

Regular Meeting of County Commissioners
Tuesday October 31, 2023 (Legislative Day)

The regularly scheduled meeting of the County Commissioners was convened in hybrid format, virtually and in person, at 9:01 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, Acting 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.

Proclamation(s) Issued for October 2023

2023-81 National American Indian Heritage Month
2023-82 National Native American Heritage Month
2023-83 Family Court Awareness Month
2023-84 National Hospice and Palliative Care Month
2023-85 Adoption Awareness Month
2023-86 Military Family Appreciation Month
2023-87 National Veterans Small Business Week
2023-88 Operation Green Light for Veterans Week
2023-89 National Animal Shelter Appreciation Week
2023-90 First Responders Appreciation Day
2023-91 Veterans Day
2023-92 lossif Joe Mario Gressis Day
2023-93 Shop Small Business Saturday

The Commissioners were joined by members from the Piscataway Conoy Council to receive proclamation 2023-82 National Native American Heritage Month; staff from Hospice of the Chesapeake to receive proclamation 2023-84 National Hospice and Palliative Care Month; staff from the Charles County Department of Social Services to receive proclamation 2023-85 Adoption Awareness Month; the ombudsman for the Naval Support Activity South Potomac to receive proclamation 2023-86 Military Family Appreciation Month; members from the Charles Commission for Veterans Affairs and Veterans Small Business Community to receive proclamation 2023-87 National Veterans Small Business Week, proclamation 2023-88 Operation Green Light for Veterans Week, and proclamation 2023-91 Veterans Day; representatives from Department of Emergency Service to receive proclamation 2023-89 National Animal Shelter Appreciation Week and proclamation 2023-90 First Responders Appreciation Day; Mr. Dion Gressis to receive proclamation 2023-92 lossif Joe Mario Gressis Day; and small business owners and staff from the Department of Economic Development to receive proclamation 2023-93 Shop Small Business Saturday.

Break 9:51 a.m.-9:56 a.m.

Regular Meeting of County Commissioners
Tuesday October 31, 2023 (Legislative Day)

Roll Call

A roll call was taken. All Commissioners were present.

Commissioners' Comments

Each of the Commissioners commented on the County receiving a triple A bond rating again for 2023. They also recognized staff for their hard work with preparing for this process. Commissioner Bowling requested that each of the Commissioners be allowed an opportunity to attend the bond rating trip in the future. Commissioner Patterson also thanks staff and the Bryans Road Volunteer Fire Department for their response at an event over the weekend.

Approval of the Minutes of October 24, 2023

A motion was made by Commissioner Patterson, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve the minutes of October 24, 2023.

Announcement

Next Scheduled Session(s): November 14 and 15, 2023.

Briefing and Request for Approval: Charles County Local Roadway Safety Plan

Ms. Ashley Hudson, Planner I, Mr. Ben Yeckley, Planner III, Mr. Joel Binkley, Planning Supervisor, and Ms. Cathy Thompson, Assistant Chief of Planning, Department of Planning and Growth Management, provided a presentation on the Charles County Local Roadway Safety Plan. This included an overview, strategies, and implementation for the plan.

A motion was made by Commissioner Stewart, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to approve the Charles County Local Roadway Safety Plan as drafted.

Closed Session

At 10:29 a.m., motion was made by Commissioner Patterson, seconded by Commissioner Coates and passed, with Commissioners Coates, Patterson, 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)(10) of the General Provisions Article of the Annotated Code of Maryland to receive an update on County Cyber security; review one (1) lease agreement; discuss Commissioner Committee assignments; to receive legal advice related to legal fees and to discuss personnel investigation. The reason for moving into closed session is to keep legal advice, negotiations strategies, and personnel information confidential. **Commissioners Bowling and Stewart were opposed.* A roll call of the vote was taken: Commissioner Bowling-no; Commissioner Coates-yes; Commissioner Stewart-no; Commissioner Patterson-yes; Commissioner Collins- yes. The motion passed three (3) to two (2).

Discussion before final vote taken included Mr. Kevin Karpinski, Outside Counsel:

Commissioner Bowling questioned why the second investigation was being discussed in closed session. Mr. Karpinski explained that it was a personnel matter and will not discuss summary of findings since Attorney/Client privilege was not waived. Commissioner Bowling expressed his obligation to speak since his oath is to the people, so he questioned if the deliberation on how to discipline related to the prompt remedial action (PRA) could be discussed but not the report. He indicated that the Judge from previous case indicated that this should have been done in sunlight. Mr.

Regular Meeting of County Commissioners
Tuesday October 31, 2023 (Legislative Day)

Karpinski stated that it would not be appropriate in open session but in closed since the report is privileged information and attorney/client privilege was not waived. Commissioner Bowling challenged that this was protecting one (1) Commissioner but who protects the residents.

Commissioner Stewart said that closed session is for personnel, but the Commissioners were elected officials and not employees and that it was not right. She indicated that Commissioners Coates, Patterson and Collins voted three (3) to two (2) to not release the report which may incur more legal bills. Mr. Karpinski explained that the legal costs being discussed in close is so that he can give his legal advice and explain the Commissioners rights and obligations regarding paying these costs.

Commissioner Bowling questioned how that Commissioner would be allowed to vote. Mr. Karpinski explained that she could vote to go into closed session.

Commissioner Collins stated that he would not be part of this discussion in open public scrutiny.

Summary Closed Session Items

At 10:57 a.m., the Commissioners went into closed session.

3-305(b)(7) Legal Advice: Legal Costs for Commissioner Coates' Appeal (up to October 19, 2023)

3-305(b)(7) Legal Advice: Legal Costs for Commissioner Coates' Appeal (New Appeal)

Present: Commissioners Bowling, Coates, Stewart, and Patterson, Deborah Hall, Carol DeSoto, Jenifer Ellin, Elizabeth Theobalds, Alexis Blackwell and Kevin Karpinski.

Mr. Kevin Karpinski, Outside Counsel, provided an explanation and advice related to payment of these legal costs. He also explained that it would not be appropriate for that Commissioner to vote on this matter and should recuse herself from the vote.

**At about 11:12 a.m. Ms. Carol DeSoto, Clerk to the Board of County Commissioners left session.*

3-305(b)(1) Personnel- Investigation-Commissioner Remedial Action

Present: Commissioners Bowling, Coates, Stewart, and Patterson, Deborah Hall, Christina Elkins, Jenifer Ellin, Alexis Blackwell, and Kevin Karpinski.

Mr. Kevin Karpinski, Outside Counsel, provided legal advice.

**At about 11:48 Ms. Carol DeSoto, Clerk to the Board of County Commissioners and Mr. Wes Adams, County Attorney, Office of the County Attorney for Charles County, joined the closed session.*

3-305(b)(7)(10) Briefing: Security

Present: Commissioners Bowling, Coates, Stewart, Patterson, and Collins, Wes Adams, Deborah Hall, Carol DeSoto, Jenifer Ellin, Evelyn Jacobson, and George Jenkins

Ms. Evelyn Jacobson, Chief Information Officer, and Mr. George Jenkins, Information Security Officer, Department of Fiscal and Administrative Services, reviewed Cyber Security protocols. Public briefing took place later this day.

3-305(b)(7) Lease Renewal

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

Regular Meeting of County Commissioners
Tuesday October 31, 2023 (Legislative Day)

Ms. Jenifer Ellin, Acting Deputy County Administrator, Office of the County Administrator and Ms. Danielle Mitchell, Assistant Deputy County Attorney, Office of the County Attorney for Charles County, reviewed the lease agreement.

The Commissioners reached a consensus and took official action later this day under the Approval Items-Leases.

3-305(b)(1) Personnel: Committee Assignments for 2024

To be rescheduled.

At 12:23 p.m., a motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to end this close session.

The Commissioners returned to open session at about 1:15 p.m.

Roll Call

A roll call was taken. All Commissioners were present.

Approval Items

County Expenditure for Legal Costs for Commissioner Coates' Appeal (up to October 19, 2023)

(Ms. Elizabeth Theobalds, Deputy County Attorney, Office of the County Attorney for Charles County and Mr. Kevin Karpinski, Outside Counsel, Karpinski, Cornbrooks & Karp, P.A.)

A motion was made by Commissioner Patterson, seconded by Commissioner Coates. This motion and second was removed after discussion on this motion.

Mr. Karpinski explained that Commissioner Coates voting on this matter would be an issue for the Ethics Commission to determine. He encouraged Commissioner Coates to talk to her attorney.

Mr. Wes Adams, County Attorney, Office of the County Attorney for Charles County, explained that an outside counsel would need to be hired to review County Code and provide an advisory opinion since the Charles County Attorney and Office would be conflicted.

Once Commissioner Coates requests an Ethics Opinion then outside counsel would be retained.

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to Table this discussion until the return of an Ethics Opinion.

County Expenditure for Legal Costs for Commissioner Coates' Appeal (New Appeal)

(Ms. Elizabeth Theobalds, Deputy County Attorney, Office of the County Attorney for Charles County and Mr. Kevin Karpinski, Outside Counsel, Karpinski, Cornbrooks & Karp, P.A.)

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to Table this discussion until the return of an Ethics Opinion.

Regular Meeting of County Commissioners
Tuesday October 31, 2023 (Legislative Day)

Briefing: Cyber Security

Ms. Evelyn Jacobson, Chief Information Officer, and Mr. George Jenkins, Information Security Officer, Department of Fiscal and Administrative Services, provided a briefing on what cyber security is; why it is important; the common types of cyber-attacks; and tips on how to prevent or avoid cyber-attacks.

Approval Items-Continued

Budget Amendments and Budget Transfers:

FY2024 Budget Transfer Request #365 Charles County Detention Center Replacement Project

(Mr. Jacob Dyer, Acting Director, Department of Fiscal and Administrative; Mr. George, HVAC Superintendent; Mr. John Earle, Chief of Buildings and Trades, Ms. Terri Kahouk, Deputy Director, Department of Public Works-Facilities)

A motion was made by Commissioner Patterson, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve FY2024 Budget Transfer Request #365 for three hundred and fifty thousand dollars (\$350,000.00).

Letter of Support: Board of Education FY2025 Capital Improvement Projects to Interagency Committee on School Construction (IAC)

(Mr. Jacob Dyer, Acting Director, Department of Fiscal and Administrative Services; Mr. Michael Heim, Chief of the Office of Operations and Supporting Services, and Mr. Steven Andritz, Director of Planning and Construction Charles County Public Schools)

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve this Letter of Support.

Lease Approvals (Embrace)

(Ms. Jenifer Ellin, Acting Deputy County Administrator, Office of the County Administrator and Ms. Danielle Mitchell, Assistant Deputy County Attorney, Office of the County Attorney for Charles County)

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve this lease renewal.

Actions on Boards, Commissions, and Committees

No action taken.

Commissioner's New Business

There was no new business discussed.

At 2:04 p.m., a motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to adjourn.