

MINUTES

FREDERICK COUNTY CHARTER REVIEW COMMISSION

Wednesday, December 11, 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 6:00 pm

Pledge of Allegiance

Approval of November 18, 2019 Meeting Minutes:

Motion to approve the November 18, 2019

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

Vote on Charter Proposals Previously Workshopped:

Floor Manager – Commissioner April Miller

Spreadsheet Item 8 – Article 2, Section 209 – Hold special election if a vacancy occurs during the first two years of a term of a council member.

The current Charter language is below:

209. Vacancies (a) A vacancy occurs when a council member, prior to the expiration of the term for which elected, dies, resigns from office, or becomes disqualified to hold office pursuant to Section 208 of this Charter. (b) When a vacancy occurs, the remaining council members within forty-five days shall appoint a person to serve the unexpired term of office. The appointee shall be selected by a majority vote of the remaining council members. The appointee shall meet the same qualifications and residence requirements and, when succeeding a council member who was elected as a member of a political party, the appointee, shall be a member of the same political party as the council member vacating office was in the most recent election for council member. (c) When succeeding a council member who was elected as a member of a political party, the appointee shall be selected from a qualified list of three persons submitted to the Council by the County central committee of the political party affiliated with the council member vacating office was in the most recent election for council member, provided the list is submitted within thirty days from the date a vacancy occurs. If no such list is submitted within thirty days, or if the council member vacating office is not a member of a political party, the Council shall appoint

the person it deems best qualified to hold office regardless of the person's party affiliation, if any, provided the appointee meets the qualifications and residency requirements provided in subsection (b) of this section. (d) If the Council fails to fill a vacancy pursuant to the provisions of this section, the Executive shall appoint a person to fill the vacancy. If the County central committee submitted a list of names pursuant to subsection (c) of this section, the person appointed shall be selected from the list. If no such list has been submitted, the Executive shall appoint the person the Executive deems best qualified to hold office regardless of the person's party affiliation, if any, provided the appointee meets the same qualifications and residence requirements as the person who vacated office. (Res. 18-20, 7-17-2018)

Motion to include adding "hold a special election if a vacancy occurs during the **first year** of a term of a council member" to Article 2, Section 209 to the final Charter Review Commission Report.

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

Spreadsheet Item 8 – Article 8, Section 209 will not be included in the final Charter Review Commission Report.

Spreadsheet Item 20 – Article 4, Section 408 – Hold special election if a vacancy occurs during the first two years of a term of a county executive.

The current Charter language is below:

408. Vacancy in the Office of County Executive (a) A vacancy in the Office of the Executive shall exist upon the death or resignation of the Executive, or upon forfeiture of office as provided in Section 407 of this Charter. A majority of the council members shall appoint, within forty-five days, a person to fill the vacancy. (b) An appointee, when succeeding a party member, shall be a member of the same political party as the person elected to such office and shall be a nominee of the County central committee of that party. If the County central committee fails to provide a nominee within the first thirty days of a vacancy, the Council shall appoint any person the Council deems qualified who is a member of the political party. (c) If the Council has not made an appointment within the forty-five-day period provided in subsection (a) of this section, the Council shall appoint within fifteen days thereafter: (1) the nominee of the County central committee of the political party, if any, of the person 16 who vacated the office, provided that the political party nominee was provided to the Council within the first thirty days of a vacancy, as required by subsection (b) of this section; or (2) the Chief Administrative Officer, if the person who vacated office was not a member of a political party. (d) Any person appointed to fill a vacancy pursuant to this section, except the Chief Administrative Officer, shall meet the qualifications provided in Section 405 of this Charter.

Motion to include adding "hold a special election if a vacancy occurs during the **first year** of a term of a county executive" to Article 4, Section 408 to the final Charter Review Commission Report.

Commission Member	Motion	Second	Aye	Nay	Absent/Abstain
Diggs		✓	✓		
Gilligan				✓	

Jarosinski				✓	
Miller			✓		
Olson	✓		✓		
Daniels, Vice Chair				✓	
Slater, Chair				✓	

Spreadsheet Item 20 – Article 4, Section 408 will not be included in the final Charter Review Commission Report.

Spreadsheet Item 21 – Article 4, Section 408(b) – Appointed county executive should be of the same party as the departing county executive.

The current Charter language is below:

408. Vacancy in the Office of County Executive (b) An appointee, when succeeding a party member, shall be a member of the same political party as the person elected to such office and shall be a nominee of the County central committee of that party. If the County central committee fails to provide a nominee within the first thirty days of a vacancy, the Council shall appoint any person the Council deems qualified who is a member of the political party

Discussion to make Article 4, Section 408(b) similar to Article 2, Section 209(c).

209. Vacancies (c) When succeeding a council member who was elected as a member of a political party, the appointee shall be selected from a qualified list of three persons submitted to the Council by the County central committee of the political party affiliated with the council member vacating office was in the most recent election for council member, provided the list is submitted within thirty days from the date a vacancy occurs. If no such list is submitted within thirty days, or if the council member vacating office is not a member of a political party, the Council shall appoint the person it deems best qualified to hold office regardless of the person's party affiliation, if any, provided the appointee meets the qualifications and residency requirements provided in subsection (b) of this section.

Motion to add a change to the Charter language in Article 4, Section 408(b) to reflect the Charter language in Article 2, Section 209(c) and change the list of qualified persons submitted be two (2), instead of three (3), to the final Charter Review Commission Report.

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

Spreadsheet Item 21 – Article 4, Section 408(b) will be included in the final Charter Review Commission Report.

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

Motion to add language to the Charter to provide for a transparent process which would include public input, public hearings, and input from the county council in a Board of Education appointment process to the final Charter Review Commission Report.

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

Spreadsheet Item 27 will not be included in the final Charter Review Commission Report.

Floor Manager – Commissioner Walter Olson

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

The current Charter language is below.

214. Redistricting (c) 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.

Motion to add additional language to the end of Charter Article 2, Section 214(c) which states “In no event shall there be more than six percent (6%) deviation between the most populous and the least populous district” to the final Charter Review Commission Report.

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

Spreadsheet Item 16 – Article 2, Section 214(c) will not be included in the final Charter Review Commission Report.

Floor Manager – Commissioner Dylan Diggs

Spreadsheet Item 9 – Article 2, Section 210/207 - County council president shall receive an additional stipend (suggested \$1,000 – \$2,000) to compensate for extra time commitment.

210. Officers At the first scheduled meeting of the Council in December following an election and biennially thereafter, the Council shall elect from among its members a President and Vice President of the Council. The President, or in the absence of the President, the Vice President, shall preside over meetings of the Council. The Council may provide for the selection of other officers as the Council may deem desirable for the exercise of its powers.

207. Salary For the performance of public duties under this Charter, each council member shall receive a Salary of \$ 22,500 per annum. A council member may not accrue annual leave or be entitled to any payment in lieu thereof. The Salary shall be in full compensation for all services performed, but may not preclude reasonable and necessary expenses as may be provided in the Budget. The Council shall establish by ordinance a Compensation Review Commission every four years to review the Council's Salary in accordance with the provisions of Article 25A Subsection 5(AA) of the Annotated Code of Maryland. The Council may accept, reduce or reject the Commission's recommendation, but it may not

increase any recommended item.

Motion to add language to Article 2, Section 207 which states “the compensation of the president of the county council shall be up to ten percent (10%) in excess of the compensation of the other council members during such person's term as president” to the final Charter Review Commission Report.

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

Spreadsheet Item 9 – Article 2, Section 210/207 will be included in the final Charter Review Commission Report.

Workshop on Charter Proposals:

Floor Manager - Vice Chairperson John Daniels

Spreadsheet Item 2 – Article 2, Section 203 – Council to act as a body

The current Charter language is below.

203. Council to Act as a Body In all functions and deliberations, the Council shall act as a body. It shall have no power to create standing committees or to delegate any of its functions and duties to a smaller number of its members than the whole. The Council may, however, appoint special ad hoc committees solely for the purpose of inquiry and fact finding.

No action was taken, therefore this matter did not move forward.

Spreadsheet Item 15 – Article 2, Section 213 - Add to county council staff a budget director and staff attorney independent of the county executive and county attorney.

The current Charter language is below.

213. Council Assistance The Council may by resolution, at its discretion and subject to the provisions of its budget or supplementary appropriation, employ administrative employees or such legal, financial or other advisors as it deems necessary to perform its functions.

Motion to table Article 2, Section 213 until after the vote on Spreadsheet Item 25 – Article 5, Section 506 (Grant to the county council the power to transfer/add funds to sections of the county budget) during the next Charter Review Commission meeting on December 19, 2019.

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

Spreadsheet Item 15 – Article 2, Section 213 was tabled until the December 19, 2019 CRC meeting.

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)).

402. County Executive Powers and Duties (f) signing or causing to be signed on the County's behalf all deeds, contracts, and other instruments.

No action was taken, therefore this matter did not move forward.

Floor Manager - Commissioner Dylan Diggs

Spreadsheet Item 13 – Article 2, Section 212(b) - Change the words “the Council” to “a Council Member” to allow individual council members to request information from the county executive and county executive staff.

Spreadsheet Item 14 – Article 2, Section 212(b) - Add to language requiring the county executive to provide information (re: constituent issues) and increase communication between the county executive and county council.

212. Non-interference 212. Non-interference (a) Neither the Council nor any of its members shall appoint, dismiss, or give directions to any individual employee of the Executive Branch of the Government, except as may be provided by State law or this Charter. (b) Notwithstanding subsection (a) of this section, it shall be the duty of the Executive to provide any information that is requested by the Council in writing for the purpose of introducing and evaluating legislation or to engage in the review and monitoring of Government programs, activities, and policy implementation.

Spreadsheet Items 13 and 14 were combined into two motions.

Motion #1 - to add language to Article 2, Section 212 which states (additions in red) (a) **Except for the purposes of inquiry**, neither the council nor any of its members shall appoint, dismiss, or give directions to any individual employee of the executive branch of the Government, except as may be provided by State law or this Charter. (b) Notwithstanding subsection (a) of this section, it shall be the duty of the Executive to provide any information, **in a timely manner** that is requested by the council, **or its members**, in writing for the purpose of introducing and evaluating legislation or to engage in the review and monitoring of Government programs, activities, and policy implementation.

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

Spreadsheet Item 14 – Article 2, Section 212(b) Motion #1 will not be included in the final Charter Review Commission Report.

Motion #2 - to add language to Article 2, Section 212(b) which states (addition in red) (a) Notwithstanding subsection (a) of this section, it shall be the duty of the executive to provide any information that is requested by the council, **or its members**, in writing for the purpose of

introducing and evaluating legislation or to engage in the review and monitoring of Government programs, activities, and policy implementation.

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

Spreadsheet Item 14 – Article 2, Section 212(b) Motion #2 will be included in the final Charter Review Commission Report.

Initial Votes to Move Charter Proposals to Workshop:

Spreadsheet Item 36 – Provide for an elected five member ethics commission to be elected by the voters of Frederick County.

No action was taken, therefore this matter did not move forward.

Spreadsheet Item 40 - Article 2, Section 214(b) – Adjust due date for redistricting commission recommendations from November 15 to October 15 and change within ninety days after submission of the plan to sixty days to comply with earlier primary election date in presidential election years. (For election in 2032)

214. Redistricting (b) By November 15 of the year following each decennial census date, the Commission shall present to the Council a plan of Council Districts, together with a report explaining it. Within thirty days of receiving the plan of the Commission, the Council shall hold a public hearing on the plan. If within ninety days after submission of the plan no other legislation reestablishing the boundaries of the Council Districts has been enacted, the plan as submitted shall become law.

Motion to add language to Article 2, Section 214(b) which states (changes in red) *By October*15 of the year following each decennial census date, the commission shall present to the council a plan of council districts, together with a report explaining it. Within thirty days of receiving the plan of the commission, the council shall hold a public hearing on the plan. If within *sixty* days after submission of the plan no other legislation reestablishing the boundaries of the council districts has been enacted, the plan as submitted shall become law.

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

Spreadsheet Item 40 – Article 2, Section 214(b) will be included in the final Charter Review Commission Report.

Assignment of Future Workshops:

Spreadsheet Item 31 – Article 7, Section 703(a) – Review process of appointing future charter review commission members including time period and potentially adding one to two members to be appointed by the county executive. The Floor Manager will be Vice Chairperson Daniels.

Spreadsheet Item 38 – Add penalty for the county executive not devoting full time to the county executive job functions as specified in Section 405(b); perhaps declaring the county executive office vacant after the county council resolution stating the county executive is in violation (adding paragraph (5) to Section 407). The Floor Manager will be Commissioner Olson.

Discussion on the Final Charter Review Commission Report Process:

Chairperson Slater suggested that the Charter Review Commission Report should be patterned after the Baltimore County report. He would like for the report to be broken down into two parts. Part 1 would include the proposals that were voted to be recommended by the Commission. Part 2 would include the proposals that were suggested but did not receive a favorable vote or no action was taken by the Commission.

Chairperson Slater will create the structure of the report which will include each spreadsheet proposal, proposed language, discussion and vote. Floor Managers will write a summary of their proposals. All information received by the Commission will be included in an appendix. A blueprint for the next charter review commission may be included as well.

Future Agenda Items:

Future Workshops:

Floor Manager - Vice Chairperson Daniels

Spreadsheet Item 31 – Article 7, Section 703(a) – Review process of appointing future charter review commission members including time period and potentially adding one to two members to be appointed by the county executive.

Floor Manager – Commissioner Olson

Spreadsheet Item 38 – Add penalty for the county executive not devoting full time to the county executive job functions as specified in Section 405(b); perhaps declaring the county executive office vacant after the county council resolution stating the county executive is in violation (adding paragraph (5) to Section 407).

Vote on Charter Proposals

Floor Managers - Commissioner Jarosinski and Commissioner Diggs

Spreadsheet Item 23 – Article 5, Section 503 - Require the county executive to provide mandatory weekly budget progress reports beginning January 1 of each year.

Spreadsheet Item 24 – Article 5, Section 503(b) - Require additional public meeting(s) than the two provided in this section to allow for additional public input into the budget process.

Spreadsheet Item 25 – Article 5, Section 506 - Grant to the county council the power to transfer/add funds to sections of county budget (perhaps with supermajority).

Spreadsheet Item 26 – Article 5, Section 506(d) - Extend time for the county council to act on the budget resolution.

Spreadsheet Item 39 – Article 5, Sections 503, 509, and 513 (Also, Article 1, Section 104) – Budget provisions making clear distinctions between Operating Budget, Capital Budget, and Capital Improvement Plan (CIP) and specifying “divisions” to more accurately reflect structure of County government, etc.

Floor Manager Vice Chairperson John Daniels

Spreadsheet Item 15 – Article 2, Section 213 - Add to county council staff a budget director and staff attorney independent of the county executive and county attorney. (Tabled from the December 11, 2019 meeting)

Floor Manager - Commissioner Miller

Spreadsheet Item 5 – Article 2, Section 205(c) – Prohibit council members from serving as employees of the Board of Education due to perceived conflict of interest

The meeting will be Thursday, December 19, 2019, 6:00 pm.

Public Comments:

The following people gave public comments:

Richard Kaplowitz, Crestwood Village 7056 Catalpa Road, Frederick

Topics included: redistricting commission, Article 402(f), Article 212, teachers being members of the county council, format of the final Charter Review Commission report.

Commission Member Comments:

No Commission Member comments were provided.

Adjournment:

By unanimous consent of the Commission members, the meeting adjourned at 8:20 pm.

Stephen Slater, Chairperson
Charter Review Commission