux plant replacement, skylight replacement, landscaping enhancements, and storm drainpipe replacement.

Mr. Belton was asked to provide the Board information on the grass cutting schedule and options to this schedule.

The Commissioners requested a future briefing on the process of the sidewalk program to include the maintenance program.

The Commissioners also requested a follow up briefing from Mr. SanieI for more information on the vision for St. Charles Towne Center Mall and how it is reinventing itself in this digital age.

Commissioners' New Business

There was no new business discussed.

Closed Session

At 12:20 p.m., 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)(8) of the General Provisions Article of the Annotated Code of Maryland to seek legal advice and options on one (1) issue related to a potential litigation; one (1) issue related to noncompliance of required confidential financial disclosures; and one (1) nomination to Metropolitan Washington Council of Government (COG) Committee. The reason for going into closed is to keep legal approaches and strategies confidential.

Summary Closed Session Items

At 12:24 p.m. the Commissioners went into virtual closed session.

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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, Carol DeSoto, and Jessica Andritz.

Mr. Wes Adams, County Attorney, provided an update on a potential litigation case and informed the Commissioners that he will bring this back in about thirty (30) days with a potential resolution.

3-305(b)(7) Legal Advice: Non-Compliance of Confidential Financial Disclosures

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

Mr. Wes Adams, County Attorney, reviewed the list on non-compliance of confidential financial disclosures.

The Commissioners reached a consensus to have the County Attorney send letters of notice to comply within thirty (30) days.

3-305(b)(1) Nomination to Metropolitan Washington Council of Governments (COG) Committee

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

Commissioner Bowling was asked to serve on COG's new Food and Agriculture Regional Member (FARM) Ad-Hoc Committee to represent Charles County.

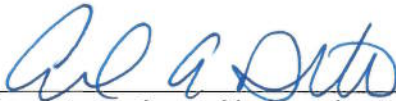
It was agreed that Commissioner Collins will send the letter to support this nomination.

3-305(b)(1)(7) Legal Advice: Charles County Committee

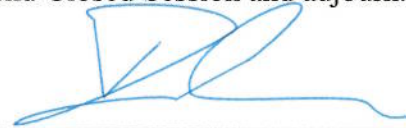
Present: Commissioners Collins, Rucci, Bowling, Coates and Stewart, Mark Belton, Wes Adams, Carol DeSoto, and Jennifer Ellin.

Mr. Wes Adams, County Attorney, and Ms. Jenifer Ellin, Director, Department of Fiscal and Administrative Services, reviewed a concern with a Charles County Committee.

At 12:52 p.m., a motion was made by Commissioner Stewart, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to end Closed Session and adjourn.



Carol A. DeSoto, Clerk to the Commissioners



Reuben B. Collins, II, Esq., President

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FORM OF STATEMENT FOR CLOSING A MEETING

Location: Virtual

Date: October 6, 2020

Time: 12:20 p.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) [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.

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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)(8) Legal Advice: Potential Litigation

REASON FOR CLOSING: To keep legal approaches confidential

3-305 (b)(1)(7) Legal Advice: Non-Compliance of Confidential Financial Disclosures

REASON FOR CLOSING: To keep legal approaches confidential

3-305 (b)(1) Nomination to COG Committee

REASON FOR CLOSING: To keep legal approaches confidential

3-305(b)(1)(7) Legal Advice: Charles County Committee

REASON FOR CLOSING: To keep legal approaches confidential



Reuben B. Collins, II, Esq., President