

## Charles County Farm Bureau Written Comments

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To: Charter Board <CharterBoard@charlescountymd.gov>

 1 attachments (28 KB)

Charles County Farm Bureau Charter Recommendations 5.17.2024.docx;

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*The Charles County Farm Bureau has very carefully reviewed the entire draft Charter. Respectfully, we would like to offer the following edits and recommendations within the provided document to the Charter in order to improve accountability, add additional checks and balances, and to protect the citizens of Charles County, as well as improve the geo-political representation, equality of opportunity, and inclusion of ALL citizens of Charles County. Thank you for the opportunity to provide feedback.*

*The document edits and recommendations are attached. PLEASE confirm that you have received this email.*

*Thank you!*

*Charles County Farm Bureau Inc*

*The Charles County Farm Bureau has very carefully reviewed the entire draft Charter. Respectfully, we would like to offer the following edits and recommendations within the provided document to the Charter in order to improve accountability, add additional checks and balances, and to protect the citizens of Charles County, as well as improve the geo-political representation, equality of opportunity, and inclusion of ALL citizens of Charles County.*

*Thank you!*

*Charles County Farm Bureau*

## **PREAMBLE**

Prefer the use of the preamble in the 2014 Charter.

OR

Change as follows:

We, the citizens of Charles County, Maryland, a body corporate and political under the Maryland constitution, establish under this charter a form of governance that is effective and impactful in providing government services to our citizenry.

Herein, we define an order of responsibility and accountability for all elected officials, employees, appointees and contractors that measure up to the highest standard. We will collaborate with all independent, federal, state and county offices, which necessitates responsibility, as well as promote and establish ordinances, policies and procedures that are inclusive of all citizens of Charles County. Therefore, we hereby ordain and confirm this charter.

**NOTE:** It is not the role of this charter to single out one of many important aspects of effective government such as “address” *geo-political representation and equality of opportunity*. Laws and policy can and should have the purpose of promoting equity as well as fair and competitive processes. Further, nowhere in the charter are details of how the charter will “address” this representation. The sentence is not appropriate for a Preamble.

## **Article 1      GENERAL PROVISIONS**

- 104      (a) “Budget” needs to spell out all budget categories of the budget to include “enterprise funds” no exclusion.
- 104      (i) Emergency: should add “significant damage to life or property”.
- 104      (o) Fringe Benefits: benefits made available to all elected, hired and appointments made – no exceptions.
- 104      (r) Remove “4 council members, if the number is 7; and 5 council members if the number is 9.” Several other places in the Charter refer to the 5 council members and no other place it talks about more than 5. Referencing more than 5 council members is in conflict with the rest of the document. (Example: Section 201)

## **Article 2      COUNTY COUNCIL**

As it relates to the following:

- 203      **Council to Act as a Body**

It shall have the power to create standing committees.

Council members shall be elected alternative year of the General Assembly.

ADD: Measure all legislative actions through the comprehensive plan, adequate public ordinance and fiscal impact analysis.

204 **Election**

204 (c) Having an at large council basically is not equal opportunity and inclusive as this person will be elected by the Waldorf area exclusively due to the population and make-up of the area. They do not understand the rural area. Therefore, the 5<sup>th</sup> council should be rotated between all districts each term. The term is either 2 or 4 years. Basically the 5<sup>th</sup> person would be from say District 1, then next term, District 2, then District 3 and then District 4 and then back to District 1. This gets a broader spectrum of the county.

205 **Qualifications**

(a) Resident and registered voter of the County for at least 7 years. (10 years is also acceptable). Should also be in that District for at least 5 years. Minimum age 30.

206 **Term of Office**

(d) A council member shall not have more than 4 absences in the calendar year. What is the definition of attendance? If you call in/zoom in and make roll call, then you are counted as being in attendance. We feel that attendance MUST be in person and for the entire meeting.

(e) Each council member shall be required to host 4 town halls within their respective district per calendar year. The location should not be held at the same location except for utilization of County Government buildings.

207 **Compensation**

(b) Compensation Review Commission. This paragraph is disingenuous because the salary is behind State compared salaries. What are 5 council members going to do full time? Compensation is too high for a part time position. The listed compensation is 6.5% higher than the current County Commissioners. Salary increases should be based on cost of living data and consistent with and shall not exceed the cost of living adjustment afforded to County employees.

207 (c) Strike this entire paragraph if salary is based on that afforded to county employees and no more.

208 **Forfeiture of Office**

Add the following to #2, #3 and #4.

The Council member being convicted of or pleading guilty to a felony or a crime involving moral turpitude, discrimination, sexual harassment, hostile work environment as defined by Federal and State laws and county policies.

208 (5) Add "in violation of any Charles County, Maryland Standards of Conduct" (e-Code 360)."

209 **Removal from Office**

A council member may be removed from office by a resolution adopted by a supermajority of the council after a public hearing and a finding of misfeasance, malfeasance, etc. Eliminate approval/signature of County Executive.

209 (a) Add language that the council member (This needs to apply to the County Executive Director also) must reimburse/compensate the County for legal fees if found guilty

210 Last paragraph. Where is says the appointee shall meet the same qualifications and resident requirements...does it mean the same district also? If not, it should also state that.

Remove "and when succeeding a member of a political part, shall be a member of the same political party".

211 **Officers**

The President should be rotated by District and cannot be the President or Vice President two terms in a row.

212 **Oversight by the Council**

We concur that the council should investigate, but this section needs to clarify what happens after the investigation is completed. What is not addressed is how the process is initiated?

214 **Council Assistance**

Strike this section.

215 **Redistricting**

Why are we redistricting? \*\*The boundaries of the Council Districts shall be established in 2026. A redistricting review will take place as described below. Why another redistricting? \*\*

215 (a) The County Council shall appoint. (Not the County Executive) Both places in paragraph (a) needs to be changed.

This should not be politically based and not limited to 15%. There are currently about 19% Republicans in Charles County. It appears this charter is setting up for the Democrats to basically take full control if the Republicans and independents get down below 15% without giving them equity, equality of opportunity and inclusion as stated in the Preamble. Recommend striking the following:

"The central committee of a political party shall nominate three persons to serve on the Commission if at the time of nomination at least 15% of the total number of registered voters in the county are affiliated with that political party."

215 (d) Change wording to add "By November 15 of the year following the decennial census and at least 3 months after the receipt of the decennial census data,

Note: Census is no longer collecting much of the demographic data during the decennial census. They are collecting data annually over a 5 year rotating period using the American Community Survey (ACS). It is likely the ACS data will be needed and should be addressed.

**Article 3 LEGISLATIVE PROCESS**

302 **Legislative Session of the County Council**

302 (a) Total legislative session day: The County Council shall sit up to at a minimum of 45 days...(especially if they are considered full time positions.) Being full time positions should allow them to sit for more than 45 days.

304 **Legislative Procedure**

304 (a) Tri-County Agencies versus the bi-county agencies. (Define bi-county agencies. We assume this should be Tri-County Agencies if we are talking about the Southern Maryland Counties.)

305 **Public Legislative Proposal Procedure.** Eliminate the dates/times.

309 **Executive Veto** (eliminate)

311 **Referendum**

311 (a) Scope and Exceptions. Change “five percent” to “one percent” in the first sentence. Eliminate Sections (2) through (4).

#### **Article 4 COUNTY EXECUTIVE**

401 **Composition**

Strike: “, agents, and employees under the supervision and authority of the County Executive”. Define “agents”.

402 **Powers and Duties**

402 (i) Eliminate “supervising and directing offices”. Give this responsibility to the County Council. Supervising without the power to direct. Power to direct should be by the County Council.

(ii) Should this be under the guidance or supervision of the County Attorney?

(v) STRIKE: “Executive deems necessary” and reword to: “providing the County Council with information they request in writing concerning the executive branch which the County Council may require for the exercise of its powers pertaining to County business” or reword to the following:

Provide the County Council with any information the public should know on any action that requires investigation or possible public/ethical/criminal inquiry from legal authorities. The County Executive is obliged to provide ALL information with any potential ethical, legal ramifications whether confirmed or potential inquiry. Further, any changes pertaining to financial obligations which alter previously discussed and/or approved budgetary requests. The County Executive shall provide all information expeditiously and timely as humanly possible.

(vi) Strike this section

403 **Plan of Organization.** Unacceptable

403 (a) Reword to: The County Executive may make an evaluation of the structure, organization, functions, powers, and duties of each department, agency, and office under the County Executive’s control and make final recommendation to the County Council. Strike the rest of the paragraph.

405 **Term of Office**

405 (b) The County Executive shall serve no more than a maximum of two (2) terms, whether served consecutively or apart.

406 (a) The County Executive shall be at least **30 years of age** and a primary resident/registered voter of the county for **7** years.

407 (b) STRIKE: “In no event may the salary be reduced to a figure lower than that provided in subsection (a) of this Section except by amendment thereto;”

408 **Forfeiture of Office**

408 (1) "primary resident of" Charles County...

408 (2) Add to sentence: "including but not limited to discrimination, sexual harassment, hostile work environment as defined by Federal, and State law and county polices; or in violation of the Charles County employee handbook."

409 **Removal from Office** ADD to end of first sentence, "as these terms are defined by the appellate

411 **Temporary Absence.** Add: "The County Executive must inform the County Council of any absences extending more than 24 hours not covered by vacation/sick leave. Any absences beyond this time will initiate a meeting to determine if County Executive can continue due to unforeseen circumstances."

412 **Chief Administrative Officer.** The County Executive shall remove "appoint" and replace with "recommend" a Chief Administrative Officer, subject to confirmation by the County Council...

413 **County Attorney.** Reword to: "The County Council shall recommend two (2) candidates to the County Executive for consideration that are knowledgeable and experienced to serve as the County Attorney., who, within six (6) months of their appointment, shall reside within the County and be a registered voter of the County. The County Attorney shall maintain residence in the County and be a registered voter of the County for the duration of their appointment. T h e County Attorney shall be the chief legal officer of the County and conduct all legal business on behalf of the County. The County Attorney shall be a legal advisor to the Executive, the Council, all County departments, and other instrumentalities of the County Government. The County Attorney shall serve at the pleasure of the citizens of Charles County."

414 **Appointment and Removal of Department Heads and Others.** Strike section (d).

415 **Temporary Administrative Appointments** remove "appoint" and replace with "recommend" and "upon confirmation of the County Council" at the end of the sentence.

**Article 5 Budget and Finance**

501 **Budget and Finance.** Reword this paragraph to: "The County Council shall recommend two (2) candidates to the County Executive for consideration that are knowledgeable and experienced in financial matters, to serve as the Director of Finance of the County. The Executive shall choose one of the two candidates or may request two more candidates. The duties of the Finance Director, which shall be subject to the direction of the Executive, shall be those prescribed by the Executive, by law, or by this Charter. The Director of Finance will serve at the pleasure of the citizens of Charles County."

With the approval of the Council, the Executive shall appoint a person, knowledgeable and experienced in financial matters, to serve as the Director of Finance of the County. The duties of the Finance Director, which shall be subject to the direction of the Executive, shall be those prescribed by the Executive, by law, or by this Charter. The Director of Finance shall serve at the pleasure of the Executive.

503 **Preparation of the County Budget.**

503 (a) The County Executive shall hold at least "one" public hearing in each Council member District "during the month of" December to consider... The at-large Council Member or their designee shall attend all public hearings held pursuant to this section. Add: "The Council shall hold 3 hearings prior to December 15 to consider proposals from the public for inclusion in the Budget."

503 (b) The County Executive shall hold "2 public hearings" in March... The proposed budget shall be available to the public "15 days" prior to the March hearing date. Add "the county website and all

County social media accounts” a notice of the date, time and place of each public hearing. Strike: If the County Executive determines that no such newspaper exists in the County, the County Executive shall use whatever media it deems suited to the public notice requirements of this section.

503 (c ) Add to the last sentence ... “on the County website and all County social media platforms.”

504 **Budget Message**

504 (a) The Budget Message shall contain: the proposed Operating Budget, Add: “any Enterprise Funds”...

504 (b) Add to the end of the sentence, “with a recommendation of how these items will be funded”.

504 (c ) Add: “The County Executive shall cause to be published in at least one newspaper of general circulation at the County, the County website and all County social media accounts.”

505 **Council Public Hearing** Add “hearing” after the phrase ...a notice of the date, time and place of public...

507 **Tax Levy and Balanced Budget.** Reword paragraph: “After enacting the Annual Budget and Appropriations Ordinance, the Council shall operate under a balanced budget.”

508 **Borrowing Limitations Where does the** Explain 3% come from? Change the 15% of the County Assessable basis of personal property and operating real property to 10%.

509 **Transfer of Appropriations**

509 (a) Strike first sentence. ~~The Executive may transfer unencumbered appropriations in the Operating Budget within the same department, agency, or office and within the same fund.~~

509 (d) Strike second sentence.” ~~In the event of an unusual financial constraint, the repayment may be delayed, but in no event may repayment occur more than three fiscal years from the year in which cash borrowing occurs.”~~

510 **Supplemental Appropriations** Strike this section.

511 **Emergency Appropriations.** Strike “from the sources provided in Section 510 of this Charter.”

516 **Stormwater Transparency** Strike this section.

517 **Increasing Collaboration** Strike this section.

## Article 6 Charter Amendments

603 (c d) Add to the last sentence “...related to their duties to the Commission.”

603 (g) Replace the words “work terminated” with “task completed.”

605 **Ethics Commission**

605 (a) Add “one member per district” and 1 alternate member “to serve no more than 1 four year term.”

605 (c) Strike this section. May be section d now dealing with disclosures.

607 **Board of Appeals.** Must fill a public disclosure form.

608 Add Section: **General Ethics.** “All members of the County Council and any commission are required to submit financial disclosures to ensure no conflicts of interest or personal gain by the County Council or any commission.”

## Article X Inspector General

- X02 **Appointment.** Add: A nominating panel shall consist of 5 county residents “one person per district.”  
Strike “appointed by the County Council by resolution”. Add: ...of at least 3 other qualified persons; “only one person per district can be submitted”.
- X04 **Qualification.** Add to the end of the section “and no conflicts of interest relating to County business”.
- X09 **Work Plan.** Strike: “but may treat any item or suggestion for an item as confidential when advance public or agency knowledge of that item or suggestion would frustrate or substantially impede the work of the office.”
- X10 **Reports.**
- X10 (a) Replace “its major” to “all”.
- X12 Compliance.
- X12 Add: “(b) Should the Inspector General find acts of malfeasance, fraud, waste and/or abuse in government activities; violations of the County handbook to include ethics violations, then those findings will be sent to the County attorney for review within 30 days of first determining the infraction or malfeasance.”