

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

The regularly scheduled meeting of the County Commissioners was convened virtually at 1:02 p.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

***Bond Sale: Consolidated Public Improvement Bonds of 2021 (Electronic Bids Via PARITY®)**

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 November 2021

2021-56 Family Court Awareness Month; 2021-57 Iossif "Joe" Mario Gressis Day; and 2021-58 Shop Small Business Saturday.

Comments

There were no comments.

Bond Award

Ms. Jenifer Ellin, Director, and Mr. Jake Dyer, Chief of Budget, Department of Fiscal and Administrative Services; Ms. Cheryl O'Donnell Guth, Counsel, McGuire Woods LLP; and Mr. Joseph Mason and Ms. Jennifer Dierksen, Davenport, reviewed the bids for the Consolidated Public Improvement Bonds of 2021. J.P. Morgan Securities, LLC was awarded the bid.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve Resolution 2021-19 Bond Award.

Closed Session

At 1:07 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)(1)(7) of the General Provisions Article of the Annotated Code of Maryland to discuss legal advice related to mask mandate; and to discuss appointments to two (2) Commissioner appointed boards and to discuss Commissioner Committee assignments. The reason for going into closed is to keep legal approaches, strategies, negotiations, and personnel information confidential.

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Summary Closed Session Items

At 1:14 p.m. the Commissioners went into virtual closed session.

3-305(b)(7)Legal: discussion of State of Emergency- Mask Mandate

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

Mr. Wes Adams, County Attorney, reviewed the renewed Local State of Emergency related to the current mask mandate. He offered his legal opinion on how the Commissioners should proceed.

Dr. Dianna Abney, Charles County Health Officer, and Ms. Michelle Lilly, Director, Department of Emergency Services provided input to this discussion.

The majority of the Commissioners reached an agreement on how to proceed and will discuss and vote in open session.

3-305(b)(1): Personnel Boards and Commissions Appointments and Commissioner Committee

Assignments

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

The Commissioners reached a consensus on the 2022 Commissioner Committee Assignments. Official Action was taken later this day under Actions on Boards, Commissions, and Committees

Ms. Jesse Bungcayao, Executive Assistant, reviewed applicants for the Redistricting Board and the Area Council on Aging.

The Commissioners reached a consensus related to these boards. Official action was taken later this day under Action on Boards, Commissions, and Committees.

At 1:55 p.m., a motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to end this closed session.

The Commissioners returned to open session at 1:58 p.m.

Roll Call

A roll call was taken. All Commissioners were present.

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; and Mr. William Grimes, Vice President, Ancillary Services & Incident Commander, UM Charles Regional Medical Center, Ms. Jennifer Harris, Chief of Media Services, Office of the County Administrator; and Mr. Jason Stoddard, Director of Safety, Charles

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County Public Schools, provided an update on COVID-19 statistics and how they are responding to COVID-19.

Dr. Abney reviewed the continuation of indoor mask mandate to help prevent the spread of respiratory illness and as a key strategy to prevent the spread of COVID-19. She indicated that the positive case rate in Charles County is on a downward trend, which she believes is due to the mask mandate. She reviewed the case rates and percentages of positivity and overview of COVID-19 cases. She shared the statistics on Charles County cases and hospitalizations by age. She provided an overview of COVID-19 deaths by gender and age. She also reviewed the spread of COVID-19 given the upcoming fall and winter holidays and reviewed the COVID-19 testing sites and vaccination sites. She provided information on the booster shots and the ability to mix and match Moderna, Pfizer and Johnson & Johnson. She indicated children ages five (5) to eleven (11) should be vaccinated with the Pfizer vaccine only. She concluded her presentation with safety tips for Thanksgiving 2021.

Ms. Lilly reported on the COVID positive EMS Transports per month in 2021 and as of this date there were seven (7) transports at this time for November. She informed the Commissioners that the Department of Emergency Services (DES) will continue to monitor COVID and provide support as needed.

Mr. Grimes noted that there were six (6) COVID positive patients in the hospital and that none of them were in the Intensive Care Unit (ICU). He also indicated that staffing and supply chain is tight as in all areas.

Ms. Jennifer Harris, Chief of Media Services, Office of the County Administrator, reiterated media's support for the Health Department efforts and the ongoing media support related to the importance and availability of COVID-19 vaccinations. She indicated that the communications efforts are focused on informing residents about the importance and availability of COVID-19 vaccinations, as well as misinformation that is being put out on social media and discussions media specialists have been having to combat this issue.

Mr. Jason Stoddard, Director of Safety, Charles County Public Schools, joined the discussion and provided an update on the schools cases of COVID -19 positive and contact tracing efforts and case statistics. He indicated that cases were low over the last three (3) weeks. He talked about the expansion of the schools extra screening process being used.

Mr. Wes Adams, County Attorney, opined that the Commissioners should rescind the current Resolution 2021-18 Renewed Local State of Emergency related to mask mandates. The Commissioners could continue the mask mandate under their authority as the Board of Health for a serious health issue and to reduce the spread of COVID-19. He indicated that all Charles County Municipalities would be subject to this mandate since it would fall under the Board of Health authority.

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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 terminate the State of Emergency. A roll call of the vote was taken: Commissioner Bowling-yes; Commissioner Rucci-yes; Commissioner Collins-yes; Commissioner Coates-yes; Commissioner Stewart-yes. The motion passed five (5) to zero (0).

A motion was made by Commissioner Coates, seconded by Commissioner Stewart and passed, with Commissioners Coates, Stewart, and Collins present, voting in favor to approve Resolution 2021-20 (*Required Use of Face Coverings to Reduce the Spread of COVID-19*) as drafted. Commissioners Bowling and Rucci were opposed. A roll call of the vote was taken: Commissioner Coates-yes; Commissioner Stewart-yes; Commissioner Rucci-no; Commissioner Bowling-no; Commissioner Collins-yes. The motion passed three (3) to two (2).

Update: Vaccination Registration and Mask Mandate Policy

Mr. Wes Adams, County Attorney; New Normal Task Force- Ms. Deborah Hall, Deputy County Administrator; Ms. Michelle Lilly, Director, Department of Emergency Services; Ms. Alexis Blackwell, Director of Human Resources, joined the Commissioners for this update.

Mr. Wes Adams, County Attorney, provided information on the legal challenges to and current stay on the implementation of the new Occupational Safety and Health Administration (OSHA) Emergency Temporary Standard and recommended for the County to continue to develop an implementation plan for the vaccination registration for county employees.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci, with an amendment from Commissioner Collins, and passed with Commissioners Bowling, Rucci, and Collins present, voting in favor to have the Boards, Commissions and Committees and the Board of Commissioners hold in person meetings with a hybrid option beginning in January 2022. Commissioners Stewart and Coates were opposed. A roll call of the vote was taken: Commissioner Bowling-yes; Commissioner Rucci-yes; Commissioner Coates-no; Commissioner Stewart-no; Commissioner Collins-yes. The motion passed three (3) to two (2).

Approval of the Minutes of October 19, 20, 26 and November 2 and 3, 2021

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve the Minutes of October 19, 2021.

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 20, 2021.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve the Minutes of October 26, 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 November 2, 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 November 3, 2021.

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Announcement: Virtual Public Hearings on November 17, 2021 at 6:00 p.m. Next Commissioner Sessions will be held on November 30 and December 1, 2021

Ms. Carol DeSoto, Clerk to the Commissioners, announced the virtual public hearings scheduled on November 17, 2021 at 6:00 p.m. She also announced that the next scheduled sessions will be held on November 30 and December 1, 2021.

Approval Items

FY2022 Budget Transfer Request #9290 John Hanson Well

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve FY2022 Budget Transfer Request #9290 for seventy-five thousand dollars (\$75,000.00).

FY2022 Budget Amendment Increase #9335 Bus Patrol Fines

A motion was made by Commissioner Rucci, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve FY2022 Budget Amendment Increase #9335 for six hundred and seventy-five thousand dollars (\$675,000.00).

Request to Introduce and Schedule a Public Hearing: Bill 2021- (12) County Commissioner Elections

Ms. Danielle Mitchell, Associate County Attorney II, Office of the Charles County, County Attorney, reviewed the proposed legislation related to the County Commissioner Elections to implement voting of district Commissioners by plurality of votes cast in district only.

A motion was made by Commissioner Bowling to introduce this, Bill. There was no second. The motion dies.

Actions 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 Kevin Ayers to the Compensation Commission.

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to appoint Anaiah Mitchell, Frederick Fair, and Teresa Jones to the Nuisance Abatement Hearing Board.

A motion was made by Commissioner Coates, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to appoint Dyotha Sweat to the Redistricting Board.

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to reappoint Roy Naraine to the Area Council on Aging.

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A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to nominate Commissioner Collins for Maryland Association of Counties (MACo) 2022 Legislative Committee member and Commissioner Bowling as the 2022 Legislative Committee Alternate member.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve the 2022 Metropolitan Washington Council of Governments Appointments as presented.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve the 2022 Commissioner Committee Assignments as presented.

Update: Governor Harry W. Nice Memorial/Senator Thomas "Mac" Middleton Bridge

Mr. Brian Wolfe, Director of Project Development, Maryland Transportation Authority, MDTA and Mr. Stephen Skippen, Commercial Manager, SKANSKA-Corman-McLean Joint Venture, provided an update on the Governor Harry W. Nice Memorial/Senator Thomas "Mac" Middleton Bridge, which included the planned opening of the bridge in the winter 2022. Demolition of the existing bridge is scheduled for 2023 and 2024.

Briefing: FY2022 First Quarter General Fund Review

Ms. Jenifer Ellin, Director, and Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, provided a presentation on the Fiscal 2022 First Quarter General Fund Review. Due to the favorable forecast staff offered recommendations for the use of the unassigned fund balance to cover the deficit in a Special Revenue Fund for the Sheriff's Special Programs; increase the Capital Improvement Plan (CIP) Reserve to offset the potential impact of inflation on the FY2023-FY2027 CIP; increase study reserve for potential new studies; and set up reserve for potential impact associated with vaccine testing regulations. These reserves would total eight point nine (\$8.9) million dollars and leave four point two (\$4.2) million dollars in unassigned fund balance for future use.

Commissioner Coates requested adding additional days of leave for County employees for the Thanksgiving and Christmas/New Year holiday schedule.

Commissioner Bowling requested considering either a one-time waiver of health benefit cost in December or bonus option for County employees.

The December additional leave days and additional bonus option(s) will be discussed at the November 30, 2021 meeting.

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A motion was made by Commissioner Coates, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor for staff to have Wednesday November 24, 2021 off.

**** Rescheduled** Follow Up: Discussion on Maryland House Bill 670 Police Accountability Board Membership**

This discussion will be rescheduled on November 30, 2021.

Discussion: Local Program Open Space - Popes Creek Land Acquisition

The Commissioners were joined by Senator Ellis, Delegates Patterson, Proctor, and Davis to discuss the Charles County Local Open Space, Popes Creek Land Acquisition. Mr. Mark Belton, County Administrator provided an overview of the current Land Preservation, Parks and Recreation Plans (LPPRP).

Commissioners' New Business

Commissioner Collins requested creating an Equity Emphasis Area Work Group.

Commissioner Stewart suggested to bring this topic back at the next session for discussion.

The consensus of the Commissioners was to add this topic to the November 30, 2021 agenda for discussion.

At 5:21 p.m., a motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to 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- MS Teams Date: November 16, 2021

Time: 1:07 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.

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)(8)Legal Advice on Mask Mandate

REASON FOR CLOSING: To keep legal approaches confidential.

3-305(b)(1)(7)Legal Personnel- Appointments to Two (2) Commissioner Appointed Boards and Commissioner Committee Assignments

REASON FOR CLOSING: To keep personnel information confidential.



Reuben B. Collins, II, Esq., President