

Regular Meeting of County Commissioners
Tuesday May 4, 2021 (Legislative Day)

The regularly scheduled meeting of the County Commissioners was convened virtually at 9:00 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
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.

Announcement of Additional Charles County Board of County Commissioners' Proclamations Issued for May 2021

Additional May 2021 Proclamation(s): 2021-23 National Drug Court Month; 2021-24 National Mental Health Awareness Month; 2021-25 Foster Care Awareness Month; 2021-26 National Small Business Week; National Correctional Officers' Appreciation Week.

Comments

Commissioner Collins mentioned Dr. Abney's concerns about the lack of individual appointments for vaccines. He requested that the other Commissioners consider working with Dr. Abney to help her get her message out using their individual social media outlets.

Approval of the Minutes of April 27, 2021

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to approve the minutes of April 27, 2021.

Announcement: Next Commissioner Session will be held May 11, 2021

Ms. Carol DeSoto, Clerk to the Commissioners, announced that the next scheduled session was on May 11, 2021.

Approval Items

FY2021 Budget Amendment Increase #8721 Broadband Expansion

A motion was made by Commissioner Bowling, seconded by Commissioner Coates, and passed with all Commissioners present, voting in favor to approve FY2021 Budget Amendment Increase #8721 Broadband Expansion for three hundred and thirty-five thousand seven hundred dollars (\$335,700.00).

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Reserve Fund Balance to Switch to Paying Staff in Arrears

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart, and passed with all Commissioners present, voting in favor to reserve four million dollars (\$4,000,000.00) in Fund Balance to change the payroll cycle to pay staff in arrears.

Action on Boards, Commissions, and Committees

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to appoint Patrick Smith, Sr., Rebecca Lynn Hamilton, and Susan Orndoff to the Nuisance Abatement Hearing Board.

Briefing: Review of Ethics Procedures

Mr. Wes Adams, County Attorney reviewed the Charles County Code of Ethics, in the Charles County Code, §§170-1 -11. He explained the purpose and policy, who and what actions are regulated, the definitions, the responsibilities of the Ethics Commission, advisory opinions, complaints and violations, prohibited conduct and interests, use of prestige of office and disclosure of confidential information, and enforcement, violations and penalties.

Briefing: Military Affairs Update

Mr. John Bohannon, Cornerstone Government Affairs, Ms. Jennifer Dionne, Atlantic Strategic Group, Mr. Darrell Brown, Director, Department of Economic Development, provided a briefing on military affairs in the County. Two (2) recent major revitalization projects in Indian Head include the College of Southern Maryland's Velocity Center, which is an off-base collaboration space for the Naval Surface Warfare Center, Indian Head Division; and the United States Bomb Technician Association relocation to Indian Head to establish an emerging technology research, development, and training facility.

Briefing and Request for Approval: Sheriff's Office Retirement Plan (SORP) Committee

Investment Change

Ms. Jenifer Ellin, Director, Department of Fiscal and Administrative Services and Mr. Alton Frye, Bolton, reviewed the proposed investment change in the large growth funds, due to under performance, in the Sheriff's Office Retirement Plan (SORP). The recommended change was approved by the SORP committee.

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to replace Fidelity® Contrafund® with the AB Large Cap Growth 1 Fund.

Fiscal Year 2022 Budget Work Session Recap: General Fund Operating Budgets and Fiscal Year 2022-2026 Capital Improvement Projects Recap

Ms. Jenifer Ellin, Director, and Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services Department of Fiscal and Administrative Services, provided a recap of the proposed FY2022 General Fund Operating Budgets and the proposed FY2022– FY2026 Capital Improvement Budgets. The review included discussions on the Commissioners Add/Delete Submission proposals.

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This discussion was continued later this day. Official decisions are listed in these minutes under the topic CONTINUATION -Fiscal Year 2022 Budget Work Session Recap: General Fund Operating Budgets and Fiscal Year 2022-2026 Capital Improvement Projects Recap.

Joint Meeting with Board of Education: FY2021 School Allocation Cycle

Mr. Jason Groth, Deputy Director, and Mr. Ben Yeckley, Planner III, Department of Planning and Growth Management and Charles Board of Education Members participated in a joint meeting with the Commissioners to review the proposed School Allocations by School Attendance Zone for the Annual 2021 cycle. The proposed school capacity allocations will serve as a basis for making allocation offers to eligible projects on the waiting list.

Commissioner Stewart reminded the Commissioners that these proposed allocations were in keeping with the School Adequate Public Facilities policy changes that were approved by this Board with a four (4) to one (1) vote. She reiterated that the Commissioners should not discuss any potential policy changes during this discussion only the proposed allocations as presented.

A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve the School Capacity Allocations for the Annual 2021 Cycle per the policy adopted in the Adequate Public Facilities Manual.

Commissioners' New Business

There was no new business discussed.

Closed Session

At 12:05 p.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)(3)(7)(8) of the General Provisions Article of the Annotated Code of Maryland to discuss an update on collective bargaining negotiations; to review two (2) lease agreements; to have one (1) discussion related to land acquisition program and to discuss one (1) update on the options for a potential litigation issue. The reason for going into closed is to keep negotiations strategies, plans and approaches confidential.

Summary Closed Session Items

At 12:14 p.m. the Commissioners went into virtual closed session. **Commissioner Coates was absent from Closed Session.*

3-305(b)(7) Legal: Update on Collective Bargaining Negotiations

Present: Commissioners Collins, Rucci, Bowling, and Stewart, Mark Belton, Wes Adams, Carol DeSoto, Deborah Hall, Alexis Blackwell, Megan Donnack, Jacob Dyer, and Eric Paltell.

Mr. Eric Paltell, Negotiation Attorney, provided an updated summary of negotiations.

3-305 (b)(3)(7) Legal: Potential Land Acquisition

Present: Commissioners Collins, Rucci, Bowling, and Stewart, Mark Belton, Wes Adams, Carol DeSoto, Eileen Minnick, Jenifer Ellin, Tim Drummond.

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Ms. Eileen Minnick, Director, provided a follow-up analysis of potential property being considered for acquisition.

The Commissioners directed staff to start the process to consider acquisition and potential funding source options.

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

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

Ms. Deborah Hall, Deputy County Administrator, reviewed a current property lease and potential options.

The Commissioners directed staff to begin the process to sell this property.

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

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

Ms. Deborah Hall, Deputy County Administrator, reviewed the status on a current lease.

The Commissioners agreed to follow the process as outlined by staff. Commissioners Collins and Coates and Ms. Hall will meet with the parties involved.

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

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

There was no update provided. It will be brought back on another day.

At 1:37 p.m., a motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with Commissioners Rucci, Bowling, Stewart and Collins present, voting in favor to end this Closed Session. **Commissioner Coates was absent.*

At 4:00 p.m. the Commissioners returned to open session.

Roll Call

A roll call was taken. All Commissioners were present.

CONTINUATION -Fiscal Year 2022 Budget Work Session Recap: General Fund Operating Budgets and Fiscal Year 2022-2026 Capital Improvement Projects Recap

Ms. Jenifer Ellin, Director, and Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services continued the review of the Commissioners Add/Delete Submission proposals to clarify directions from the Board.

FY2022 General Fund Operating Budget Add/Delete Proposals:

Commissioner Bowling: Portable Radios for Fire and EMS

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed with all Commissioners present voting in favor to consider use unassigned fund balance for four hundred

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and twenty-four thousand five hundred dollars (\$424,500.00) to add Portable Radios for Volunteer Fire and EMS.

Staff was directed to look for other funding sources or grants for the additional costs.

Commissioner Bowling: Board of Education Budget Increase

A motion was made by Commissioner Bowling to increase the Board of Education's budget by one-million-dollar (\$1,000,000.00). There was no second to his motion. The motion failed.

Staff was directed to bring back potential options to fund this proposed additional one-million-dollar (\$1,000,000.00) increase.

Commissioner Stewart: Protection Plus Program

Staff clarified that this program is already currently funded in the proposed budget.

Commissioner Stewart: Sign on Bonus-Social and Mental Health

A motion was made by Commissioner Stewart, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to consider creating a new line item in the County's budget (not in the Board of Education's Budget), not to exceed thirty thousand dollars (\$30,000.00), for a sign-on bonus for a new Charles County Public Schools employee whose job title supports social and mental health of students.

Commissioner Collins: University of Maryland Incentive Awards Program

A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve considering use of contingency funds of fifty-four thousand six hundred dollars in FY2022 for a Charles County resident in the University of Maryland Incentive Awards Program. The remaining one hundred and sixty-three thousand eight hundred dollars (\$163,800.00) is requested to be reserved in the fund balance for the next three (3) years.

Commissioner Collins: Quasi-Governmental Entity: Revenue Authority

This item has been tabled at this time. Staff will work with financial advisors for potential options.

Commissioner Collins: Non-Profit Fund

The Commissioners agreed to consider use of contingency funds for one hundred and fifty thousand dollars (\$150,000.00) to create a fund that will eliminate the need for future allocations from the general fund.

Commissioner Collins: Arts and Entertainment District

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to consider use of the contingency funds for fifty thousand dollars (\$50,000.00) to establish a future Arts and Entertainment District in the Towns of La Plata and Indian Head. This would be matching funds for the Towns.

Commissioner Collins: Government Data Software

This item has been tabled at this time.

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Commissioner Collins: Housing Trust Fund
This item has been tabled at this time.

Commissioner Collins: Mobile Crisis Unit
This item has been tabled at this time.

FY2022-FY2026 Capital Budget Add/Delete Proposals:

Commissioner Collins: Waldorf & Bryans Road Youth Recreation Centers
The Commissioners agreed to revisit this request mid-year for additional cost information.

Commissioner Collins: Waldorf Urban Redevelopment Corridor Stormwater Outfall
A motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to consider funding this request of one hundred and fifty thousand dollars (\$150,000.00) from unassigned fund balance and reducing funding from other studies.

Commissioner Collins: Waldorf Amphitheater Feasibility Study
This item has been tabled at this time.

Commissioner Collins: Waldorf Municipal Center Feasibility Study
A motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to consider funding this request of fifty thousand dollars (\$50,000.00) from unassigned fund balance.

Commissioner Collins: Homeless Shelter
This item has been tabled at this time. The Commissioners requested that this discussion be brought back for a larger discussion on homelessness in the County and providing services for the homeless.

**Break 5:29 p.m. – 6:00 p.m.*

Roll Call

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

**Commissioner Bowling was absent.*

Public Hearing: Water/Sewer Service Category Amendments-Spring 2021 Cycle

The Commissioners conducted a virtual public hearing on the Water/Sewer Service Category Amendments for the Spring 2021 Cycle. Ms. Alicia Afroilan, Engineer IV, Department of Planning and Growth Management reviewed the proposed amendments for the Town of La Plata and Highlands category changes.

There were no comments provided by the community.

A motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with Commissioners Rucci, Coates, Stewart, and Collins present, voting in favor to close the public record.

**Commissioner Bowling was absent.*

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

A motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with Commissioners Rucci, Coates, Stewart, and Collins present, voting in favor to approve the proposed Spring 2021 Water and Sewer Amendments as presented. **Commissioner Bowling was absent.*

At 6:14 p.m. a motion was made by Commissioner Coates, seconded by Commissioner Stewart and passed, with Commissioners Coates, Stewart, Rucci and Collins present, voting in favor to adjourn.
**Commissioner Bowling was absent.*



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- MS Teams

Date: May 4, 2021

Time: 12:05 p.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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(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: Update on Negotiations-Collective Bargaining

REASON FOR CLOSING: To keep legal negotiations confidential.

3-305(b)(3)(7) Legal: Review Acquisition Program

REASON FOR CLOSING: To keep legal approaches and strategies confidential

3-305(b)(7) Review Two (2) Leases

REASON FOR CLOSING: To keep legal negotiations confidential

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

REASON FOR CLOSING: To keep legal approaches and strategies confidential



Reuben B. Collins, II, Esq., President