

Regular Meeting of County Commissioners
Tuesday February 14, 2023 (Legislative Day)

The regularly scheduled meeting of the County Commissioners was convened in hybrid format, virtually and in person, at 9:02 a.m. with the following persons in attendance:

Reuben B. Collins II, Esq., President, County Commissioner
Ralph Patterson, II, M.A., 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
Deborah Hall, Deputy County Administrator
Wes Adams, County Attorney
Carol A. DeSoto, Clerk to the Commissioners

Call to Order/Pledge

Commissioner Collins called the meeting to order and began with the Pledge of Allegiance.

Roll Call

A roll call was taken. All Commissioners were present.

Comments

There were no comments.

Approval of the Minutes of February 7, 2023

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to approve the minutes of February 7, 2023.

Commissioner Bowling asked that all approved minutes be added to agenda.

Ms. Carol DeSoto, Clerk to the Commissioners, explained that they are added for the public to view and will ensure that the website is updated.

Announcement

Next Scheduled Commissioner Session(s): February 28 and March 1, 2023

Approval Items

VanGO Annual Transportation Plan/Consolidated Grant Application

(Mr. Jeffry Barnett, Chief of Transit, and Ms. Deborah Carpenter, Director, Department of Planning and Growth Management)

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve Resolution 2023-03 Authorizing Annual Transportation Plan.

Legislative Update: 2023 Maryland General Assembly Session

Ms. Danielle Mitchell, Associate County Attorney, Office of the County Attorney; Ms. Deborah Hall, Deputy County Administrator, Office of the County Administrator; Mr. Steve Proctor; Mr. Joseph

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Green; and Ms. Sherrie Simms, Lobbyists, GS Proctor and Associates, Inc. joined the Commissioners to provide an update on the 2023 Maryland General Assembly Session.

Ms. Mitchell explained that the Charles County Legislative Proposals have now been cross filed in the House but have not been given House hearing dates yet. She reviewed the following:

- *SB521/HB947 Property Tax – Credit for Volunteer Emergency Responders*
There is inconsistencies with the salary cap for the Senate Bill and House Bill. In the House Bill version, this limit was changed to fifty thousand dollars (\$50,000.00). They will need to be consistent. Staff has reached out to Delegate Davis to see if an amendment is needed.
- *SB374/HB948 Motor Vehicle Registration - Exceptions for Golf Carts and Low Speed Vehicles - Cobb Island*
Senate Hearing scheduled for February 15, 2023.
- *SB373/HB944 To enable Charles County to pass a local law to regulate off-the-road motorcycles and all-terrain vehicles, that may include impoundment, conditions for release from impoundment.*
The Charles County Sheriff's Office indicated that the Bill does not meet their need and request an amendment and would like to resubmit the Bill with an amendment.
- *SB520/HB1033 Code Counties – Legislative Procedure – Notice Requirements.*

Ms. Mitchell indicated that all of these hearings are scheduled before the Commissioners next meeting scheduled for February 28, 2023 and is requesting letters of support. Sponsors of the Bills always look for support, both written and oral.

The Commissioners reached a consensus to approve commissioner Bowling providing oral support for SB521/HB947.

The Commissioners reached a consensus to approve sending letters of support for the Bills discussed.

Ms. Mitchell discussed the following Bills:

- *HB431 Speed Monitoring Systems on Maryland Route 210 3 (Indian Head Highway) – Penalties*
This Bill was introduced by the Prince George's County Delegation. The fines will only increase in Prince George's County.

Commissioner Bowling raised the concern that normally speed cameras are only placed in school zones, but Prince George's has them on Rt. 210 Indian Highway. He wanted to know if the revenue generated by these fines will go directly to highway safety issues, repairs and upkeep or to the State's general fund.

Commissioner Collins shared the same concerns expressed by Commissioner Bowling.

Mr. Green indicated that he would get feedback from Prince George's County.

Ms. Mitchell concluded the update listing the pending Bond Initiatives:

- Indian Head grocer for one hundred and seventy five thousand dollars (\$175,000.00)

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- Willing Helpers Society for three hundred and seventy five thousand dollars (\$375,000.00)
- Lifestyles of Maryland for nine hundred thousand dollars (\$900,000.00)
- Bel Alton Museum for one hundred and sixteen thousand dollars (\$116,000.00)
- Friends of Old Waldorf School Foundation for two hundred thousand dollars (\$200,000)

Briefing and Request to Introduce and Schedule a Public Hearing: Draft Bill 2023-02 Maryland Commercial Property Assessed Clean Energy Program (MD PACE)

Ms. Kelly Robertson-Slagle, Director, and Ms. Michelle DeSoto, Acting Deputy Director, Department of Economic Development; Ms. Jenifer Ellin, Director, and Mr. Eric Jackson, Chief of Treasury, Department of Fiscal and Administrative Services; and Ms. Danielle Mitchell, Associate County Attorney II, Office of the County Attorney for Charles County, reviewed the proposed Bill and requested to schedule a public hearing.

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to introduce Bill 2023-02 Maryland Commercial Property Assessed Clean Energy Program (MD PACE).

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to schedule the public hearing on Tuesday March 14, 2023 at 6pm in the Government Building at 200 Baltimore Street La Plata, MD for an in-person meeting/comments and on Wednesday March 15, 2023 for the virtual meeting/comments.

Briefing and Request to Schedule a Public Hearing: 2022 Charles County Comprehensive Water and Sewer Plan

Ms. Aimee Castillo, Engineer, Ms. Alicia Afroilan, Engineering Supervisor, Mr. Charles Rice, Assistant Planning Director, Mr. Andrew Balchin, Chief of Infrastructure Management, and Mr. Jason Groth, Deputy Director, Department of Planning and Growth Management, provided a presentation outlining the draft revisions of the 2022 Charles county Comprehensive Water and Sewer Plan and request a public hearing.

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to schedule the public hearing on Tuesday March 14, 2023 at 6pm in the Government Building at 200 Baltimore Street La Plata, MD for an in-person meeting/comments and on Wednesday March 15, 2023 for the virtual meeting/comments.

Briefing: Park Projects-La Plata Farm Park, Popes Creek Waterfront, and Waldorf Park

Ms. Kelli Beavers, Director, Mr. Sam Drury Deputy Director, and Mr. Tim Drummond, Chief of Parks, Department of Recreation, Parks, and Tourism, provided a presentation on park projects. Ms. Beavers expressed concerns addressing equity due to infrastructure needs. Mr. Drury presented the current process and next steps for the three new county parks in development, which include La Plata Farm Park, Waldorf Park, and Popes Creek Waterfront Park.

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Commissioner's New Business

Commissioner Bowling requested that the Board of Commissioners consider allowing public comments at the end of each meeting, similar to the way the Board of Education conducts their meetings.

Commissioner Collins indicated that he was not opposed to this idea but spoke about the quarterly town hall meetings the Board of County Commissioners hold.

Commissioner Stewart suggested considering a Town Hall meeting by district held in the morning one Tuesday a month for public to comment.

Commissioner Collins suggested that the Board talk about it in more detail to look at all issues.

Mr. Mark Belton, County Administrator, indicated that staff will need to think through how this idea could work, reviewing the change using the Government Building Conference Room and the Commissioners' Meeting Room.

The Commissioners reached a consensus to have staff to prepare an overview on his concept and put together recommendations.

Closed Session

At 10:48 a.m., motion was made by Commissioner Patterson, seconded by Commissioner Coates to move into Closed 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 appointments to Commissioner appointed Boards and Commissions; to seek legal advice on (1) personnel issue; and to receive an update on one (1) potential litigation issue. The reason for going into closed session is to keep legal advice and strategies and personnel information confidential.

Before the motion was voted on, Commissioner Bowling expressed his concern that the personnel issue scheduled to be discussed in closed session should be held in open session/public.

Commissioner Stewart concurred and indicated that in the Open Meetings Act it indicates may not shall, but this personnel matter was not about a traditional employee but related to an elected official's funding.

Commissioner Collins indicated that counsel recommendation was that it be discussed in closed since it included staff and not just him.

Commissioner Stewart indicated that there were two (2) parts:

1. How a Commissioner spends public funds using his Commissioner account should be in open session.
2. How an employee did this is a conversation that the County Administrator should have with staff which is not in open session.

Commissioner Stewart requested having the conversation now in open session since the Board of County Commissioners need to hold each other accountable. Questions for staff would be with the County Administrator.

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Commissioner Coates deferred this to Mr. Wes Adams, the County Attorney for Charles County.

Mr. Adams explained that policies related to how monies are spent is an open session discussion. What staff did wrong would be a closed session discussion.

Ms. Carol DeSoto, Clerk to the Commissioners, was directed to add the closed session discussion related to Commissioner Collins Budget Accounts to this open session.

Additional Discussion Topic: Commissioner Collins Budget Account

This discussion was on the use of a County credit card to pay for Commissioner Collins' family hotel and expenses during the MACo summer conference of over fifteen hundred dollars (\$1500.00).

Commissioner Collins stated that he had all intentions of repaying this debt and takes full responsibility for this mistake and is not trying to hide anything. He furthered that he does not have a personal Charles County credit card to use.

Commissioner Bowling appreciated Commissioner Collins acknowledge and apologize and expressed the need to put policies in place.

Mr. Wes Adams, County Attorney, Office of the County Attorney for Charles County, explained that there are policies in place that are strict on what is unauthorized and how it would be reimbursed by an employee. He provided legal advice on utilizing these funds solely for Commissioner expenses, not guests. He also advised moving forward, the county being strict on what is authorized on county credit card.

Mr. Mark Belton, County Administrator, indicated that these charges may have been a mistake but were not addressed for over nine (9) months until staff found the issue when a budget transfer was requested. He explained that the County does not allow an employee to have a payment plan which would be an interest free loan of County funds. An employee would have their pay garnished.

Commissioner Stewart indicated that mistakes can be made but needed clear policy to address the issue. She suggested that if a mistake was made then you should have to repay in thirty (30) days, or it would authorize an automatic payroll deduction.

Commissioner Collins reiterated that he would take care of this within thirty (30) days.

Mr. Adams indicated that the County Credit Card policy noting termination of an employee would not apply to a Commissioner. He could new draft language into the policy. He indicated that he would need to discuss with Ms. Alexis Blackwell, Director, Department of Human Resources, so that the policy was consistent with the employee policy.

When Commissioner Coates indicated that prepaid reservations were done on a County credit card. Mr. Adams clarified that if this was done in the past, he would advise that this should not be done going forward.

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Commissioner Bowling suggested that moving forward that each Commissioners' account and how monies are spent be discussed.

Ms. Deborah hall, Deputy County Administrator, suggested that the Commissioner Accounts be subject to an internal audit at the end of each fiscal year.

The consensus of the Commissioners was to add onto the current policy that explicitly states that these improper uses are unacceptable, but if a mistake occurs, setting a timeframe for repayment for improper usage or it would be a payroll deduction. Direction given to staff:

1. Staff review current policy to include Commissioners. New policy can be the same or more restrictive for the Commissioners.
2. Staff provide language in the Standard Operating Procedure (SOP) that thirty (30) days to pay or automatic payroll deductions. It was clarified thirty (30) days from time mistake was found.
3. Add language to the SOP that Commissioner Accounts/spending will be reviewed by the internal auditor annually.
4. This annual review report will be in open session to the public
5. Staff will bring back this policy for review/approval on Mach 7, 2023
6. What trigger will there bet if not paid in thirty (30) days to start the sanction.

The Commissioners agreed to but aside the original motion to move into closed session.

At 11:36 a.m., a new motion was made by Commissioner Bowling, seconded by Commissioner Stewart 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 appointments to Commissioner appointed Boards and Commissions; to seek advice on response to a letter; and to receive an update on one (1) potential litigation issue. The reason for going into closed session is to keep legal advice and strategies and personnel information confidential.

Summary Closed Session Items

At 11:56 a.m. the Commissioners went into closed session.

3-305 (b)(1)Personnel-BCC Appointments

Present: Commissioners Collins, Bowling, Coates, Stewart, and Patterson, Wes Adams, Deborah Hall, Carol DeSoto, and Christina Elkins.

Ms. Christina Elkins, Assistant Clerk to the Commissioners reviewed the three applicants to be considered for nomination to the Governor's Office for appointment to the Property Tax Assessment Appeal Board.

Mr. Wes Adams, County Attorney, Office of the County Attorney for Charles County acknowledged that the letter to the Governor's Appointment office can be sent, and official approval of nominations will be on February 28, 2023.

The Commissioners also discussed ideas to help promote vacancies on the Boards and Commissions such as adding to the agenda, town hall meetings, at public hearings, and working with media to develop a plan.

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The Commissioners reached a consensus to send a letter to the Governor's office with the three names presented. Official action will take place on February 28, 2023 under Actions on Boards, Commissions and Committees under Approval Items.

3-305 (b)(7) Advice: Response to a Letter

Present: Commissioners Collins, Bowling, Coates, Stewart, and Patterson, Wes Adams, Deborah Hall, Carol DeSoto, Judy Michael, Danielle Mitchell.

The Commissioners reached a majority agreement on how to proceed.

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

This topic will be rescheduled due to Commissioner Collins need to adjourn meeting.

At 12:09 p.m., a motion was made by Commissioner Patterson, seconded by Commissioner Coates 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