

Regular Meeting of County Commissioners
Tuesday January 23, 2024 (Legislative Day)

The regularly scheduled meeting of the County Commissioners was convened in hybrid format, virtually and in person, at 9:03 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
Deborah Hall, Acting County Administrator
Wes Adams, County Attorney
Carol A. DeSoto, Clerk to the Commissioners

**Amanda M. Stewart, M.Ed., County Commissioner, was absent*

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. Commissioners Bowling, Coates, Patterson, and Collins were present.

**Commissioner Stewart was not present.*

Commissioners' Comments

Commissioner Patterson spoke about attending a Scouting Awards Ceremony last week and took time to acknowledge these scouts and congratulate them on their achievements.

Approval of the Minutes of January 9, 2024

A motion was made by Commissioner Patterson, seconded by Commissioner Bowling and passed, with Commissioners Bowling, Coates, Patterson, and Collins present, voting in favor to approve the minutes of January 9, 2024. **Commissioner Stewart was not present for the vote.*

Announcement

Next Scheduled Session(s): January 30-31, 2024.

Approval Items

Budget Amendments and Budget Transfers
(Mr. Jacob Dyer, Acting Director, Department of Fiscal and Administrative)

There were no Budget Amendments or Transfers.

TO BE RESCHEDULED*Discussion: Draft Guidelines for Outside Participation in Charles County Government Activities*

(Mr. Wes Adams, County Attorney, Office of the County Attorney for Charles County)

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Charter Board: Request to be Added to List of Eligible Boards and Commissions to Use Community Support Funds

(Mr. Gregory Waring, Chairperson, Charles county Charter Board)

A motion was made by Commissioner Patterson, seconded by Commissioner Coates and passed, with Commissioners voting in favor to approve adding the Charter Board as an eligible Board to use Community Support Funds. **Commissioner Stewart was not present for the vote.*

Charter Board: Request to Use Community Support Funds Print Additional County Charter/Code Home Rule Informational Mailer

(Mr. Gregory Waring, Chairperson, Charles county Charter Board)

A motion was made by Commissioner Patterson, seconded by Commissioner Coates and passed, with Commissioners voting in favor to approve Charter Board's request to use Community Support Funds to print additional copies of the County Informational Mailer for three hundred dollars (\$300.00).

**Commissioner Stewart was not present for the vote.*

Legislative Update: 2024 Maryland General Assembly Session

Ms. Danielle Mitchell, Associate County Attorney, Office of the County Attorney; Ms. Jenifer Ellin, Acting Deputy County Administrator, Office of the County Administrator; Mr. Steve Proctor; Mr. Joseph Green; and Ms. Sherrie Simms, Lobbyists, GS Proctor and Associates, Inc., joined the Commissioners to provide an update on the 2024 Maryland General Assembly Session.

Ms. Mitchell reviewed the County's Standard Operating Policy on State and Local Legislative Process/Guidelines #CP.CAT.01.001. She read the following from page three (3) section two point two (2.2):

County Attorney staff prepares Letters of Support, Opposition, or Information for bills of interest before House and Senate Committee hearings and presents them to the Board of Commissioners for approval by the majority of the Board. All communications to the General Assembly, to include Letters of Support, Opposition, Information, or Oral Testimony must reflect the position of the Board of Commissioners, and each Commissioner agrees to refrain from sending individual letters for consideration by the General Assembly. (See Exhibit 3)

2.2.1 Any Commissioner who appears before any entity, including but not limited to legislative entities in any form (e.g., committee, caucus, subcommittee, etc.), trade group, advocacy group, or union, or any other body that could attempt to influence any legislative process, without prior authorization of the Board of County Commissioners, MUST begin their presentation with the following disclaimer in order to avoid any appearance that their individual position could be reasonably construed to represent the position of the Board of County Commissioners:

2.2.1.1 "My name is [FIRST NAME, LAST NAME – NO TITLE] and I am appearing before [NAME OF ENTITY] in my personal capacity. I am not authorized to [speak for/testify on behalf of] the Board of County Commissioners, Charles County Government, or the citizens of Charles County.

2.2.1.2 "The Board of County Commissioners:

2.2.1.2.1 "has not reviewed the [bill/matter] before this [ENTITY] today nor considered or taken any position (for or against) its adoption"; or

2.2.1.2.2 "has reviewed the [bill/matter] before this [ENTITY]

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and has taken the position of [supporting/opposing] it.”

Mr. Green provided an overview of the 2024 Maryland General Assembly Session which will have a budget heavy focus. He reviewed the Governor’s approach to rebase structure; reallocate funds, Borrow more, and tapping into the rainy-day funds for this budget and the next several budget cycles to rebalance the budget. Key issues include Juvenile Justice, Growth in the State, and Public Safety.

Ms. Mitchell reviewed a few potential legislative topics that will be tracked during this General Assembly the Commissioners expressed interest in, “No Just Cause Eviction,” Solar legislation, and legislation related to Route 210.

Commissioner Bowling requested information on the data related to Route 210. Commissioner Collins also encouraged Commissioner Bowling to attend the next 210 Task Force meeting.

Ms. Mitchell reviewed additional proposed legislation that the legislative team will be following:

- *SB121 College of Southern Maryland - Funding and Responsibilities - La Plata Pool*

The College of Southern Maryland were opposed, and the Commissioners sent a letter detailing other options.

- *SB12 College of Southern Maryland - Board of Trustees Membership – Alterations*
In the Senate - Hearing January 24, 2024.

The Commissioners were opposed due to the negative fiscal impact it would have on the County.

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 send a letter of opposition. **Commissioner Stewart was not present for the vote.*

- *HB151 Charles County Board of Education - Vacancy Procedures - Timing and Video Streaming and Archiving*
In the House - Hearing on January 25, 2024.
- *HB81 Constitutional Amendment - Form of County Government - Requirement to Adopt Charter Home Rule*
In the House - Hearing February 6, 2024.
- *HB412 General Assembly – Special Election to Fill a Vacancy in Office*
- *SB140 General Assembly Vacancy - Political Party Central Committees – Procedures*
- *SB200 Counties - Construction of Sidewalks and Crosswalks - Safe Alternative Routes to Public Schools*
In the Senate - First Reading.

Maryland Association of Counties (MACo) is opposed to this Bill.

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- SB 173 *Consolidated Transportation Program - Indian Head Highway - Conversion Into Limited Access Highway*
In the Senate - Hearing on January 24, 2024.

The Charles County Legislative Proposals that are awaiting draft bill are:

- Motor Vehicle Registration - Exceptions for Golf Carts and Low Speed Vehicles - Cobb Island
- 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.
- To adopt legislation that would prohibit an unlicensed establishment from allowing the consumption of alcohol on their premises.
- To change to Maryland Law 14-402 on behalf of the Adult Guardianship Review Board to change the Board's membership composition requirement for a psychiatrist.
- To enact a Parkland Dedication Ordinance to require property developers pay a fee to be used instead of dedicating land (i.e., "fee-in-lieu"), or a combination of dedication or construction of recreational facilities.
- To change the minimum age requirement to run for Charles County School Board from twenty-one (21) years old to eighteen (18) years old.
- To require certain training be completed by those individuals appointed or elected to the governing body of a common ownership community.

Briefing and Request to Approve: Zoning Text Amendment #21-169, Critical Area Commission's Conditional Approval (Bill 2022-10/ZMA 21-02)

Mr. Charles Rice, Planning Director, Department of Planning and Growth Management, reviewed the Critical Area Commission conditional approval of this zoning text amendment and requested that Bill 2022-10 be amended to reflect the refinement and clarifying language to ensure consistency with Maryland laws.

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 accept and approve the Critical Area Commission's conditional approval of Zoning Text Amendment 21-169, also known as Bill Number 2022-10, and that the Bill be amended to reflect the refinement and clarifying language to ensure consistency with Chapter one nineteen (119) of the 2008 Laws of Maryland, Section Nine (9). **Commissioner Stewart was not present for the vote.*

Clerical Note: Approval of this amendment will be reflected in an amended Bill to be introduced at the next scheduled Commissioner meeting.

Legal Opinion: Regarding Individual Commissioner Activities with Respect to the Charter Board

Mr. Wes Adams, County Attorney, Office of the County Attorney for Charles County, addressed the concerns raised by an email from the Chairperson of the Charter Board. He shared a legal opinion with the Commissioners regarding their activities with respect to the Charter Board. He was asked to give an opinion after Deborah Hall, Acting County Administrator, received an email in December regarding

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activities by Commissioners when discussing the Charter Board. He reviewed the purpose of the Charter Board and the political questions surrounding its purpose and stated that Commissioners' advocacy for or against the Charter in their individual capacity was protected by law as political speech.

Commissioner Collins stated that the Commissioners should use caution and limit rhetoric and be mindful of what they say.

Briefing: STEAM (Science, Technology, Engineering, Arts and Mathematics) Onward Youth Programs

Ms. Diane Fisher, and Mr. Hassan Adeeb, STEAM Onward, provided a presentation that gave an overview of the STEAM Onward Youth Programs. They shared specific findings from a STEAM project which monitored conditions in a tributary of Mattawoman Creek in Bryans Road, Maryland. They reviewed the interactive process, participation, and analytical results from the Fall 2022, Winter 2023 and Spring of 2023 and what they mean.

****TO BE RESCHEDULED** Briefing and Request for Approval: Create Revenue Authority Local Legislation**

**Break 10:46 a.m. – 4:01 p.m.*

Roll Call

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

**Commissioners Stewart and Coates were not present.*

***TO BE RESCHEDULED* Briefing: Update on Resilience Authority of Charles County Activities**

Briefing: Update on Charles County Pretrial Services Program Development

Spurgeon Kennedy, Vice President, Crime and Justice Institute and President, National Association of Pretrial Service Agencies (NAPSA); and Mr. Thomas Eberly, Program Director, Justice Management Institute, reviewed a report on Developing a Pretrial Services Agency in Charles County. He outlined the goals of a pretrial services agency, the deliverables, the structure, objectives, and functions. He described the outcome assessment, success-based supervision elements, supervision supports and outcome and performance measures.

Commissioner's New Business

There was no new business discussed.

**Break 4:52 p.m. – 5:02 p.m.*

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Roll Call

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

**Commissioners Stewart and Coates were not present.*

Commissioners' Public Comment Session

Commissioners held an open session to receive public comments on any issue. This agenda item was added for the Commissioners to listen to feedback only, twice each month during their regular meetings.

There were three (3) residents who provided comments in person and no virtual comments. Any written comments received were added to the website for the public to view.

Summary of Public Comments:

- Felt that Commissioners Bowling and Stewart incentivized others on how they characterized the Charter Board members. He stressed that it was important to speak with respect about the volunteers who serve on these boards and speak with respect and support them
- Stressed the importance of having these public comment sessions even if the same people participate. He pointed out that Commissioner Coates was not present again for public comments. He always expressed his concern of the Charter Board meeting being referenced early, which in his opinion was condescending of Commissioners Bowling and Stewart.
- Expressed her support for these public comment sessions which are very different from a Town Hall meeting. It is an opportunity to express opinions in a timely manner. She preferred it when Commissioners could respond immediately following public comments.

**Break 5:14 p.m. – 6:00 p.m.*

Roll Call

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

**Commissioners Stewart and Coates were not present.*

Public Hearing: Swan Point Petition Project

The Commissioners held a hybrid, virtual/in-person, public hearing on the petition presented by residents of Swan Point Community. Ms. Elizabeth Theobalds, Deputy County Attorney, Office of the County Attorney for Charles County explained that the request by residents of the Swan Point Community was to enter into an agreement with the County to establish a project for the repair, reconstruction and improvement to the community's storm drainage system and for the residents to repay the costs of the project as an annual assessment. The total cost would be shared by the County, the property owners/residents of Swan Point, and the developer.

There was one (1) in person comment and no virtual comments provided.

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A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with Commissioners Bowling, Patterson, and Collins present, voting in favor to close the public record.
**Commissioners Stewart and Coates were not present for the vote.*

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with Commissioners Bowling, Patterson, and Collins present, voting in favor to close this public hearing.
**Commissioners Stewart and Coates were not present for the vote.*

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with Commissioners Bowling, Patterson, and Collins present, voting in favor to reset the final approval of the Resolution and Memorandum of Understanding (MOU) on February 7, 2024.
**Commissioners Stewart and Coates were not present for the vote.*

At 6:14 p.m., a motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with Commissioners Bowling, Patterson, and Collins present, voting in favor to adjourn.
**Commissioners Stewart and Coates were not present for the vote.*

Carol A. DeSoto, Clerk to the Commissioners

Reuben B. Collins, II, Esq., President