

**Regular Meeting of County Commissioners**  
**Tuesday November 17, 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 with the recorded Pledge of Allegiance.

**Roll Call**

A roll call was taken. All Commissioners were present.

**Announcement of Additional Charles County Board of County Commissioners' Issued Proclamations for November 2020**

Ms. Carol Desoto, Clerk to the Commissioners, read the additional proclamation that the Commissioners issued for November: 2020-36 Shop Small Business Saturday.

**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 positivity percentages; the summary of new COVID positive, COVID deaths and COVID negative tests. She also mentioned the drop from twelve (12) to ten (10) patients at Charles Regional Medical Center for the week. Dr. Abney reviewed COVID testing and indicated that there was an increase in the amount of people being tested. She stressed the need to adhere with social distancing, wearing masks correctly, washing hands, and not gathering in large groups to help flatten the curve. Dr. Abney stated that Contact Tracing is still occurring and encouraged anyone who test positive be forthcoming with the information requested about the people you have been in contact with. 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. Dr. Abney shared ideas of some low-risk activities for the holidays. She also emphasized the need to get the flu vaccine and that the Health department is holding weekly clinics through December 4, 2020 to get the flu shot.

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**Discussion: Charles County's Response to Governor Hogan's New Executive Orders Related to the State of Emergency and Hazard Pay**

Ms. Jenifer Ellin, Director, Department of Fiscal and Administrative Services, joined the Commissioners to discuss the option to reinstitute hazard pay, due to rising cases of COVID-19 in Charles County, for front facing employees and first responders that could be justified using CARES Act Funding.

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to reinstate hazard pay as previously outlined for essential workers.

Commissioner Stewart and Commissioner Bowling agreed to amend the motion and its second to clarify: to reinstate hazard pay for those employees that can be determined that their pay is covered under CARES Act funding according to the guidelines reviewed with the Department of Human Resources and Department of Fiscal and Administrative Services staff.

**Panel Discussion: Enforcement of Governor Hogan's Executive Orders Related to COVID-19**

Mr. Wes Adams, County Attorney, Office of the County Attorney, led the panel, of Charles County law enforcement officials, in a discussion with the Commissioners, on how they are enforcing Governor Hogan's executive orders to ensure that residents and businesses are complying to these orders. This panel consisted of Mr. Brian Eley, Charles County Sheriff's Office; Chief Schinner, Town of La Plata Police; Lieutenant Thomas Quade, Commander, Charles County State Police Barracks, and Mr. Tony Covington, State's Attorney, Charles County State Attorney's Office. These officials indicated that they are responding to every report of non-compliance by providing education and requesting voluntary compliance. They agreed that this has been effective in resolving nearly all complaints that they receive.

The Commissioners requested Charles County Media Department provide an update on COVID communications during the regularly scheduled Charles County Health Department Update on Coronavirus/COVID-19.

The Commissioners also directed Mr. Mark Belton, County Administrator, to have Media develop a plan to support education and best practices related to COVID requirements and enforcement. It should also include phone numbers of where to get further information.

**Approval of the Minutes of October 27 and November 11, 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 October 27, 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 November 11, 2020.

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**Announcement: Next Commissioner Session will be held December 1, 2020**

Ms. Carol DeSoto, Clerk to the Commissioners, announced that the next scheduled session is on December 1, 2020.

**Request to Introduce: Proposed Bill 2020- Resilience Authority**

Mr. Mark Belton, County Administrator, was joined by and Mr. Dan Nees, and Ms. Joanne Throwe, School of Public Policy, Center for Global Sustainability, University of Maryland, to review the proposed creation of a Resilience Authority in Charles County. This Authority would respond to the effects of climate changes and help mitigate the impact through infrastructure investments. It would be a separate nonprofit entity, yet an instrumentality of incorporating local government. Mr. Belton also discussed the creation of a new department, Construction Project Management (CPM). The Authority's Executive Director would be the department head.

A motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to introduce Bill 2020-07 Resilience Authority.

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to schedule the public hearing for December 8, 2020, virtually at 6:00 p.m.

**Briefing and Request: Establish an Interfaith Commission**

The Reverend Katherine Heichler and Mr. Dawud Abdur-Rahman, County religious leaders and members of the Interfaith Organization, provided information on a request to establish a Charles County Interfaith Commission. The Commission envisions a community distinguished by high standards of equity, justice, and compassion and collaboration, and sees a role for faith communities working together to help achieve that vision.

The Commissioners directed the County Attorney to review the proposed bylaws and proposed establishment resolution and provide the Board of Commissioners with an update.

**Briefing and Request for Approval: Commission for Veterans Affairs Bylaw Changes**

Ms. Marilyn Ragin, Charles County Commission for Veterans Affairs, reviewed the proposed changes to the Commission for Veterans Affairs bylaws.

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to approve the revised bylaws for the Commission for Veterans Affairs as presented.

The consensus of the Commissioners was to return back to open session after Governor Hogan's scheduled press conference related to COVID-19.

**Closed Session**

At 11:27 a.m., Commissioner Stewart made a motion, seconded by Commissioner Rucci and passed, with all Commissioners present, voting to move into Close Session where all or a portion of this

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session may be closed pursuant to Section 3-305(b)(7) of the General Provisions Article of the Annotated Code of Maryland to seek legal advice on three (3) lease agreements and to seek advice on one (1) funding request related to an agreement and one (1) issue related to designee on an appeals case. The reason for going into closed is to keep legal approaches and strategies confidential.

**Summary Closed Session Items**

At 11:32 a.m. the Commissioners went into virtual closed session.

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

Present: Commissioners Collins, Rucci, Bowling, Coates and Stewart, Mark Belton, Wes Adams, Carol DeSoto, Deborah Hall, Sam Drury, and Shanee Major-Kelly.

Ms. Deborah Hall, Deputy County Administrator, Mr. Sam Drury, Chief of Recreation, Department of Recreation, Parks and Tourism, and Ms. Shanee Major-Kelly, Associate County Attorney, Office of the County Attorney reviewed three (3) leases and the proposed negotiations.

The Commissioners reached a consensus on how to proceed with each lease. Official action took place on this day under Approval Items in these minutes.

**3-305(b)(7) Legal Advice: Funding Request Related to an Agreement**

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

The Commissioners did not review this item in closed session.

**3-305(b) Legal Advice: Designee for Nuisance Appeal Case**

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

Mr. Wes Adams, County Attorney, provided legal guidance on procedures for hearing an appeal case.

A motion was made by Commissioner Stewart, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to designate Mr. Adams and two (2) other staff members of his choosing, to hear this nuisance appeal case.

At 12:16 p.m., a motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to end Closed Session.

At 2:43 p.m. the Commissioners returned to virtual open session.

**Roll Call**

A roll call was taken. All Commissioners were present.

**Discussion: Governor Hogan's New Directives Related to COVID-19**

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed with all Commissioners present, voting in favor to follow the Governor's executive orders as presented by the Governor.

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*\*Break 2:52 p.m. – 2:55 p.m.*

**\*Cancelled Addition\* Closed Session (Virtual)**

**Approval Items**

*Change Order #41 Mattawoman Inflow and Infiltration (FS#7144)*

*FY2021 Budget Transfer Request #8251 Mattawoman Inflow and Infiltration*

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 #8251 for eight hundred and thirty-eight thousand two hundred and eighty dollars (\$838,280.00) along with Change Order #41 Mattawoman Inflow and Infiltration.

*FY2021 Contingency Transfer Request #8253 Five Percent Sworn Officers Increase*

*FY2021 Budget Transfer Request #8252 Five Percent Sworn Officers Increase*

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 #8253 for one million twelve thousand seven hundred dollars (\$1,012,700.00) and FY2021 Budget Transfer Request #8252 for five hundred and thirty-five thousand dollars (\$535,000.00).

*Commissioner Committee Assignments for CY2021*

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with Commissioners Bowling, Stewart, and Rucci present, voting in favor to approve the Commissioner's CY2021 Committee assignments with the amendment that Commissioner Stewart serve as the alternate to the MACo Legislative Committee. Commissioners Coates and Collins were opposed. A roll call of the vote was taken: Commissioner Bowling-yes; Commissioner Stewart-yes; Commissioner Rucci-yes; Commissioner Coates-no; Commissioner Collins-no. The motion passed three (3) to two (2).

*Renewal: Maryland Airport Deer Management Plan Renewal Acknowledgement Letter*

A motion was made by Commissioner Coates, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve the Maryland Airport Deer Management Plan Renewal Acknowledgement Letter.

*Letter of Support for the Maryland State Arts Council Waiver*

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve the letter of support for the Maryland State Arts Council Waiver.

*Leases: World Gym, Capital Clubhouse East Coast Hockey, and Capital Clubhouse GymFit*

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve the World Gym lease modifications,

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A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve the lease terminations to be signed by Commissioner Collins for the Capital Clubhouse East Coast Hockey and for the Capital Clubhouse GymFit.

**Briefing: Charles County Restaurant Relief Grant Program**

Ms. Marcia Keeth, Deputy Director, and Ms. Lucretia Freeman-Buster, Chief of Business Development, Department of Economic Development, provided a briefing on the Charles County Restaurant Relief Grant Program, which will provide a minimum of ten thousand dollars (\$10,000.00) to eligible full-service restaurants, limited service restaurants, and caterers. Food trucks, carry-out food and beverage businesses, and craft beverage taprooms are eligible to receive five thousand dollars (\$5,000.00) The deadline to submit complete applications is November 30, 2020.

*At about 3:13 p.m. Commissioner Coates left session.*

**Update: CARES Act Funding**

Ms. Jenifer Ellin, Director, and Mr. Jacob Dyer, Chief of Budget, Department of Fiscal, reviewed the CARES Act funding.

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 approve the use of CARES Act funding to reimburse the Board of Education for cleaning and maintenance for two hundred and eighty-one thousand nine hundred and one dollars (\$281,901.00) and for the Board of Education's CODE RED Essential Employees for seventy thousand six hundred and twenty-two dollars (\$70,622.00). \* *Commissioner Coates was absent for the vote.*

The consensus of the Commissioners present was to allocate four hundred and twenty thousand dollars (\$420,000.00) for Economic Development grant requests.

The Commissioners agreed to revisit this topic again after the next few briefings.

**Briefing: Review Emergency Operations Plan**

Ms. Michelle Lilly, Director, Department of Emergency Services, reviewed the Emergency Operations Plan which covered the basic plan, group functional plans, unit functional plans, hazard specific plans and operational plans. She also mentioned upcoming tabletop exercise training for the Commissioners related to these topics.

**Discussion and Review: Department of Emergency Services Hand Radio Standard/Protocol**

Ms. Michelle Lilly, Director, Department of Emergency Services, provided information on the portable

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radio standard and protocol. Commissioner Stewart requested portable radios for all County staff emergency on-call personnel workers on all shifts.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart to use one hundred and forty thousand dollars (\$140,000.00) of CARES Act funding to purchase twenty (20) portable radios for Department of Emergency Services staff.

Commissioner Bowling and Commissioner Stewart agreed to amend their motion, which passed, with Commissioners Bowling, Stewart, Rucci, and Collins present, voting in favor to use two hundred and eighty thousand dollars (\$280,000.00) from CARES Act funding to purchase forty (40) portable radios; twenty (20) for Department of Emergency Services employees and twenty (20), upon further discussion, to potentially be provided to volunteer fire department personnel. \* *Commissioner Coates was absent for the vote.*

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 reconsider the earlier motion recorded under the Update: Care Act Funding. \* *Commissioner Coates was absent for the vote.* The reconsidered motion reads:

“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 approve the use of CARES Act funding to reimburse the Board of Education for cleaning and maintenance for two hundred and eighty-one thousand nine hundred and one dollars (\$281,901.00) and for the Board of Education’s CODE RED Essential Employees for seventy thousand six hundred and twenty-two dollars (\$70,622.00). \* *Commissioner Coates was absent for the vote.*”

A new motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with Commissioners Stewart, Bowling, Rucci and Collins present, voting in favor to approve the use of CARES Act funding to reimburse the Board of Education for cleaning and maintenance for two hundred and eighty-one thousand nine hundred and one dollars (\$281,901.00) and for the Board of Education’s Distance Learning for seventy thousand six hundred and twenty-two dollars (\$70,622.00). \* *Commissioner Coates was absent for the vote.*

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 allocate four hundred and twenty thousand dollars (\$420,000.00) for Economic Development grant requests. \* *Commissioner Coates was absent for the vote.*

The consensus of the Commissioners present was to not to allocate the remaining balance of four hundred and ninety-five thousand four hundred and forty-six dollars (\$495,446.00) of the CARES Act funding at this time.

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Commissioner Stewart requested a roll call of the Commissioners to clarify for the record that Commissioner Coates had left session.

**Roll Call**

A roll call was taken. Commissioners Bowling, Rucci, Stewart and Collins were present.

*\*Commissioner Coates was not present.*

**Discussion: Update on Proposed Changes to the School Seat Allocation Policy**

Mr. Jason Groth, Deputy Director, and Mr. Ben Yeckly, Planner IV, Department of Planning and Growth Management, reviewed the summary memo of the joint meeting with two (2) members of the Board of Education (BOE), Ms. Jennifer Abell and Mr. Michael Lukas; and two (2) Commissioners, Coates and Stewart along with staff. The memo outlines the BOE's specific concerns and summarized concepts moving forward based on this input. The follow up work session is scheduled for December 1, 2020.

The Commissioners requested staff to provide information on the following for this work session on December 1, 2020:

- How many projects from 2019-2020 Allocation report are no longer needed or requested allocations?
- Official school enrollment count.
- State rule on how many allocations per new home -updated.
- What is the ideal classroom size that BOE strives for?
- Information on Forward Funding: How could we do this? Can we do this? Cost?
- Need the number of students in each school in Charles County (not just overall enrollment).
- Information on allocations that the Town of LaPlata and Town of Indian Head have (outside of County's numbers).

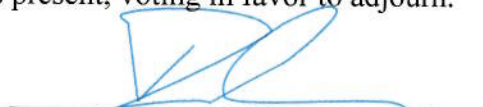
**Commissioners' New Business**

Commissioner Stewart reminded everyone to be safe and make wise decisions and wished good health to everyone for a Happy Thanksgiving.

At 5:22 p.m., Commissioner Stewart made a motion, seconded by Commissioner Bowling and passed, with Commissioners Stewart, Bowling, Rucci, and Collins present, voting in favor to adjourn.



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Carol A. DeSoto, Clerk to the Commissioners



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Reuben B. Collins, II, Esq., President



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**FORM OF STATEMENT FOR CLOSING A MEETING**

Location: Virtual

Date: November 17, 2020

Time: 11:27 a.m.

Motion By: Commissioner Stewart

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)  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)  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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**Appendix C C-2**

(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 Funding Request Related to an Agreement and on Three (3) Lease Agreements and on an issue related to assigning a designee on an appeals case.**

REASON FOR CLOSING: To keep legal approaches confidential



Reuben B. Collins, II, Esq., President