

Regular Meeting of County Commissioners
Tuesday March 16, 2021 (Legislative Day)

The regularly scheduled meeting of the County Commissioners was convened virtually at 9:01 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

Commissioner Bowling wished the teachers and students a safe return to school. He also thanked the Charles County Sheriff's office for their service.

Commissioner Collins responded to the WTOP news story titled, "Charles County corrections officers at Capitol during riot reinstated, unlikely to face criminal charges." He felt he needed to respond since "if any aspect of the January 6, 2021, armed insurrection at our nation's seat of government, sheds a negative light on our county, he needed to take a stand." He further stated, "we do not condone the actions of any participants in the events at the Capitol building on January 6. Our County believes in democracy." He went on to state, "our county is working towards being more inclusive and reflective of the interests of all our citizens. Being silent during this moment is contrary to the spirit of that very message."

Closed Session

At 9:06 a.m. Commissioner Rucci made a motion, 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)(7) of the General Provisions Article of the Annotated Code of Maryland to seek legal advice on Governor Hogan's New Executive Orders related to COVID-19.

Summary Closed Session Items

At 9:08 a.m. the Commissioners went into virtual closed session.

3-305 (b)(4)(7) Legal: Future Potential Business Relocated to Charles County

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Mark Belton, Wes Adams, Carol DeSoto, Deborah Hall, Michelle Lilly and Dr. Dianna Abney.

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Mr. Wes Adams, County Attorney, reviewed Governor Hogan's updated orders related to COVID-19.

At 9:28 a.m., a motion was made by Commissioner Bowling seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to end this Closed Session.

At 9:30 a.m. the Commissioners returned to open session.

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 and how they are responding to COVID-19.

Ms. Lilly indicated a continued decline in COVID positive numbers and COVID deaths. She also informed the Commissioners that the Department of Emergency Services will continue to provide logistical support for vaccine clinics and monitor COVID in the County. Dr. Abney shared information on the vaccination clinics at North Point High School, New Life Church, Health Department and congregate living facilities. She discussed her request for an additional five hundred (500) doses related to equity in distribution. She then reviewed Governor Hogan's new orders. She continued with ways to decrease the risk of the spread of COVID-19 and reviewed current statistics on deaths, cases and hospitalizations by race on the three (3) COVID-19 variants and location of reported cases in the United States. She also discussed recommendations for fully vaccinated people and provided an update on Nursing Home visitation.

Ms. Jennifer Harris, Chief of Media Services, Office of the County Administrator, provided a review of the County's communication efforts related to COVID 19, vaccine call center support information; text alerts for COVID-19 vaccination information; and vaccine rumor control on social media.

Mr. Jason Stoddard, Director of Safety, Charles County Public Schools joined the discussion to update the Commissioners on vaccinations for Charles County Public School staff; and reopening plans with approximately three thousand (3000) students for in-person instruction on March 22, 2021.

The Commissioners reached a consensus to direct staff to come back with options of ways to support businesses by looking at regulations for the County for post pandemic. Staff was directed to provide these options as a follow up to the COVID Recovery Task Force recommendations.

Approval of the Minutes of March 9, 2021

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 March 9, 2021.

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Announcement: Next Commissioner Session will be held March 23, 2021

Ms. Carol DeSoto, Clerk to the Commissioners, announced that the next scheduled session is on March 23, 2021.

Approval Items

There were no approval items.

Briefing: COVID Recovery Task Force Report

Judge Harrington, Chair, Mr. Steve Scott, Co-Chair, and Ms. Anne Hooper, COVID Recovery Task Force provided a briefing on the COVID Recovery Task Force Final Report. The report reviewed discussions on public health issues, impact on businesses, economic development, planning and zoning, broadband access, consumer confidence, tourism, grant programs and other financial assistance, and on Chamber of Commerce. It included recommendations related to communications and messaging, economic development issues, planning and development issues, tourism, personal protection equipment (PPE) Co-op, broadband access, daycare, technical assistance, support for small businesses, nonprofit organizations, and ongoing collaboration between government and business.

Legislative: Update 2021 Maryland General Assembly Session

Ms. Danielle Mitchell, Associate County Attorney, Office of the County Attorney, Ms. Deborah Hall, Deputy County Administrator, Mr. Joe Green and Ms. Michelle Goodwin, Lobbyist, GS Proctor and Associates, Inc. discussed legislative bills being considered by the Maryland General Assembly. Ms. Mitchell provided an update on the following Bills:

House Bill 1018 Charles County – Alcoholic Beverages – Class 4 Limited Winery License
Ongoing; monitoring

House Bill 1024 Charles County - Citizens Complaint Oversight Board
Still waiting for Senate Hearing to be scheduled.

House Bill 1061 Southern Maryland – Multifamily Dwelling Registration – Fees and Fines
House hearing scheduled for March 16, 2021. Commissioner Collins will provide testimony in favor of this Bill.

Ms. Mitchell was asked to send copy of written letter/testimony.

House Bill 1072 Charles County – Community Service and Pretrial Release Programs – Authorization
Ongoing; monitoring

House Bill 1060 Charles County - Board of Education - Membership Alterations
Amendments based on the Charles County Board of Education recommendations.

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed with all Commissioners present, voting in favor to support this Bill as amended.

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House Bill 655 Local Government – County Commissioner Elections – District Voting
Favorable vote in the Senate.

Ms. Mitchell indicated that St. Mary's County requested that the Commissioners support their letter of opposition and recommended amendments. Ms. Mitchell read the letter drafted by St. Mary's County.

Ms. Mitchell also read the email with the legal opinion on the requirement for Charles County bills to be drafted for Code Home Rules counties in the Southern Maryland class opposed to being drafted for Charles County.

A motion was made by Commissioner Stewart, seconded by Commissioner Rucci and failed, with Commissioners Stewart and Rucci voting in favor to send a letter of support of the St. Mary's letter of opposition and amendments. Commissioners Bowling, Coates, and Collins were opposed. A roll call of the vote was taken: Commissioner Stewart-yes; Commissioner Rucci-yes; Commissioner Bowling-no; Commissioner Coates-no; Commissioner Collins-no. The motion failed two (2) to three (3).

Briefing: FY2020 Audit Presentation

Mr. Remi Omisore, Principal, Clifton Larsen Allen, LLC, Ms. Jenifer Ellin, Director, Mr. William DeAtley, Chief of Accounting, and Ms. Joan Thorp, Assistant Chief of Accounting, Department of Fiscal and Administrative Services, joined the Commissioners to review the audit results of Fiscal Year 2020. Mr. Omisore reviewed the scope of engagement, responsibilities of management and the auditor, and conclusions. The results indicated no material weaknesses or significant deficiencies identified. Mr. Omisore reviewed resources his company has available to help respond to COVID- 19 and provided effective dates of the Governmental Accounting Standards Board Updates.

FY2022 Budget Work Session: Enterprise Funds

Ms. Jenifer Ellin, Director, Mr. Jacob Dyer, Chief of Budget, and Ms. TaTanya Bowman, Senior Budget Analyst, Department of Fiscal and Administrative Services, reviewed the proposed FY2022 budgets for the enterprise funds, baseline changes and new requests. The proposed budget for the Water and Sewer Fund is forty-four million thirty one thousand eight hundred dollars (\$44,031,800.00). The Recreation Fund's proposed budget is one million nine hundred and seventy six thousand six hundred dollars (\$1,976,600.00). The Cable Franchise Operations Fund proposed budget is three million four hundred and eight five thousand four hundred dollars (\$3,485,400.00). The Water and Sewer Enterprise Fund's majority of the revenue is paid by customers through user fees for operating and the maintenance of the County's water supply and sewage systems. The Recreation Enterprise Fund is budgeted based on estimated participation and the proposed fiscal 2022 budget shifts certain fixed aquatic costs to the general fund to allow the enterprise fund to remain in a healthy position. The Cable Franchise Funds supports the government access channels for Charles County and through a franchise agreement with cable TV providers, generates revenue from a franchise fee assessed on monthly cable customers' TV bills.

**Break 12:21 p.m. – 3:01 p.m.*

Roll Call

A roll call was taken. All Commissioners were present.

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Discussion: Charles County Transportation Commuter Strategies

Ms. Deborah Carpenter, Director, Mr. Jason Groth, Deputy Director, Mr. Jeffrey Barnett, Chief of Transit, and Mr. Alex Waltz, Engineer, Department of Planning and Growth Management, and Mr. John Stevens, Chief of Capital Projects, Department of Public Works, discussed Charles County transportation commuter strategies. Mr. Groth reviewed the goals and objectives; strategy components; coordination with State agencies, Metropolitan Washington Council of Governments (COG), and Tri-County Council for Southern Maryland (TCC). Staff discussed priority projects which include Southern Maryland Rapid Transit (SMRT), Governor Harry W. Nice/Senator Thomas "Mac" Middleton Bridge replacement, and MD5 Corridor improvements. Mr. Stevens reviewed and provided an update on projects in the Local Network Strategy related to road projects. Also discussed was the connection of developer improvements, bicycle and pedestrian enhancements, transit services, land use development and broadband to the overall transportation strategy.

Commissioners' New Business

There was no new business discussed.

Closed Session

At 3:49 p.m. Commissioner Coates made a motion, 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 to Section 3-305(b)(1)(7)(8) of the General Provisions Article of the Annotated Code of Maryland to discuss one potential litigation issue and to conduct interviews for Commissioner Appointed Boards. Also, to address an item pertaining to the administrative function of the County Commissioners in their executive role. The reason for going into closed is to keep legal strategies confidential and personnel information confidential.

Summary Closed Session Items

At 3:52 p.m. the Commissioners went into virtual closed session.

3-305(b)(7)(8) Legal: Potential Litigation

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

Mr. Wes Adams, County Attorney, reviewed options related to this potential litigation issue.

A motion was made by Commissioner Stewart, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to give Mr. Adams the authority to negotiate up to, *a specified amount*, to rectify this situation.

3-305(b)(1) Personnel: Interviews for Commissioner Appointed Boards

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

The Commissioners interviewed four (4) applicants for the Board of License Commissioners.

The consensus of Commissioners was to continue the interview process.

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Administrative

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

Ms. Carol DeSoto, Clerk to the County Commissioners, provided a practiced session logging into GoToWebinar virtual platform for the upcoming Board of County Commissioners' Quarterly Town Hall Meeting on March 23, 2021. This took place briefly after closed session ended.

At 4:37 p.m., a motion was made by Commissioner Rucci seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to end this Closed Session and adjourn.



Carol A. DeSoto, Clerk to the Commissioners



Reuben B. Collins, II, Esq., President

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#1 FORM OF STATEMENT FOR CLOSING A MEETING

Location: Virtual- MS Teams

Date: March 16, 2021.

Time: 9:06 a.m.

Motion By: Commissioner Rucci

Seconded By: Commissioner Coates

Vote to Close Session:

	AYE	NAY	ABSTAIN	ABSENT
Reuben B. Collins, II, Esq.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gilbert O. Bowling, III.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thomasina O. Coates, M.S.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Amanda Stewart, M.Ed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bobby Rucci	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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.


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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: On Governor's New Executive orders related to COVID-19

REASON FOR CLOSING: To seek legal advice



Reuben B. Collins, II, Esq., President

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#2 FORM OF STATEMENT FOR CLOSING A MEETING

Location: Virtual MS Teams

Date: March 16, 2021

Time: 3:49 p.m.

Motion By: Commissioner Coates

Seconded By: Commissioner Bowling

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) [] 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.

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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)(1) Conduct Interviews for Commissioner Appointed Boards

REASON FOR CLOSING: To keep legal Personnel information confidential.



Reuben B. Collins, II, Esq., President