

## FW: Resubmitted comments for charter draft because of edits I wanted to include

Charter Board <CharterBoard@charlescountymd.gov>

Wed 6/26/2024 8:11 PM

To: Jesse L. Bungcayao <BungcayJ@charlescountymd.gov>

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**From:** Debra Murphey [REDACTED]

**Sent:** Wednesday, June 26, 2024 5:11:28 PM (UTC-08:00) Pacific Time (US & Canada)

**To:** Charter Board <CharterBoard@charlescountymd.gov>

**Subject:** Resubmitted comments for charter draft because of edits I wanted to include

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To: Charter Board  
The Honorable BoCC  
Ms. Jesse Bungcayao

Re: Submitted comments for draft Charter

I have been reviewing the Charter document that was drafted. I have decided to submit my comments in multiple emails, as opposed to sending one lengthy email.

Thank you for this opportunity. And thank the Charter Board, please, and the employees and volunteers who have devoted countless hours to this endeavor.

These comments regard Article 2 and pertain to 209. "Removal from Office."

1. My query/concern is that this portion does not stipulate whether the Councilmember being considered for removal would be able to vote on his or her removal and I think this point must be clarified.
2. Are the terms misfeasance, malfeasance or nonfeasance in office going to be legally defined or expounded upon in the definitions introduction? It's pretty clear that a criminal charge such as embezzlement or purposeful and patterned financial misappropriations, would be a relevant allegation determined by the law enforcement and court systems, although it could be potentially triggered within the framework of a whistleblower tip, investigation or initial IG internal probe.

But it appears in municipal governance, a wide swath of possible infractions could fall under the "ethics" umbrella.

3. It's not evident if the findings for possible removal are going to be "broadly" or "narrowly" defined for voter understanding, and who the expert arbiters are in these instances. Do these elements need to be communicated in the Charter document or is pro forma language being suggested that other jurisdictions use or legal counsel for the county have recommended?

4. My thought, too, is that ethical matters or complaints may — because of process — have a lower threshold than a criminal allegation but can have a significant impact on the conduct of elected leaders given that one's ethics encompass moral values and reflect the day-to-day principles that guide officials in whom the public places inherent trust. I am not certain it is clear that both unethical and criminal conduct are problematic.

5. Also will this section delve into whether the finding must meet a specific legal or county/state codified action given that "preponderance of the evidence" is a civil legal burden?

6. Whom within government ensures that the matter, whether it is criminal or ethical conduct, is public information made available to county residents and voters? Transparency is very important and sometimes has been lacking in the governance of Charles County through the decades.

7. Also, the portion concerning mental or physical disabilities for removal does not appear to be well fleshed out and could be potentially subjective and discriminatory. This information is generally protected by HIPAA. Referring to mental or physical disabilities encompasses a large universe of conditions. It also seems like it could be used punitively in instances where removal is not an appropriate response.

For the record, I am a Port Tobacco resident. I can be reached by email or phone if needed.

Sincerely,  
Debra Zimmerman Murphey



Sent from my iPhone