

Tiffany McCaslin



April 11, 2024

Charles County Charter Board  
200 Baltimore Street  
La Plata, Maryland 20646

Dear Chairperson Waring, Vice-Chairperson Butler-Washington, and Members of the Charter Board:

I hope this letter finds you well. As a resident deeply invested in the future governance of Charles County, I am writing to share my reflections and constructive suggestions regarding the current drafts of the charter document that is poised to shape our community's framework. Your commitment to refining a governance model that resonates with the principles of balance, accountability, and transparency is both acknowledged and greatly appreciated.

As residents of Charles County, we stand at a crucial juncture where the foundational documents that guide our governance are being revisited and revised. The charter, as proposed, embodies not just the legal framework for our local government but also reflects our collective aspirations for a governance model that is balanced, transparent, and accountable. It is in this spirit that I approach you with observations and constructive recommendations aimed at enhancing the structure and function of the proposed charter to better serve our community.

**General concerns:**

1. Considering the structure and responsibilities outlined, **there is a significant imbalance of power between the Executive and the Council**, especially in the context of policy making and oversight. The text outlines significant powers for the Executive but less about how the Council can effectively oversee or influence executive actions, beyond confirming appointments or the removal process.

**Recommendations/Solutions:**

- Enhance the role of the Council in oversight by requiring more frequent consultations between the Executive and the Council on major decisions and policies.
- Additionally, establish a clear mechanism for the Council to initiate independent reviews of executive branch activities to ensure accountability and transparency. This could involve periodic performance audits of executive departments and functions.

2. There is an overall lack of a **comprehensive approach to enhancing transparency and accountability.**

**Recommendations/Solutions:**

- Establish independent oversight bodies with the power to audit, review, and report on executive and administrative actions.
- Implement a robust public records and open meetings law to ensure that all executive decisions and actions are made in the public eye would be crucial.

- Additionally, create clear, enforceable ethics and conflict-of-interest standards for all county officials, with regular training and mandatory disclosure of financial interests, which could safeguard against corruption.
- Engage the public through regular town hall meetings and feedback mechanisms, which would ensure community involvement in governance, providing a direct line of accountability from officials to citizens.
- Implement a whistleblower protection program to encourage the reporting of unethical or illegal activities without fear of retaliation could further strengthen the governance framework.
- Integrate technology to improve transparency, such as creating a publicly accessible database of county contracts, expenditures, and official communications.

***These considerations would make government operations more visible and understandable to citizens. These strategies, combined with strong legal frameworks and community engagement, would create a multifaceted approach to combating corruption and building a more transparent and accountable county government.***

3. There are no accountability provisions to **address runaway spending associated with litigation fees** for which taxpayers are being penalized. This could be addressed by implementing specific approval criteria which must be met in order for a Council member or an Executive to retain and pay for private counsel for representation in removal proceedings.

**Recommendations/Solutions:**

- If representation of the Council member or Executive is inappropriate or impermissible, approval of representation funding shall not be granted
- Representation by private counsel must be established to be in the County's best interest, and the county government may not pay fees incurred in representing the purely personal interests of the Council member or Executive.

**With regard to the document for the "Executive Branch," I make the following comments:**

The below makes note of concerns with the section, suggests recommendations which could alleviate the concerns, and provides specific examples to implement the recommendations for consideration. The concerns are based on general principles of governance, accountability, and transparency that are common to local government structures, including those in Maryland.

Item	Concern	Recommendation(s)	Examples
<b>Concentration of Power</b>	<ul style="list-style-type: none"> <li>• The executive branch, headed by a County Executive, has broad powers over the administration and operation of county government.</li> <li>• There's a potential for power to be concentrated in the hands of the Executive.</li> </ul>	<p>Establish checks and balances that ensure the Executive's power is moderated by oversight mechanisms, such as regular audits, performance reviews, and the requirement for council approval of major decisions.</p>	<ul style="list-style-type: none"> <li>• Implement an annual independent audit of the executive branch's operations and finances.</li> <li>• Establish a citizens' review board to oversee major executive actions and decisions.</li> <li>• Require a supermajority council vote for significant executive branch actions, such as restructuring departments or significant budget allocations.</li> </ul>
<b>Appointment and Removal Authority</b>	<ul style="list-style-type: none"> <li>• The County Executive has significant authority over appointments and removals within the executive branch.</li> <li>• This includes the power to alter the structure of departments and offices without legislative authorization.</li> </ul>	<p>Establish an independent review committee to oversee appointments and removals to prevent potential abuses of power and ensure that decisions are made based on merit and qualifications.</p>	<ul style="list-style-type: none"> <li>• Create a bipartisan committee with members appointed by both the council and the Executive, plus non-partisan community representatives, to review and approve appointments and removals.</li> <li>• Mandate public hearings for all high-level appointments to increase transparency and community involvement.</li> <li>• Develop clear criteria and qualifications for appointments to ensure decisions are merit-based.</li> </ul>

Item	Concern	Recommendation(s)	Examples
<p><b>Transparency and Accountability</b></p>	<ul style="list-style-type: none"> <li>While the Executive is required to submit annual reports and budgets to the Council, there may be a need for more frequent and detailed reporting on various aspects of county administration.</li> </ul>	<p>Develop detailed provisions requiring the Executive to provide quarterly reports to the Council and the public on the administration's activities, financial status, and progress toward strategic goals.</p>	<ul style="list-style-type: none"> <li>Require the executive branch to publish a detailed quarterly performance report, including budget status, progress on strategic goals, and key initiatives.</li> <li>Implement a public dashboard with real-time data on county operations, budget spending, and performance metrics against established goals.</li> <li>Host quarterly public forums where residents can ask questions and provide feedback directly to the Executive and other department heads.</li> </ul>
<p><b>Compensation and Benefits</b></p>	<ul style="list-style-type: none"> <li>The Executive's compensation is set at \$150,000 per annum without the possibility of accruing annual leave.</li> <li>While compensation should reflect the responsibility of the position, it is essential to ensure it remains in line with public expectations and fiscal responsibility.</li> </ul>	<p>The Compensation Review Commission should conduct and publish a benchmarking study comparing the Executive's compensation with similar positions in other counties and adjust accordingly.</p>	<ul style="list-style-type: none"> <li>Link the Executive's salary to performance metrics and public satisfaction indices to align compensation with performance.</li> <li>Compare the Executive's compensation with similar roles in the private sector and adjust to ensure competitiveness while being mindful of public sentiment and fiscal responsibility.</li> <li>Consider introducing performance bonuses based on achieving specific strategic goals, ensuring compensation is partly merit-based.</li> <li>Fully define and describe allowable amounts of "fringe benefits," which should be made available to the public and subject to audit.</li> </ul>

Item	Concern	Recommendation(s)	Examples
<b>Vacancy of Office</b>	<p>Among other concerning language, as drafted, if the Executive leaves office prior to the ordinary expiration of his or her term, the following holds true:</p> <ul style="list-style-type: none"> <li>• The Chief Administrative Officer will be the acting Executive until a new appointment is made</li> <li>• The central committee corresponding to the political party the vacating Executive shall nominate a successor within 30 days of the vacancy</li> <li>• The Council shall appoint a replacement of the same political party within 45 days of the vacancy</li> </ul>	<p>Consistent with the original election process of the Executive, preference should not be given to a particular political party. Providing such preference assumes the electorate considered a political position only and not the qualifications of the individual. Amend to ensure a successor Executive is not selected in a manner inconsistent with the process for an original Executive.</p>	<ul style="list-style-type: none"> <li>• Consider a special election for a successor Executive.</li> <li>• Consider a nonpartisan approach.</li> <li>• Consider establishing a bipartisan appointment commission for a successor Executive.</li> </ul>
<b>Forfeiture and Removal from Office</b>	<ul style="list-style-type: none"> <li>• The conditions under which the Executive can be removed from office or forfeit the office are outlined, including criminal convictions and loss of voter registration status.</li> <li>• However, the process for addressing alleged misconduct or incapacity that falls short of these criteria is less clear.</li> </ul>	<p>Implement clear procedures for investigating complaints against the Executive, including an independent review process, to ensure that any allegations of misconduct are thoroughly and impartially investigated.</p>	<ul style="list-style-type: none"> <li>• Establish an independent ethics commission with the power to investigate allegations and recommend actions to the Council.</li> <li>• Create a clear, transparent process for residents to file complaints against the Executive, including online submission forms and a hotline.</li> <li>• Introduce mandatory ethics training for the Executive and senior officials, with periodic refreshers, to prevent misconduct and ensure awareness of ethical obligations.</li> </ul>

**With regard to the “Miscellaneous Provisions,” I make the following comments related to “603. Charter Review Commission:”**

As drafted, this provision raises concerns, which are detailed below and should be addressed. In general, specific amendments should be considered to mitigate potential issues related to fiscal responsibility, ethical representation, balanced governance, and the prevention of lobbying influences. These amendments aim to provide clarity, ensure responsible governance, and maintain the commission's integrity and effectiveness.

Item	Concern	Recommendation	Examples
<b>Discretionary Appointment of Review Commission</b>	The provision allows the council to appoint a review commission at its discretion, potentially leading to fiscal irresponsibility without specific criteria.	Amend the provision to include specific criteria for appointing additional Charter Review Commissions outside the mandatory 10-year review cycle. These criteria could relate to significant changes in population, legal requirements, or other substantial changes in county governance needs.	A Charter Review Commission may also be appointed at times deemed necessary by the Council, based on criteria including but not limited to significant population changes, state or federal legislative changes affecting county governance, or upon petition by a specified percentage of registered voters.
<b>Composition of the Review Commission</b>	The commission includes seven members for a county with five districts, with no description of how the extra two members are selected.	Specify the selection process for the additional members to ensure representation from diverse interests or expertise.	Of the seven members of the Charter Review Commission, five shall be one from each Council District, and two shall be appointed at large to represent county-wide interests. These at-large members shall be selected based on their expertise in governance, law, or public administration.
<b>Recommendations on Council Size</b>	Mandating an increase in both at-large and district council members could lead to imbalance.	Re-word to allow flexibility in recommendations based on actual needs, not predetermined outcomes.	The Commission shall evaluate the adequacy of council representation in relation to the county's population and governance needs. Recommendations for increasing council size should specify the rationale for each additional member, whether at-large or by district, to ensure balanced representation, and shall be approved by counter voters.
<b>Funding of the Commission</b>	A guaranteed appropriation could incentivize unnecessary commission appointments for the benefit of vendors or entities.	Specify funding guidelines and limits to prevent misuse while ensuring the commission can fulfill its duties.	The Commission shall receive funding as appropriated by the Council within the constraints of a specified budget cap. Funding should be transparent and detailed in the county's annual budget, with provisions to audit expenses to ensure accountability.

Additional considerations could enhance the effectiveness and integrity of the Charter Review Commission and its processes:

1. **Public Engagement and Transparency:** Ensure the charter review process includes opportunities for public input and engagement. This could include public hearings, community surveys, and open forums. Making the review process transparent and inclusive can help ensure that the charter reflects the community's needs and values.
2. **Expert Consultation:** Consider requiring the commission to consult with experts in municipal governance, law, and other relevant fields. This could help ensure that recommendations are based on best practices and informed by expert opinions.
3. **Reporting and Implementation of Recommendations:** Specify procedures for how the commission's recommendations will be reported to the council and the public. Also, outline the steps for how approved amendments will be implemented. This could include timelines, responsible parties, and mechanisms for public ratification if required.
4. **Conflict of Interest and Ethics Guidelines:** Establish strict conflict of interest and ethics guidelines for commission members. This could include disclosures of financial interests, recusal procedures, and restrictions on lobbying activities. Ensuring commission members adhere to high ethical standards can help maintain public trust in the process.
5. **Evaluation of Previous Amendments:** Mandate that the commission also evaluates the effectiveness of previous charter amendments. This retrospective analysis can provide valuable insights into what changes have been successful or where adjustments may be needed.
6. **Limitations on Commission Reappointment:** To ensure fresh perspectives, consider setting limitations on consecutive terms for commission members. This could prevent the monopolization of the commission by a small group of individuals and encourage broader community participation over time.
7. **Emergency Provision:** Include a provision for emergency or expedited reviews in case of urgent governance issues or changes in state or federal law that necessitate quicker adjustments to the charter.

By addressing these additional considerations, the charter review process can be made more robust, transparent, and responsive to the evolving needs of the county and its residents.

**With regard to the “Miscellaneous Provisions,” I make the following comments related to “604. Independent Auditor:”**

Overall, the proposed provision for an independent audit is a solid foundation for financial oversight. However, incorporating additional elements such as expanded audit scope, detailed auditor selection criteria, and enhanced public accessibility and engagement can further strengthen the framework for accountability and transparency.

**Strengths of the Provision:**

- **Independence:** Utilizing an independent certified public accountant helps ensure the audit is unbiased and thorough.
- **Comprehensiveness:** The requirement for a complete audit of all financial records and actions encompasses a broad scope, providing a detailed overview of government financial management.
- **Public Accessibility:** Making the audit report publicly available promotes transparency and allows citizens to assess how government funds are managed.

### **Potential Enhancements:**

- **Audit Scope:** While financial audits are crucial, the scope could be expanded to include performance audits. Performance audits evaluate the efficiency, effectiveness, and economy of government programs and operations, not just their financial aspects.
- **Selection Process:** Detailing the selection process for the independent auditor can further enhance transparency. Establishing a transparent, competitive bidding process for selecting the auditor could mitigate any concerns over impartiality.
- **Frequency:** Annual audits are standard, but for certain fast-changing or critical areas, more frequent reviews (e.g., semi-annual) might provide timely insights and corrective actions.
- **Public Presentation:** Beyond making copies available for reproduction, presenting the audit findings in a public forum, such as a council meeting open to citizens, can increase engagement and understanding.
- **Cost of Reproduction:** While charging for the cost of reproduction is reasonable, offering a digital copy for free online can make the report more accessible to a broader audience.
- **Follow-up on Recommendations:** Instituting a formal mechanism for tracking and reporting on the implementation of audit recommendations can help ensure that issues identified are addressed promptly.

In closing, I urge the Board to consider these observations and recommendations not just as critiques, but as an opportunity to refine our charter into a document that stands as a testament to our commitment to good governance. By addressing the concerns around executive power balance, enhancing transparency and accountability measures, and ensuring that spending, especially on litigation, is judiciously managed, we lay down the groundwork for a government that is responsive and responsible to its citizens. The charter is more than a document; it is a covenant between the government and the people it serves. Let's ensure it embodies the principles of fairness, transparency, and accountability that Charles County deserves.

Sincerely,

Tiffany McCaslin