

**Regular Meeting of County Commissioners**  
**Tuesday May 16, 2023 (Legislative Day)**

The regularly scheduled meeting of the County Commissioners was convened in hybrid format, virtually and in person, at 9:00 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  
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**

Commissioner Bowling and Commissioner Collins referenced the new legislation related to Cannabis that passed the 2023 Maryland General Assembly. The Commissioners agreed to schedule a discussion with subject matter experts and a future community discussion.

**Approval of the Minutes for April 25 and 26, 2023**

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve the minutes of April 25, 2023.

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve the minutes of April 26, 2023.

**Announcement**

Next Scheduled Session(s): May 24, 2023

**Approval Items**

Budget Amendments and Budget Transfers

(Ms. Jenifer Ellin, Director, and Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services; Ms. Francis Sherman, Chief of Environmental Services, Department of Public Works)

*FY2023 Budget Amendment Increase #58 Munis Software*

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve FY2023 Budget Amendment Increase #58 for five hundred and sixty-two thousand six hundred and fifty dollars (\$562,650.00).

*FY2023 Budget Amendment Increase #62 Reimburse Sworn Officers Overtime for March Board of Education Grant*

A motion was made by Commissioner Patterson, seconded by Commissioner Stewart and passed, with

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all Commissioners present, voting in favor to approve FY2023 Budget Amendment Increase #62 for twenty-seven thousand four hundred dollars (\$27,400.00).

*FY2023 Budget Transfer Request #1611 Environmental Services Anticipated Overruns for Various Expense Account*

A motion was made by Commissioner Patterson, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to approve FY2023 Budget Transfer Request #1611 for ninety-two thousand eight hundred and twenty dollars (\$92,820.00).

*Agreement: The Charles County Correctional Officers Association*

(Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services; Ms. Alexis Blackwell, Director, and Ms. Megan Donnick, Deputy Director, Department of Human Resources)

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve the agreement with the Charles County Correctional Officers Association and giving Commissioner Collins authority to sign this agreement.

**Briefing: Edgemoor Infrastructure & Real Estate Private/Public/Partnership (P3) Potential Process for New Circuit Court Building**

Mr. Brian Dugan, Ms. Desa Sealy, and Ms. Heera Gangaramani, Edgemoor Infrastructure & Real Estate; Judge H. James West, County Administrative Judge, Charles County Maryland Circuit Court; Mr. Martin Harris, Director, Department of Public Works, joined the Commissioners to present a public-private partnership model that was used to design and construct the Howard County Circuit Courthouse. They discussed options that could serve as a model for Charles County to replace its own courthouse and address challenges related to the cost of financing, building, and maintaining in partnership with a private sector partner.

**Update: Connected Devices Grant**

Ms. Dina Barclay, Director, and Ms. Laura Gustafson, Local Management Board Coordinator, Department of Community Services, briefed the Commissioners on the connected devices program grant that the Department of Community Services and the Charles County Library will implement. Funds from the Maryland Department of Housing and Community Development grant are being used to purchase five hundred (500) Chromebooks. These devices will be distributed on a first-come, first-served basis beginning in June. Any Charles County household receiving another federal benefit that demonstrates it is at or below the two hundred (200) percent federal poverty level is eligible to apply for a device. Distribution is limited to one (1) computer per household.

Commissioner Stewart requested staff to add an updated presentation to the online agenda to clarify that the devices are Chromebooks.

**Review of Fiscal Year 2024 Budget Work Session Recap: General Fund Operating Budgets and Fiscal Year 2024-2028 Capital Improvement Projects**

Ms. Jenifer Ellin, Director, and Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, reviewed the summary of the Commissioner add/delete to the FY2024 Budget for the FY2024 General Operating Budget and the FY2024-FY2028 Capital Budget.

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**Set the Fiscal Year 2024 Property and Income Tax Rate**

Ms. Jenifer Ellin, Director, and Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, requested the Commissioners set the property tax rates and income tax as determined during their budget work sessions.

A motion was made by Commissioner Patterson, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to set the fiscal year 2024 real property tax rate at the current rate of one point one four one (1.41) dollars per one hundred (100) dollars of assessed value; and to set the Personal Property tax rate for all railroad personal and public utility property, corporate personal and business personal property subject to taxation at the current rate of two point eight five two five (2.8525) dollars per one (100) hundred dollars of assessed value.

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to set the Fire and Rescue real property tax rate at the current rate of six point four (6.4) cents per one (100) hundred dollars of assessed value; and to set the Fire and Rescue business personal property tax rate at the current rate of sixteen (16) cents per one (100) hundred dollars of assessed value.

A motion was made by Commissioner Coates, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to set the fiscal year 2024 La Plata Town Tax Differential Rate at fourteen point two (14.2) cents per one (100) hundred dollars of assessable base and; the Indian Head Town Tax Differential Rate at three point nine (3.9) cents per one (100) hundred dollars of assessed value.

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to set the semi-annual real property tax payment option rate which has been calculated to be one point one five eight (1.158) percent.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to set the 2024 Income Tax rate at the current rate of three point zero three (3.03) percent.

**Final Recap and Adoption: FY2024 General Fund Operating Budgets and Fiscal Year 2024-2028 Capital Improvement Projects**

Ms. Jenifer Ellin, Director and Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services joined the Commissioners for the final adoption of the Budget for FY2024.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to adopt Ordinance 2023-06 for the Fiscal Year 2024 General Fund Operating Budget in the amount of five hundred twenty-seven million three hundred sixty-two thousand one hundred dollars (\$527,362,100.00); and to approve the fiscal year 2024 new position list for General Fund operations which includes adding to the authorized strength of the Sheriff's Office, two (2) Sworn Officers, one (1) Application/Web Developer, upgrading from part-time to full-time reduced hour a Special Projects Coordinator, and one (1) Digital Forensic Analyst. Includes adding to the authorized strength of the Circuit Court, one (1) Assignment Clerk. Also includes additional positions throughout County Government operations.

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A motion was made by Commissioner Patterson, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to adopt Resolution 2023-07 for the Fiscal Year 2024 Capital Budget in the amount of two hundred nine million nine hundred ten thousand dollars (\$209,910,000.00); and the Fiscal Year 2024-2028 Capital Improvement Program in the amount of one billion twenty-eight million two hundred thousand dollars (\$1,028,200,000.00); and the associated water and sewer connection fee rates as proposed to support related projects and; and the associated school excise tax rates as proposed to support new school construction projects.

A motion was made by Commissioner Stewart, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to adopt the Fiscal Year 2024 Inspection & Review Enterprise Fund - Operating Budget in the amount of nine million six hundred twenty-eight thousand one hundred dollars (\$9,628,100.00).

A motion was made by Commissioner Patterson, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to adopt the Fiscal Year 2024 Recreation Enterprise Fund - Operating Budget in the amount of two million fifty-one thousand nine hundred dollars (\$2,051,900.00).

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to adopt the Fiscal Year 2024 Landfill Enterprise Fund - Operating Budget in the amount of thirteen million nine hundred seventy-three thousand two hundred dollars (\$13,973,200.00); and as proposed to increase the tipping fee to ninety-one dollars (\$91.00) per ton with a minimum charge of fifteen dollars (\$15.00).

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to adopt Ordinance 2023-09 for the Fiscal Year 2024 Water and Sewer - Operating Budget in the amount of fifty-four million seven hundred forty-four thousand five hundred dollars (\$54,744,500.00); and to increase the associated water and sewer user fee rates as proposed by approximately fourteen point five percent (14.5%) on the average water and sewer bill to fund the budget.

A motion was made by Commissioner Stewart, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to adopt Ordinance 2023-08 for the Fiscal Year 2024 Environmental Service Fee Enterprise Fund - Operating Budget in the amount of nine million two hundred eighty-six thousand four hundred dollars (\$9,286,400.00); and to increase the Environmental Service Fee to one hundred and fifty three dollars (\$153.00) per improved property tax account for properties outside the municipal limits of La Plata and Indian Head and, And proposes to increase the fee for properties located within La Plata and Indian Head to twenty seven dollars (\$27.00) per improved property tax account.

A motion was made by Commissioner Patterson, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to adopt the Fiscal Year 2024 Watershed Protection and Restoration Enterprise Fund -Operating Budget in the amount of seven million seven hundred thirty-four thousand one hundred dollars (\$7,734,100.00); and as proposed to increase the Stormwater Remediation Fee to one hundred and forty six dollars (\$146.00) per improved property tax account for properties outside the municipal limits of La Plata and Indian Head.

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A motion was made by Commissioner Stewart, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to adopt the proposed Fiscal Year 2024 Fees and Charges for County government services.

**Commissioner's New Business**

There was no new business discussed.

**Closed Session**

At 10:48 a.m., motion was made by Commissioner Stewart, seconded by Commissioner Coates and passed (*after discussion*), with Commissioners Bowling, Coates, Stewart, and Collins 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 two (2) agreements; receive one update on one (1) potential litigation issue; discuss two (2) personnel issues and conduct interviews for the Charter Board. The reason for moving into closed session is to keep negotiations and strategies and personnel information confidential. \**Commissioner Patterson was opposed*. A roll call of the vote was taken: Commissioner Bowling-yes; Commissioner Coates-yes; Commissioner Stewart-yes; Commissioner Patterson-no; Commissioner Collins-yes. The motion passed four (4) to one (1).

*Discussion:*

Commissioner Patterson expressed the need for the most transparency and trust related to the personnel issues scheduled for closed session should be in open session. Mr. Wes Adams, County Attorney, Office of the County Attorney, explained that the Commissioners can waive the right to move into closed session, but personnel matters are a protected topic.

Commissioner Stewart explained that what the Commissioners decide in closed session can be brought forward in open session to provide the results to the public. Mr. Adams concurred with this statement.

**Summary Closed Session Items**

At 11:30 a.m. the Commissioners went into closed session.

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

Present: Commissioners Bowling, Coates, Stewart, and Patterson, Wes Adams, Deborah Hall, Carol DeSoto, Marc Potter, Mark Rosen and Joseph Donovan.

*At 11:30 a.m. Commissioner Collins recused himself from this discussion.*

Mr. Joseph Donovan and Mr. Mark Rosen, Outside Counsel, Pierce Atwood, LLP, reviewed their findings and provided their recommendations.

The consensus of the majority of the Commissioners, (Commissioners Bowling, Stewart, and Patterson) agreed to send a letter of termination of an agreement and have Commissioner Patterson sign on behalf of the Board of Commissioners since Commissioner Collins recused himself from this discussion. Commissioner Coates was opposed. \**Commissioner Collins was not present for this decision.*

*At about 12:10 p.m. Commissioner Collins joined the closed session.*

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

Present: Commissioners Bowling, Coates, Stewart, Patterson, and Collins, Wes Adams, Deborah Hall, Carol DeSoto, Zhypar Beishenalieva, Jenifer Ellin.

Mr. Wes Adams, County Attorney, and Ms. Zhypar Beishenalieva, Associate County Attorney, Office of the County Attorney for Charles County, reviewed a draft agreement and the points discussed during the negotiations. The County Attorneys provided their recommendations on how to proceed.

The Commissioners provided directions on the additional language they would like added to the draft agreement.

**3-305 (b)(7) Legal Update Related to an Agreement**

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

Ms. Danielle Mitchell, Associate County Attorney, Office of the County Attorney, and Ms. Deborah Hall, Deputy County Administrator, Office of the County Administrator, provided the Commissioners updated clarifying information related to a legal matter discussed the Commissioners.

Mr. Wes Adams, County Attorney, Office of the County Attorney for Charles County advised that when the Commissioners are ready to make a policy decision, this discussion should be held in open session with all subject experts.

**3-305(b)(1) Personnel**

Present: Commissioners Bowling, Coates, Stewart, Patterson, and Collins, Wes Adams, Deborah Hall, Carol DeSoto, Alexis Blackwell, Kevin Karpinski

*\*At 1:31 p.m. Commissioner Collins left closed session.*

Mr. Wes Adams, County Attorney, Office of the County Attorney for Charles County provided comments to the Commissioners related to this issue not as the County Attorney but as an employee.

*\*At about 1:36 p.m. Commissioner Collins rejoined closed session via telephone.*

*\*At about 1:48 p.m. Mr. Adams left the closed session.*

Mr. Kevin Karpinski, Outside Counsel, Local Government Insurance Trust (LGIT), provided an overview of the issues and recommended direction the Commissioners should take.

Commissioners Stewart and Bowling expressed concerns having this discussion. Commissioner Patterson reiterated why he wanted this discussion in open session.

A motion was made but there was no second.

**3-305(b)(1): Personnel**

Present: Commissioners Bowling, Coates, Stewart, Patterson, and Collins, Wes Adams, Deborah Hall, Carol DeSoto, Alexis Blackwell, Kevin Karpinski.

*\*At about 2:29 Commissioner Coates recused herself and left closed session and*

*\*At about 2:29 Commissioner Stewart left the closed session.*

This topic will be rescheduled.

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*\*Break 2:30 p.m.- 3:01 p.m.*

**3-305(b)(1) Personnel- Interviews for Charter Board**

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

The Commissioners interviewed fourteen (14) applicants for the Charter Board.

At 5:15 p.m., a motion was made by Commissioner Patterson, seconded by Commissioner Coates and passed, with Commissioners Bowling, Coates, Patterson, and Collins present, voting in favor to end this closed session and Adjourn. *\*Commissioner Stewart was not present for the vote.*

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Carol A. DeSoto, Clerk to the Commissioners

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Reuben B. Collins, II, Esq., President