

MINUTES

FREDERICK COUNTY CHARTER REVIEW COMMISSION

October 17, 2019

Members Present: John Daniels, Dylan Diggs, Paul Gilligan, Lisa Jarosinski, Dr. April Miller, Walter Olson, Stephen Slater

Call to Order: Stephen Slater, Chairperson, called the meeting to order at 7:00 pm.

Pledge of Allegiance

Approval of October 3, 2019, Meeting Minutes: [Attachment – With Corrections](#)

In the October 3, 2019, minutes Commissioner Dylan Diggs stated “that adopting Council Member Phil Dacey’s suggestion to have six districts with one at-large district would not be prudent at this time. Having six councilmanic districts would allow for a better ratio of council member to constituent. Therefore, he would like to see the next charter review commission look into Council Member Dacey’s suggestion.”

Commissioner Diggs asked that the minutes clarify his statement as, “future charter review commissioners should examine expanding the number of councilmanic districts to decrease the population size of each district, which would then allow for more than five council districts.”

| Commission Member | Motion | Second | Aye | Nay | Absent/Abstain |
|---------------------|--------|--------|-----|-----|----------------|
| Diggs | | | ✓ | | |
| Gilligan | ✓ | | ✓ | | |
| Jarosinski | | ✓ | ✓ | | |
| Miller | | | ✓ | | |
| Olson | | | ✓ | | |
| Daniels, Vice Chair | | | ✓ | | |
| Slater, Chair | | | ✓ | | |

Discussion with Finance Director Lori Depies on Potential Charter Changes:

County Finance Director Lori Depies gave a PowerPoint presentation on potential changes to Charter Section 508(a).

The current Charter language is below. The section suggested for change is in bold:

Borrowing Limitations (a) Except as otherwise provided by State law, the aggregate amount of bonds and other evidences of indebtedness outstanding at any one time that pledge the full faith and credit of the County may not exceed a total of five percent of the assessable basis of real property of the County and fifteen percent of the County's assessable basis of personal property and operating real property described in § 8-109(c) of the Tax - Property Article. (b) Except as may otherwise be provided by State law, the following may not be computed or applied in establishing the debt limitations provided in this section: (1) Tax anticipation notes or other evidences of indebtedness having a maturity not in excess of 12 months; (2) Bonds or other evidences of indebtedness issued or guaranteed by the County payable primarily or exclusively from taxes levied in or on, or other revenues of, special taxing areas or community development authorities; and (3) Bonds or other evidences of indebtedness issued for self-liquidating and other projects payable primarily or exclusively from the proceeds of assessments or charges for special benefits or services.

Ms. Depies stated that as the Charter in its current form, it is consistent with State law. The indebtedness of the County is limited to 5% of the accessible base of the real property and 15% of the County's accessible base for personal property and operating real property. Ms. Depies felt 5% and 15% could open the County up to debt issues and she would like to see it lowered to 3% and 9% respectively. The current borrowing limitations for the County for allowing 5% of indebtedness would give a capacity to do additional borrowing that the County might not be able to afford. The Finance Department recommends to change to 3% of real property and 9% of personal property which would be more in line with what the County can actually afford based upon the affordability model. These percentages would allow for incurrence of debt up to the amount of \$251 million in case of a catastrophic event. Currently, the County is at 2.6%.

Commissioner April Miller asked if these changes correlated with the CIP. Chief Administrative Officer Rick Harcum stated that everything that is already in the CIP is within the affordability limits that are being recommended. Commissioner Miller asked if the County could afford the mandates from the Kirwan Commission. Ms. Depies explained that what the Kirwan Commission will be passing along to the counties will be reflected in the County's operating dollars to the Board of Education. The County does not leverage debt for operating expenses, only for capital expenditures. The expenses incurred from the Kirwan Commission directives will come from income, property or special taxes. A borrowing limitation should not have an effect on the County's ability to have the money available for the Kirwan Commission expenses.

Chairperson Stephen Slater stated his concerns about a future county government being restricted if catastrophic events happened. Ms. Depies suggested that the Commission could look at 3.5% or 4% if they are uncomfortable with 3%. At 3.5%, there would be an excess margin of \$411 million and at 4%, there would be an excess margin of \$570 million.

Commissioner Diggs asked about a catastrophic event during a recession. Ms. Depies stated the borrowing capacity under the Charter is based on the real property assessed values. The County has the Homestead Cap that buffers the amount of how much people's taxes can increase as well as insulates the County when property values fall.

Chairperson Slater asked for a copy of Ms. Depies' PowerPoint presentation. Ms. Depies will send it to Lee Redmond.

Chairperson Slater will add Ms. Depies' proposal to the Proposals Spreadsheet.

A motion was made by Commissioner Miller to move the proposal from County Finance Director Lori Depies to change the percentages in Charter Section 508(a) from 5% and 15% to 3% and 9% to workshop.

The motion was seconded by Commissioner Diggs.

| Commission Member | Aye | Nay | Absent/Abstain |
|---------------------|-----|-----|----------------|
| Diggs | ✓ | | |
| Gilligan | ✓ | | |
| Jarosinski | ✓ | | |
| Miller | ✓ | | |
| Olson | ✓ | | |
| Daniels, Vice Chair | ✓ | | |
| Slater, Chair | ✓ | | |

Vote on Tabled Proposals:

Under agreed upon conditions set by the Charter Review Commission, an item would be forwarded to a work session with the assent of three members.

- a. Spreadsheet Item 17 – Article 24, Section 402(f) - Clarify whether Section 402(f) requires the county executive to sign any contracts entered into by the Frederick County Sheriff's Office that require the expenditure of County funds. (i.e. MOA between DHS/ICE and FCSO re: Section 287(g)).

Motion to leave on the table by Vice Chair John Daniels:

| Commission Member | Aye | Nay | Absent/Abstain |
|---------------------|-----|-----|----------------|
| Diggs | ✓ | | |
| Gilligan | | ✓ | |
| Jarosinski | ✓ | | |
| Miller | | ✓ | |
| Olson | ✓ | | |
| Daniels, Vice Chair | ✓ | | |
| Slater, Chair | ✓ | | |

b. Spreadsheet Item 27 – Provide a more open and transparent process for Board of Education vacancies to include public hearings and input from the county council.

Motion to move to workshop by Chairperson Slater:

| Commission Member | Aye | Nay | Absent/Abstain |
|---------------------|-----|-----|----------------|
| Diggs | ✓ | | |
| Gilligan | ✓ | | |
| Jarosinski | ✓ | | |
| Miller | ✓ | | |
| Olson | ✓ | | |
| Daniels, Vice Chair | ✓ | | |
| Slater, Chair | | ✓ | |

Workshop on Redistricting: Attachment – [Commissioner Olson's Memo](#)

Before the discussion took place, Chairperson Slater reviewed his thoughts on the workshop process. During a workshop, there will be a discussion of the item/proposal in an orderly fashion. At some point, a member of the Commission will call for a vote and the Commission will proceed with the voting process.

Under agreed upon conditions set by the Charter Review Commission, an item would be forwarded to the final report with the assent of four members.

Commissioner Miller suggested that the voting process does not have to take place at the same meeting as the workshop. There will need to be a legal consultation on the proper wording of the proposal before the vote for items to be added to the final report. Commissioner Miller went on to suggest that an item/proposal should not be workshopped and voted on in the same meeting (with a few exceptions such as an insignificant change). The Commission members consented to the following process: 1) discuss the item/proposal in a workshop, 2) craft preliminary language for the proposal and 3) send the proposal to the County Attorney's Office for finalization of the language.

Spreadsheet Item 16 – Article 2, Section 214(c) - Modify language to more closely define “substantially equal in population”.

The current Charter language is below. The section suggested for change is in bold:

*Any Council District established in accordance with this section shall be compact, contiguous, **substantially equal in population**, and have common interests as a result of geography, occupation, history, or existing political boundaries.*

Commissioner Walter Olson presented his memo on redistricting which was based on a proposal by Council Member Kai Hagen. According to the Charter, the council districts are supposed to be “substantially equal in population”. The language of “substantially equal” is not defined. If the wording in the Charter is not changed, leeway could be exercised by political bodies which could harm the democratic process. Commissioner Olson would like to see the variance of

population specifically defined. The definition could be numerical standards (X% spread) or verbal standards (as equal as possible). The goal would be to not break up precincts. Commissioner Olson used precinct registered voter data not actual district population data for his memo. The redistricting would be based on census calculations which means all persons in an area are counted not just registered voters.

Chairperson Slater clarified that the Charter Review Commission would not be redistricting the councilmanic districts just proposing modifications to make the Charter language more clear.

During the discussion, many on the Commission agreed that a numerical standard would be beneficial. The Commissioners decided to further discuss this issue with Elections Director Stuart Harvey before a final decision is made.

Commissioner Olson was asked to work on the language of this proposal and share it with the other Commission members. Specifically, the Charter wording could be, “with every attempt for a district not to exceed the population of another by more than X percent,” instead of, “substantially equal in population”.

Chairperson Slater will contact Mr. Harvey to give him the background of what the Commission has been discussing prior to the November 18, meeting.

Discussion on Interviewing Additional County Staff:

By consent of the Commission members, there was no request for specific county staff to attend any future meetings.

Discussion on Meeting Time Change and Additional Meeting Dates– Lee Redmond, Executive Assistant, County Council:

- a. Beginning in November, all meetings can start at 6:00 pm and end at 10:00 pm.**

By consent of the Commission members, the Charter Review Commission meetings will stay 7:00 pm to 9:00 pm at this time.

- b. The only extra available meeting days for November and December: Thursday, November 14, 2019, 6:00 pm to 10:00 pm and Monday, December 16, 2019, 6:00 pm to 10:00 pm.**

By consent of the Commission members, the Charter Review Commission will not add any additional meeting dates at this time.

Future Agenda Items:

Monday, October 28, 2019

1. Vote on Tabled Proposals to Move Forward to Workshop and Public Hearing:

- a. Spreadsheet Item 1 – Article 1, Section 104(a) – Change definition of “Agency” from, “...entity of the Frederick County Government.” to “...entity funded by Frederick County taxes.”
- b. Spreadsheet Item 17 – Article 4, Section 402(f) - Clarify whether Section 402(f) requires the county executive to sign any contracts entered into by the Frederick County Sheriff’s Office that require the expenditure of County funds. (i.e. MOA between DHS/ICE and FCSO re: Section 287(g)).

2. Vote on Charter Proposal to Move Forward to Workshop and Public Hearing:
 - a. Spreadsheet Item 30 – Article 5, Section 508(a) – Change borrowing limitations from 5% to 3% of real property and from 15% to 9% of personal property.
 3. Workshop on Charter Proposals - Spreadsheet items 6, 7,9,19 – Salary and Pay – Floor Manager – Commissioner Diggs
 4. Workshop on Charter Proposal - Spreadsheet item 11 – Change issuance of a subpoena - Floor Manager – Chairperson Slater

Monday November 4, 2019

1. Discussion with Frederick County Executive Jan Gardner (Confirmed)

Thursday, November 7, 2019

1. Discussion with Budget Director on Potential Charter Changes – Kelly Weaver (Confirmed)
2. Workshop on Charter Proposals – Spreadsheet Items 8, 20, 21, 27 - Vacancy – Floor Manager – Commissioner Miller

Monday, November 18, 2019

1. Discussion with the Director of Frederick County Board of Elections – Stuart Harvey (Confirmed)
2. Vote on Charter Revisions to Move Forward to Workshop and Public Hearing

Wednesday, December 11, 2019

Thursday, December 19, 2019

Public Comment:

Public comment was heard from the following people concerning Charter Article 4, Section 402(f), the opinion of County Attorney John Mathias concerning Charter Article 4, Section 402(f), Charter Review Commission Proposal Spreadsheet items, the 287(g) program, the Frederick County Sheriff's Office and Sheriff Chuck Jenkins.

Mark Schaff, Urbana

Mary Posey, Myersville

Bill Ashton, Frederick City

Jason Miller, Mt. Airy

Montgomery County Resident, No Name Given

Sea Raven Morse, 5512 Old National Pike, Frederick

Ellen Lerner, Frederick County Resident

Mike Morse, 5512 Old National Pike, Frederick

James Gross, Myersville

Commission Member Comments:

Commission Member comments were provided.

Adjournment:

By unanimous consent of the Commission members, the meeting adjourned at 9:15 pm.

Stephen Slater, Chairperson
Charter Review Commission