

Regular Meeting of County Commissioners
Tuesday March 29, 2022

The regularly scheduled meeting of the County Commissioners was convened in hybrid format, virtually and in person, at 1:06 p.m. with the following persons in attendance:

Reuben B. Collins II, Esq., President, County Commissioner
Bobby Rucci, Vice President, County Commissioner
Gilbert O. Bowling, III, County Commissioner
Thomasina O. Coates, M.S., County Commissioner
Amanda M. Stewart, M.Ed., County Commissioner
Mark Belton, County Administrator
Deborah Hall, Deputy County Administrator
Wesley Adams, County Attorney
Carol A. DeSoto, Clerk to the Commissioners

Call to Order/Pledge

Commissioner Collins called the meeting to order, and Commissioner Bowling led the Pledge of Allegiance.

Roll Call

A roll call was taken. All Commissioners were present.

Comments

There were no comments.

Charles County Health Department Update: Coronavirus/COVID-19

Dr. Dianna Abney, Health Officer, Charles County Department of Health; Ms. Michelle Lilly, Director, Department of Emergency Services; Mr. William Grimes, Vice President, Ancillary Services & Incident Commander, UM Charles Regional Medical Center; Ms. Jennifer Harris, Chief of Media Services, Office of the County Administrator; and Mr. Jason Stoddard, Director of Safety, Charles County Public Schools, provided an update on COVID-19 statistics and how they are responding to COVID-19.

Dr. Abney reviewed the current COVID cases and stated that Charles County was still in the LOW Community Transmission Level and that wearing a mask in public, indoor settings is based on personal preference. She reviewed the positivity rate which was one point three one percent (1.31%), and Charles County has remained stable over the last several weeks. The case rate was now four-point nine percent (4.9%). She reviewed death statistics, hospitalization trends, and post-vaccination infection data. Dr. Abney shared information on the Omicron variant, and information on the BA.2 variant, and how to protect against this variant. She shared vaccination data, Charles County booster percentages and vaccination and testing site's locations and times. She also discussed the distribution of at home test kits and KN95 masks.

Ms. Lilly reviewed the COVID positive EMS Transports per month in 2021-22. The number of transports for March was ten (10).

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Mr. Grimes indicated that COVID there were one (1) COVID positive cases in the hospital and that the hospital will continue to monitor the situation.

Ms. Harris indicated that the State has shifted down to once-a-month updates and that the County's communication efforts is focused on supporting the Health Department.

Mr. Stoddard shared that the number of COVID cases continue to decline and are at the lowest number.

The Commissioners reached a consensus to move to monthly updates based on the recommendation of Dr. Abney who will continue to monitor the numbers and data daily. If Dr. Abney felt there was a need to provide an update sooner, she would inform the Commissioners.

Legislative Update: 2022 Maryland General Assembly Session

Ms. Danielle Mitchell, Associate County Attorney, Office of the County Attorney; Ms. Deborah Hall, Deputy County Administrator; Mr. Joseph Green, and Ms. Sherri Simms, GS Proctor and Associates, Inc., provided updates on the 2022 Maryland General Assembly legislative session.

Ms. Mitchell indicated that Sine Die Adjournment was in two (2) weeks on April 11, 2022. She explained that the court invalidated the redistricting map submitted by the Maryland Legislature as being extremely gerrymandering. The legislature submitted a new revised map.

Ms. Mitchell provided an update on the following legislation in the 2022 Maryland General Assembly Session:

HB1116 Charles County-Alcoholic Beverages-Abeyance of License
Passed House; Senate Hearing on April 1, 2022.

HB1428 Code Counties-Legislative Procedure-Notice Requirements
In the House.

HB1423/SB695 Charles County-Alcoholic Beverages-Multiple Class B License
Passed Senate; House hearing on March 31, 2022.

HB1416 Charles County-Property Tax-Credit for Volunteer Emergency Responders
Passed House; Senate Hearing held on March 24, 2022.

HB739/SB916 Workgroup to Study Public-Private Partnerships for Charles County Public Schools Construction
Passed House and Passed Senate.

HB514 Sunday Hunting-Charles County
Passed House; Needs Senate hearing.

HB1433 State Highway- Designations-Piscataway Highway
Passed House; Senate hearing.

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SB297/HB339 Gaming - Sports Wagering Facilities – Locations

Passed in the Senate. Hearing in the House on March 30, 2022. The Commissioners sent letter of opposition and requested summer study; only accepting written testimony.

SB291 Maryland Consolidated Capital Bond Loan of 2022

Passed Senate; In Appropriations. Senator Ellis submitted for Multicultural Center/Amphitheater

HB35/SB158 Election Law-Voting Systems Costs, Polling Places, and Primary Election

Passed General Assembly. This was a MACo initiative, but amendment was added on later. The Commissioners will be meeting with the Board of Election tomorrow.

SB685 Economic Development - Maryland Stadium Authority - Charles County Multicultural Recreational and Amphitheatre Facilities

Commissioners declined sending letter of support.

A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to send letter as drafted to request more information.

Approval of the Minutes of March 22, 2022

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve the minutes of March 22, 2022

Announcement: Next Commissioners' Session(s) are Scheduled for April 5 and April 6, 2022

Ms. Carol DeSoto, Clerk to the Commissioners, announced that the next Commissioners' sessions are scheduled for April 5 and April 6, 2022.

Approval Items

Letter of Support for College of Southern Maryland Grant Application for Restoration Funding for Friendship House

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

Request to Schedule a Public Hearing on Newburg Septic Tier Map Amendment

The Commissioners reached a consensus to schedule this public hearing on Wednesday May 25, 2022 at 6:00 p.m. in the Government Building in hybrid format (in person/virtual).

Action on Boards, Commissions, and Committees

A motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to reappoint Tyria Fields as a citizen member and reappoint Linda Hammel as the registered nurse member of the Adult Public Guardianship Review Board.

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to appoint Allison Hartley as citizen member; Elizabeth Calabrese as the social service nonprofit organization representative; Jeffrey O'Neil as a citizen with a disability member; Jessica Talley as the local Department of Social Services representative; and Lorenzo Childress as the physician member of the Adult Public Guardianship Review Board.

Briefing: Department of Fiscal and Administrative Services FY2021 Audit

Ms. Jenifer Ellin, Director, and Mr. William DeAtley, Chief of Accounting, and Ms. Joan Thorp, Assistant Chief of Accounting, Department of Fiscal and Administrative Services; and Mr. Remi Omisore, Principal, Clifton, Larsen, Allen, LLC, provided a presentation on the FY2021 Charles County Audit results ending on June 30, 2021. Mr. Omisore reviewed Scope and Deliverables; Required Communications; Internal Control Matters; Summary of Financial Results; Uniform Grant Audit Status; and Governmental Accounting Standards Board Update. No material weaknesses or significant deficiencies were identified.

Update: Western Parkway Roadway Improvements and Waldorf Station Development

Mr. John Stevens, Chief of Capital Services, and Mr. Brian Kagarise, Senior Project Manager, Department of Public Works; and Mr. Jason Groth, Deputy Director, Department of Planning Growth Management, provided an update on Western Parkway. In May 2021, the County completed construction of a one thousand three hundred and fifty (1,350)-linear foot extension of Western Parkway with divided highway and a hiker/biker trail. In November 2021, a ninety five percent (95%) design package was submitted to the County for construction of a one thousand one hundred and sixty-five (1,165)-linear foot extension of Western Parkway to include a four-lane divided roadway with a shared use hiker/biker facility; the road will serve as a north-south alternative route for local traffic. The design is ninety percent (90%) complete for construction of a two thousand seven hundred and thirty-five (2,735)-linear foot extension of Western Parkway to include a four-lane divided roadway with a hiker/biker trail and sidewalk. Developers are focusing on the eastern side of Western Parkway.

The Consensus of the Commissioners was for staff to provide a regular update every few months.

**Commissioner Collins left session at 3:02 p.m. and returned at 3:20 p.m.*

FY2023 Budget Work Session: Enterprise Funds Operating and Capital Improvement Projects

FY2023 Budget Work Session: Fees and Charges

Ms. Jenifer Ellin, Director, Mr. Jacob Dyer, Chief of Budget, and Ms. TaTanya Bowman, Senior Budget Analyst, Department of Fiscal and Administrative Services, provided an overview of the proposed Enterprise Funds Operating and Capital Improvement Projects, as well as a review of FY2023 Fees and Charges. The Landfill Operations has a proposed budget of thirteen million seven hundred and twenty one thousand seven hundred dollars (\$13,721,700.00); the Environment Service Fund has a proposed budget of eight million three hundred and thirty thousand two hundred dollars (\$8,330,200.00); the Watershed Protection and Restoration Fund proposed operating budget is six million six hundred and ninety three thousand nine hundred dollars (\$6,693,900.00); and the Inspection and Review Fund's total proposed operating budget is five million four hundred and sixty two thousand three hundred dollars (\$5,462,300.00). Budget requests include new litter staff positions, a new soil conservation engineer position, support for new positions in Department of Fiscal and Administrative Services and Department of Human Resources, additional funding to support the Resilience Authority, and new inspection positions.

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Staff reviewed proposed new FY2023 Fees and Charges; Changes to Fees; and overview of all proposed FY2023 Fees and Charges.

The budget public hearing is scheduled for Wednesday, April 27.

Commissioners' New Business

There was no new business discussed.

Closed Session

At 3:42 p.m., Commissioner Rucci made a motion, seconded by Commissioner Bowling 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 and receive legal advice on one (1) potential land acquisition; discuss vacancies on one (1) Commissioner Appointed Board and receive legal advice on one (1) issue related to a policy. A portion of this session will also concern the administrative function of the County Commissioners in their executive role. The reason for going into closed is to receive legal advice and keep legal negotiations and strategies and personnel information confidential.

Summary Closed Session Items

At 4:00 p.m. the Commissioners went into virtual closed session.

Administrative

Present: Commissioners Collins, Rucci, Bowling, Coates, Stewart, Mark Belton, Wes Adams, Carol DeSoto, Deborah Hall, Deborah Carpenter and Jason Groth.

Ms. Deborah Carpenter, Director, Department of Planning and Growth Management, was seeking clarification on an approved policy related to material used in construction.

The Commissioners reached a consensus on interpretation of the types of materials that can be used.

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

Present: Commissioners Collins, Rucci, Bowling, Coates, Stewart, Mark Belton, Deborah Hall, Wes Adams, Carol DeSoto, Deborah Carpenter, Kelli Beavers, Jenifer Ellin, and Judy Michael.

Staff provided a presentation on the potential uses of a property under consideration for acquisition.

**Break 4:45 p.m.-5:21 p.m.*

3-305 (b)(3)(7) Legal Advice on Potential Property Acquisition

Present: Commissioners Collins, Rucci, Bowling, Coates, Stewart, Mark Belton, Deborah Hall, Wes Adams, and Carol DeSoto.

Mr. Wes Adams, County Attorney, provided a timeline related to the potential land acquisition and his legal advice to the Commissioners on how to proceed.

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A motion was made by Commissioner Stewart, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to have Mr. Adams draft a letter *with information provided* and bring back for approval next week.

3-305 (b)(3)(7) Legal Advice on Proposed Response to a Bond Bill

Present: Commissioners Collins, Rucci, Bowling, Coates, Stewart, Mark Belton, Deborah Hall, Wes Adams, Carol DeSoto, and Danielle Mitchell.

Ms. Danielle Mitchell, Associate County Attorney, reviewed a draft response related to the Bond Bill.

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to send the letter as presented.

3-305 (b)(3)(7) Legal Advice on a County Policy/Procedure

Present: Commissioners Collins, Rucci, Bowling, Coates, Stewart, Mark Belton, Deborah Hall, Wes Adams, and Carol DeSoto.

Mr. Wes Adams, County Attorney, reviewed the County's Standard Operating Procedure for the Legislative Process and submitting letters of support and testimony. The Commissioners reviewed with Mr. Adams the proposed changes to this policy to clarify intent and process.

A motion was made by Commissioner Stewart, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to have Mr. Adams draft these changes for approval in open session *no later than April 26, 2022*.

3-305 (b)(1) Boards, Commissions, and Committees Discuss Selection for Police Accountability Board

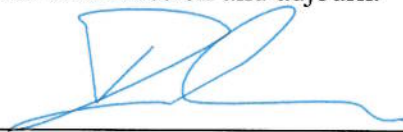
Present: Commissioners Collins, Bowling, Coates, Stewart, Mark Belton, Wes Adams, Carol DeSoto, Deborah Hall, and Kenberly Stephens.

**This discussion will be rescheduled for April 5, 2022.*

At 6:30 p.m., a motion was made by Commissioner Rucci, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to end this close session and adjourn.



Carol A. DeSoto, Clerk to the Commissioners



Reuben B. Collins, II, Esq., President

FORM OF STATEMENT FOR CLOSING A MEETING

Location: Virtual- MS Teams/Limited In-person

Date: March 29, 2022

Time: 3:42 p.m.

Motion By: Commissioner Rucci

Seconded By: Commissioner bowling

Vote to Close Session:

	AYE	NAY	ABSTAIN	ABSENT
Reuben B. Collins, II, Esq.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gilbert O. Bowling, III.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thomasina O. Coates, M.S.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Amanda Stewart, M.Ed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bobby Rucci	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

STATUTORY AUTHORITY TO CLOSE SESSION

General Provisions Article §3--305(b):

(1) To discuss:

(i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or

(ii) Any other personnel matter that affects one or more specific individuals.

(2) To protect the privacy or reputation of individuals with respect to a matter that is not related to public business.

(3) To consider the acquisition of real property for a public purpose and matters directly related thereto.

(4) To consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State.

(5) To consider the investment of public funds.

(6) To consider the marketing of public securities.

(7) To consult with counsel to obtain legal advice on a legal matter.

(8) To consult with staff, consultants, or other individuals about pending or potential litigation.

(9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations.

(10) To discuss public security, if the public body determines that public discussions would constitute a risk to the public or public security, including:

(i) the deployment of fire and police services and staff; and

(ii) the development and implementation of emergency plans.

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- (11) [] To prepare, administer or grade a scholastic, licensing, or qualifying examination.
- (12) [] To conduct or discuss an investigative proceeding on actual or possible criminal conduct.
- (13) [] To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.
- (14) [] Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

TOPICS TO BE DISCUSSED:


3-305(b)(3)(7) Potential Land Acquisition Update and Legal Advice on One (1) Potential Land Acquisition
REASON FOR CLOSING: Keep legal strategies and negotiations confidential.

3-305(b)(1) Personnel: Discuss Appointments to one County Board and Commission- Police Accountability Board

REASON FOR CLOSING: Keep personnel information confidential.

3-305(b)(1)(7) Legal Advice on One (1) Issue Related to a Policy

Administrative- Clarification on Direction to Staff



Reuben B. Collins, II, Esq., President