

# MINUTES

## FREDERICK COUNTY CHARTER REVIEW COMMISSION

Monday, November 4, 2019

**Members Present:** John Daniels, Dylan Diggs, Paul Gilligan, Lisa Jarosinski, Walter Olson, Stephen Slater

### Call to Order – Stephen Slater, Chair

Time: 6:00 pm

Attendance:

Slater	✓		Jarosinski	✓
Daniels	✓		Miller	
Diggs	✓		Olson	✓
Gilligan	✓			

### Pledge of Allegiance

### Approval of October 28, 2019, Meeting Minutes:

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

### Discussion with County Executive Jan Gardner:

Chairperson Stephen Slater presented the Charter Review Commission timeline:

- On December 1, 2019 – Charter Review Commission will stop taking proposals
- By December 31, 2019 – Draft Charter Review Commission Report
- In January 2020 – Draft Charter Review Commission Report will be presented to the public for comment
- By February 28, 2020 – Draft Charter Review Commission Report will be finalized

- On March 10, 2020 – The Charter Review Commission will present their Report to the County Council Members

The Charter Review Commission welcomed County Executive Jan Gardener to the meeting.

County Executive Gardner stated that overall, since the Frederick County Charter has taken effect, good government has been delivered.

Topics that were discussed included:

Budget – County Executive Gardner felt that if the county council is granted the ability to modify or transfer (instead of only delete) funds in the budget, the county executive should have right to approve the changes. The council should be required to spend more time reading, discussing and considering the budget than they currently take. County Executive Gardner felt that this should include at least a 100 hours. This is because it is impossible to fully understand the implications of each change when the council currently only spends two days learning about the budget from County divisions.

The budget timeline was discussed as well as the difficulties in making any changes to the timeline. County Executive Gardner and Rick Harcum, Chief Administrative Officer stated the requests from division directors are received by the end of January and requests from the Board of Education and Frederick Community College are received by the end of February. The County Executive releases a draft Capital Improvement Program to the council in March with the understanding that there could be changes made pending the ending of the general assembly in early April. All budget requests are summarized and published before the public hearing the County Executive presents in March. Final school construction funds are given in May. The council has to set the tax rate by the third week in May so the tax bills go out by the beginning of the fiscal year in July.

The Council has requested budget information earlier than April 15. All budget information is released to the council as soon as it is produced by the Budget Office. Mr. Harcum explained that the numbers change too quickly and early budget information can be misleading. The revenue numbers and what has been passed by the general assembly is not known until the middle of April. The County Executive stated that there are too many unknown variables with the budget prior to April 15 to be able to release the budget to the council any earlier.

Mr. Harcum is hopeful that new computer systems giving the ability to see the entire budget online in real time will be available by the spring of 2020.

The topic of Council staffing was discussed. County Executive Gardener explained that she has funded 100% of the staffing positions that the Council has requested. She requires, however, that the request comes as a collective agreement of the majority.

The County Executive was asked her thoughts about the transparency of the one on one meetings that she offers each Council Member beginning in January to discuss the upcoming budget. She stated in most all counties the county executive does not meet with county council as a whole. The council is to function as an independent body and should not be perceived as being pressured by the county executive. Therefore, she feels that it should not be mandated in the Charter that the council has a public meeting with the county executive concerning the budget.

Communication with the Council – The communication system between the County Executive's Office and the County Council was discussed. The Commission stated their concern about the comments from the current Council Members that the constituent issue communication process was too slow. The County Executive explained that all

council member requests (about 1,540 over the past few years) are tracked and logged in the County Executive's Office. Mr. Harcum added that in the past, responses to the Council Members have in some cases taken a long time to process. Due to the amount of constituent issues, the County Executive's Office has hired a Constituent Services Representative and the communication has recently been streamlined. The County Executive felt that Council constituent services should focus on legislative matters. All other matters should be forwarded to the Administration to handle.

County Executive Gardner Charter Revision Suggestion – Overall, County Executive Gardner felt that there does not need to be too many changes made to the Charter. However, she suggested a change could be made in Section 405(b). The current Charter language states:

*405(b) The Executive shall devote full-time to the duties of the office. The Executive may not participate in any private occupation for compensation. During the term of office, the Executive may not hold any other office of profit.*

Currently, there are no consequences for failing to comply with this item in the Charter. County Executive Gardner proposed that there should be a discussion of some kind of repercussion.

Special Elections for Vacancies – The County Executive did not support any changes to the existing Charter on special elections for vacancies.

Charter Review Commission Selection Process –

The County Executive felt that the county executive has an important role in county government's daily function and should be able to appoint one or more members.

Definition of "Agency" – County Executive Gardner felt that the definition of "agency" in the Charter should not be changed. County funding is very complicated and a list of those agencies cannot be completely defined. It would be more confusing.

Council Salary – The County Executive suggested wording should be added to the Charter that allows benefits and salary to be reviewed by the compensation commission.

Redistricting - County Executive Gardner supported the proposals that were discussed by the Commission to have the variance of population specifically defined in districts.

## **Future Agenda Items**

Thursday, November 7, 2019, 7:00 pm

1. Discussion with Budget Director on Potential Charter Changes – Kelly Weaver (Confirmed)
2. Discussion/Vote to Move New Proposals to Workshop
3. Discussion on Assignment of Floor Manager for New Proposals
4. Workshop on Charter Proposals – Spreadsheet Items 8, 20, 21, 27 - Vacancy – Floor Manager – Commissioner April Miller

Monday, November 18, 2019, 7:00 pm

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, 7:00 pm

Thursday, December 19, 2019, 7:00 pm

**Public Comments:**

Chairperson Stephen Slater stated ground rules for public comment.

The topics included: Charter Article 4, Section 402(f), the Sheriff, and the 287(g) program

Public comment was heard from the following people:

Ellen Lerner, Frederick

**Commission Member Comments:**

Commission Member comments were provided.

**Adjournment:**

By unanimous consent of the Commission members, the meeting adjourned at 7:27 pm.

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Stephen Slater, Chairperson  
Charter Review Commission