

# MINUTES

## FREDERICK COUNTY CHARTER REVIEW COMMISSION

August 1, 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 July 10, 2019, Minutes:**

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

**Discussion with Original Frederick County Charter Board Members:** Former Charter Board Members present: Rocky Mackintosh, Dana French, Robert Kresslein, Jeff Holtzinger, Joan Aquilino and James Hoover

**Chairperson Slater** asked the former Charter Board members to comment on the original Charter process.

**Commissioner Jarosinski** asked about the Charter Board's original intention with the budget.

**Commissioner Gilligan** questioned the Charter's noninterference clause. He feels the Council should have more strength to get information.

**Commissioner Olson** asked why the council cannot have committees and was told that the Charter Board was in agreement with other counties that had similar provisions.

**Commissioner Diggs** asked the one thing the Charter Board members would change about the Charter if they could go back in time.

**Mr. Robert Kresslein**

Mr. Kresslein was vice chair of the former Charter Board. He was pleasantly surprised with the passage of the Charter. He was also pleased that the Charter Review Commission asked the former Charter Board Members to attend their meeting.

Mr. Kresslein has heard that the County Executive will not share certain information with the Council Members. A discussion about the information process is necessary. The council members should be able to request basic information from the administration staff. Mr. Kresslein would adjust the Charter's noninterference clause so that the council could get reasonable access to information from the administration staff. In addition, he suggested the Commission should interview staff from both the Administration and Council on their impression of how the information process has been working.

Additional items Mr. Kresslein feels the Commissioners should consider:

- Increasing compensation for the county executive and council members
- Reassessing the prohibition of council member benefits

Mr. Kresslein expressed his belief that structural issues with the Charter should not be the focus at this time. He advised the Commission to be cautious with making big changes to the Charter

During the Charter Board meetings, Mr. Kresslein said there was not much discussion on council committees. The Board did not want standing committees because it could cause an unnecessary extra level of government.

Mr. Kresslein said the Charter Board did not want to have a "runaway budget". They wanted the council and executive to work together to adjust the budget. He added that the Council has not been using the tools they were given to negotiate with the county executive.

A question was asked why there are seven council members. Mr. Kresslein said it was a political decision. Some Board members wanted five at large members and some wanted five district members. Therefore, a compromise was made with five district members and two at large members.

**Ms. Joan Aquilino**

Comments by Ms. Aquilino:

- She did not expect the amount of problems the Council has been having with the Administration regarding collaboration.

- She does not feel the salaries of the county executive and council members should be raised.
- The original Charter was created to be a skeleton with a review occurring periodically.
- Ms. Aquilino feels that there needs to be a greater separation between the council and the county executive.
- Tools were written into the Charter to balance power.
- She would like to see the at large positions on the council abolished and only have five district council members.
- She would like to see staggered elections.

**Mr. Dana French**

Mr. French believes that the Charter is working well and that the executive and council’s power balance.

He stated that decisions for items in the Charter were made based on the desire to see a successful referendum result on the change of government. The Charter Board did not think the voters would vote for the Charter if the salaries were higher. Mr. French wonders if the salaries are high enough to attract quality candidates.

The original Charter Board members signed a pledge to put political opinions aside. Mr. French will email the Charter Board Pledge to Chairperson Slater and then the pledge will be forwarded to the other Commission members.

Mr. French feels it would be helpful for the Commission to talk to Cecil County representatives since the Frederick County Charter was based on their document. He believes information from them would be advantageous to the Charter Review Commission.

**Commissioner Miller** stated that she was interested in reviewing the pledge that the Charter Board signed. She also asked about the Charter Board’s intention for not allowing the ability of the Council to move funds around or increase the budget.

**Mr. Rocky Mackintosh**

Mr. Mackintosh feels that the first County Council was not collaborative enough with the County Executive and the current County Council is too collaborative. He has observed that there is an inadequate give and take between the Council and the Executive and he is concerned the current structure will set a precedence. He believes the current relationship between the County Executive and County Council is too congenial and he believes that there should be a more “proper kind of conflict” between the two offices.

On the topic of the county executive and county council salaries, it was not the intention of the Charter Board to set up a “bait and switch”. By this, he meant

that the Charter was not to be approved and then the elected official's compensation changed.

Mr. Mackintosh believes that having Board of Education or Frederick County employees as county executive or council members causes a conflict of interest. The Charter should have a provision excluding public sector employees from running for office.

The Charter Board deliberated with checks and balances for the budget. They did not want the Council to add to the budget.

Mr. Mackintosh encouraged the Charter Review Commission to engage with the public. He feels that reviewing the Charter after five years is good but only a few changes should be made. The Charter is mostly working well.

Mr. Mackintosh is concerned that the amount of time that the Charter Review Commission has been given to review the Charter is not adequate.

Mr. Mackintosh expressed his support for a continuing dialogue between the Commission and the former Charter Board

**Chairperson Slater** explained the focus of the Commission and the reason for the February 28 deadline has to do with the amendments going to referendum.

**Mr. James Hoover**

Mr. Hoover stated that the Charter Board wanted the county executive and council salaries to be cost neutral and they did not envision changes to the salaries to be made this soon. He encourages the Commission not to make many big changes to the Charter.

**Mr. Jeff Holtzinger**

Mr. Holtzinger expressed his disappointment in Frederick County's Charter government and would encourage reverting back to the County Commissioner form of government or going to a Code Home Rule form of government.

Mr. Holtzinger is concerned about the interpretation of the noninterference clause in the Charter. He feels a council member should be able to obtain information from Administration staff however, that council member's request should not disrupt the employee's work. It has been relayed to Mr. Holtzinger that the noninterference clause in the Charter has caused members of the past two Councils to request more staff. He believes Frederick County Government has become too large.

According to Mr. Holtzinger, the compensation for the county executive and council members should be increased citing the county executive's salary is less than the Frederick City mayor.

During the meeting, the former Charter Board members agreed that there should be a provision in the Charter for new council members to receive an orientation so that they understand the power the Charter gives them. **John Mathias**, the County Attorney, explained that an overview and orientation of the Charter is provided to new council members but political strategy is never discussed.

**Rick Harcum**, County Chief Administrative Officer, explained the budgetary process outlined in the Charter and stated that it has proven to be fairly successful. He addressed the tight time constraints on the council to review the budget. Mr. Harcum feels the budget needs to become more of a priority to the council members because there are enough days for the council to meet and review the budget between April 15 and May 31.

**Chairperson Slater** asked if the Commissioners could contact the former Charter Board members individually and the Board members agreed. Chairperson Slater added that they have an open invitation for the former Charter Board members to attend the Charter Review Commission meetings.

#### **Charter Review Commission November 2019 Meeting Date Discussion:**

Lee Redmond, County Council Executive Assistant, reported that there was a conflict with the November 21 meeting date for the Charter Review Commission. Due to the Thanksgiving holiday, the Board of Appeals is scheduled to have the Third Floor Meeting Room on November 21. Ms. Redmond stated that Monday, November 18, 2019, was available for the room and video services. The Commission agreed to hold the second Charter Review Commission in November on Monday, November 18, at 7:00 pm, in the Third Floor Meeting Room.

#### **Commission Member Comments:**

Commission Member comments were provided.

#### **Other Business:**

- Next agenda item suggestions put on agenda for next time. – Redmond
- Discussion on a process of compiling information
- Extend the deadline for Council Members to respond to the invitation for Charter input - Redmond
- Set up a time for Council Members to attend a meeting in September - Redmond

#### **Public Comments:**

Public comment was received by Eileen Benik and Joseph Berman

**Next Meeting:**

Monday, August 19, 2019, at 7 pm, Winchester Hall

**Adjournment:** 8:55 pm

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

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Stephen Slater, Chairperson  
Charter Review Commission