

Regular Meeting of County Commissioners
Tuesday April 16, 2024 (Legislative day)

The regularly scheduled meeting of the County Commissioners was convened 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, Acting County Administrator
Jenifer Ellin, Acting 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.

**Commissioners Coates and Stewart were virtual.*

Commissioners Bowling, Patterson and Collins were in person.

Commissioners' Comments

Commissioner extended condolences to families for the loss of two (2) County employees, Charles "Henry" Sandy, Maintenance Technician II, Department of Public Works-Facilities; and Lucinia Mundy, Small and Minority Business Development Specialist, Department of Economic Development.

Commissioner Patterson acknowledged all who attended the Bryans Road Homeowners Association (HOA) meeting and all HOAs.

Commissioner Bowling acknowledged all who provided public comments on April 9, 2024 and plans on reaching out to these people.

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to make today April 16, 2024 a Legislative Day.

Approval of the Minutes of April 9, 2024

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 April 9, 2024.

Announcement

Next Scheduled Session(s): April 23-24, 2024

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Approval Items

Budget Amendments and Budget Transfers

(Mr. Jacob Dyer, Acting Director, Department of Fiscal and Administrative Services)

FY2024 Budget Transfer Request #401 Waldorf Building Budget Adjustment

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to approve FY2024 Budget Transfer Request #401 for three hundred and fifty thousand dollars (\$350,000.00).

Change Order #9: Clifton Wastewater Treatment Plant (WWTP) Improvements ITB 21- 23

(Waqar Cheema, Senior Project Manager, Mr. Bernard Cochran, Deputy Director, Department of Public Works-Utilities)

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to approve Change Order #9 for one million five hundred and two thousand nine hundred and ninety-two dollars (\$1,502,992.00).

Proposed Updates: County Commissioner Expense Policy (CP.CC.01.002)

(Ms. Jenifer Ellin, Deputy County Administrator, Office of the County Administrator, and Mr. Wes Adams, County Attorney, Office of the County Attorney)

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to approve the updates to the County Commissioner Expense Policy.

Letter of Support for Southern Maryland Woodlands National Wildlife Refuge.

(Ms. Jenifer Ellin, Acting Deputy County Administrator, Office of the County Administrator, and Mr. Charles Rice, Planning Director, Department of Planning and Growth Management)

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to approve this letter of support.

Action on Boards and Commissions

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to reappoint Renaldo Walston, Ebony Cullens, Charles Cummings, Jonathan Lee, Jenine Melton and Omnyi Harrell and appoint Rhonda Bello, Joseph Barnette and Rebecca Collins Citizen Members to the Commission for Veterans Affairs.

Discussion: Request to Amend Bill 2022-08 Charles County Commissioners Elections Word of "Plurality" to "Majority"

(Commissioner Patterson)

The Commissioners directed the County Attorney to do a legal review and speak with the State to see if this is possible, if enabling legislation is needed, and then to bring back with potential draft legislation and cost analysis if appropriate.

**At about 10:07 a.m. Commissioner Stewart joined session in-person.*

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FY2025 Budget Work Session: General Fund Overview & Outside Agencies

Mr. Jacob Dyer, Acting Director, and Ms. TaTanya Bowman, Assistant Chief of Budget, Department of Fiscal and Administrative Services reviewed the proposed FY2025 General Fund Budget. The General Fund is comprised of property taxes, income taxes, recordation and transfer taxes, and other revenues. During the review the Commissioners heard comments from the Board of Education, Charles County Sheriff's Office, College of Southern Maryland, Charles County Public Library, Charles County State's Attorney's Office, Charles County Department of Social Services, Charles County Health Department, Circuit Court, and the Charles County Charitable Trust.

***RESCHEDULED TO AFTERNOON BRIEFINGS* Briefing: Request to Introduce and Schedule Public Hearing Bill 2024-(10) Amendments to the Charles County Building Code**

***TO BE *RESCHEDULED* Legislative Wrap Up: 2024 Maryland General Assembly Session**

Closed Session

At 12:16 p.m., motion was made by Commissioner Bowling, seconded by Commissioner Patterson 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)(3)(7) of the General Provisions Article of the Annotated Code of Maryland to discuss appointments to Commissioners' appointed Boards and Commissions and to discuss a potential land acquisition. The reason for moving into closed session is to keep legal advice, negotiations, personnel information, and strategies confidential.

Summary Closed Session Items

At about 12:18 p.m., the Commissioners went into closed session.

3-305(b)(7)(8) Update on a Litigation Matter

Present: Commissioners Bowling, Coates, Stewart, Patterson, and Collins, Wes Adams, Deborah Hall, Carol DeSoto, Jenifer Ellin, Kevin Karpinski, Jacob Dyer, Shanna Reese, Martin Harris, Charles Strawberry, Brian Kagarise, and Amanda Willis.

Mr. Kevin Karpinski, Outside Counsel, provided an update and recommended action.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to authorize Mr. Karpinski to negotiate a settlement up to a *specified amount*.

3-305(b)(3)(7) Update Potential Property Acquisition

Present: Commissioners Bowling, Coates, Stewart, Patterson, and Collins, Wes Adams, Deborah Hall, Carol DeSoto, Jenifer Ellin, Judy Michael, Danielle Mitchell, Kelli Beavers, Sam Drury, Martin Harris, Terri Kahouk, Kelly Robertson-Slagle.

Staff provided a status update on this potential acquisition.

At 12:28 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 closed session.

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The Commissioners returned to open session at 1:59 p.m.

Roll Call

A roll call was taken. All Commissioners were present.

**Commissioners Coates was virtual.*

Commissioners Bowling, Stewart, Patterson and Collins were in person.

FY2025 Budget Work Session: Governmental Capital Improvement Projects (CIP) Overview Mr.

Jacob Dyer, Acting Director and Ms. TaTanya Bowman, Assistant Chief of Budget, Department of Fiscal and Administrative Services, reviewed the FY2025-FY2029 Capital Improvement Program (CIP) with a total requests of nine hundred and eight point seven (\$908.7) million dollars. The proposed funded projects are five hundred and fifteen million four hundred and forty-six thousand dollars (\$515,446,000.00). Projects not funded totaled three hundred and ninety-three million two hundred and ninety-two thousand dollars (\$393,292,000.00). The proposed Capital Project Operating Budget for FY2025 is eight million six hundred and thirteen thousand seven hundred dollars (\$8,613,700.00).

***TO BE RESCHEDULED* Briefing: Chapman State Park, Mount Aventine Project**

Briefing: Update on Summer Youth Employment

Ms. Laura Gustafson, Deputy Director, Ms. Sapreen Khalaifeh, Local Management Board (LMB) Coordinator, and Ms. Fredina James, Local Care Team, provided an overview of the Summer Youth Employment program which

links Opportunity Youth (ages sixteen (16) to twenty-four (24) and neither employed nor in school, or at risk of) with local businesses and non-profits to create a meaningful work experience and career connection for both parties. Partners for Placements and Referrals are Youth Intervention and Engagement Program at Center for Children, Charles County Advocacy Council for Children, Youth, and Families, Charles County Department of Economic Development, and Charles County Public Schools- Student Services. There were about twenty (20) youth who meet the Opportunity Youth criteria.

Briefing: Update on Connected Devices

Ms. Laura Gustafson, Deputy Director, Ms. Sapreen Khalaifeh, Local Management Board (LMB) Coordinator, and Ms. Fredina James, Local Care Team, provided an update on the Connected Devices Program which provided eligible households with a laptop and discounted internet services. They outlined the eligibility requirements, locations of distributions, and partnerships with Charles County Library and University of Maryland Extension. They provided demographics of those who were served.

Briefing: Update on Sister Partnership with Mozambique

Mr. Anthony Adesina, Business Retention and Expansion Manager, Ms. Lucretia Freeman-Buster, Chief of Business Services, and Ms. Kelly Robertson-Slagle, Director, Department of Economic Development, joined the Commissioners to update on the Mozambique and Charles County Sister City Partnership. Mr. Adesina reviewed a PowerPoint presentation that outlined the focus areas of the

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proposed partnership; the history from the last two (2) years; the 2024 updates; and recommended next steps. He also reviewed why Mozambique was selected.

Briefing: Request to Introduce and Schedule Public Hearing Bill 2024-(10) Amendments to the Charles County Building Code

Mr. Don Litten, Building Code Official- Codes Permits and Inspections Services (CPIS); and Mr. Raymond Shumaker, Chief of Codes Permits and Inspections Services (CPIS), Department of Planning and Growth Management, reviewed the 2021 Building Code and Local Amendments for adoption. The proposed Bill would codify local amendments to the Maryland State Code adopted by the State in May 2023. Updates include simpler language for ease of use and amendments related to long outstanding permits; the requirement of a master electrician to be present during the inspection of any energized equipment; a requirement for Electric Vehicle Charging Stations; and submittal of accurate as-built survey that includes swales, stormwater management features and drainage patterns.

A motion was made by Commissioner Stewart, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to introduce Proposed Bill 2024-(10) Amendments Charles County Building Code.

A motion was made by Commissioner Patterson, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to schedule the public hearing on Tuesday, May 14, 2024 at 6pm in the Government Building at 200 Baltimore Street, La Plata, MD to be held hybrid, in-person and virtually.

Discussion: Process of Awarding Contract to a Vendor Related to Charter Board Information Campaign

Ms. Deborah Hall, Acting County Administrator, and Ms. Jenifer Ellin, Acting Deputy County Administrator, Office of the County Administrator; Ms. Danielle Mitchell, Assistant Deputy County Attorney, Office of the County Attorney; and Ms. Shanna Reese, Chief of Purchasing, Department of Fiscal and Administrative Services discussed Commissioner Patterson's request for information on this process. Staff reviewed the process and standard protocol of the Request For Proposal (RFP) which frequently utilize or piggybacks other competitive procurements to conduct business efficiently and effectively since formal procurements can take several months to assemble, advertise, evaluate, and award. Due to the time sensitivity of this particular endeavor, the ability to utilize an existing County bid was ideal. Additionally, this bid was advertised and awarded through the County's own procurement process, containing County's own contract provisions, not for another governmental entity, and had been done very recently (awarded in January 2024). The firm awarded the contract, Platinum PR, has the proven knowledge, capacity, and experience and is familiar with Charles County.

Staff indicated that this was a valid, competitive solicitation for Charles County to utilize for the Information Campaign for Charter Board. The firm is experienced, knowledgeable and has the capacity to assist the County with this effort. Staff recommends that the vendor selected, Platinum PR, be utilized move forward, pending the scope of work and the pricing.

Commissioner Collins explained that clear directions from the Board was for a firm that had provided an education campaign on Charter similar to Frederick County and felt we may have shut the door on a potential bids by using this process. He felt that the process was not specific enough to specify Charter Only campaign experience.

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Commissioner Bowling expressed concerns that the Commissioners are getting involved in this process and it is being politicized and potentially unethical since the Charter Board complained about this RFP and now it has been brought forth by a Commissioner.

Commissioner Stewart shared her understanding that the expectation was that the Commissioners don't get involved in this process, gave staff the information, and a company with a proven track record will work with staff to get the information out. The process the County used is better for County Government and saves time and money. She was concerned that if three (3) Commissioners direct Ms. Hall to redo this process, then it would be an ethical violation.

Commissioner Patterson expressed his understanding that the bid would go out in a unique appearance and scope.

Mr. Wes Adams, County Attorney, Office of the County Attorney for Charles County, opined that staff followed the process according to County policy and code. The piggyback process would be used in the competitive bid process for any service for speed and efficiency. This company's competitive bid that was used was fresh, three (3) months.

Ms. Danielle Mitchell, Assistant Deputy County Attorney, Office of the County Attorney for Charles County, explained that no firm would have been unearthed by the RFP process. Cecil and Frederick County did not use a third-party vendor. A firm that has specifically did a Charter education marketing does not exist.

Commissioner Coates questioned the DEI (Diversity, Equity, and Inclusion) requirement. Staff explained that the Charles County Government recently conducted a Disparity Study, which is set to be fully implemented by Spring of 2025. The issues discussed in the Study were primarily in the area of construction contracts, not in procurement for services such as this one. Platinum PR exceeded the County's current MWBE goal requirement with their submission. Additionally, the vendor award was made to a female-owned business, currently applying for a Maryland Minority Business (MBE) Certification.

**At about 4:49 p.m. Commissioner Stewart left session.*

**At about 5:05 p.m. Commissioner Collins left Session and returned at about 5:14 p.m.*

Commissioner's New Business

There was no new business discussed.

Charles County Boards and Commissions Annual Update

Briefing: Annual Update from Interfaith Commission

Briefing: Annual Update from Nuisance Abatement Hearing Board

Briefing: Annual Update from Homeowners Association Dispute Review Board (HOADRB)

Staff and members of the Interfaith Commission, Nuisance Abatement Hearing Board, and the Homeowners Association Dispute Review Board provided an overview of their 2023 Annual Reports.

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At 5:30 p.m., a motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with Commissioners Bowling, Coates, Patterson, and Collins present, voting in favor to adjourn. **Commissioner Stewart was not present for the vote.*

Carol A. DeSoto, Clerk to the Commissioners

Reuben B. Collins, II, Esq., President