

MINUTES

FREDERICK COUNTY CHARTER REVIEW COMMISSION

September 19, 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 September 5, 2019, Meeting Minutes:

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

Discussion with Current Frederick County Council Members – Council Member Kai Hagen, Council Member Steve McKay and Council Member Phil Dacey:

Chairperson Slater welcomed the Frederick County Council Members to the Charter Review Commission meeting. He told the Council Members that the Commissioners have read their written comments and asked them to give a brief highlight of their suggestions.

Council Member Phil Dacey had three comments. 1) The council staff, especially the council attorney, should be hired by the county council during a public process and report to the council president. The council attorney should be separate from the county attorney's office to avoid conflicts of interest. 2) The office of council president should be elected at-large and there should be six individual Councilmanic districts. Having smaller legislative districts would be beneficial to the constituents. The structure would be more straightforward. Having a candidate to run to be council president would allow that person to be prepared for the responsibilities of that role. 3) The council needs to have a better defined role in the budget process. The council should be able to shift funds from one priority to another.

Council Member Steve McKay agreed with Council Member Dacey that the council should be able to move funds with a supermajority, however, they should not be able to add to the budget. This would provide for more balance of the executive and legislative branches of government. Council Member Hagen agrees that some measure of change in this area would be reasonable. Council Member McKay especially wanted to highlight his ideas for filling vacancies. He would like to enable the voters to choose a replacement for a vacancy on the county council or with the county executive. This would be done by taking advantage of the Presidential election which occurs mid-way through the terms of the elected County officials. In his written proposal, Council Member McKay outlined and drafted the language he would like to see added to the Charter. Council Member Hagen supported the idea of always having three names for candidates for a vacancy.

Council Member Kai Hagen believed communication between council members and the administration is more cumbersome than it should be. The council is at the mercy of the county executive with the distribution of information. He is concerned about an unhealthy situation with a county executive with no recourse for the council. Council Member McKay added with the communication policy we have now, a constituent can receive information from the administration faster than a council member. Commissioner Lisa Jarosinski asked the Council Members what would help to make communication better. Council Member Dacey would like to see less restrictive language in the Charter. Council Member Hagen said direct communication with the department and division heads would be helpful. Council Member McKay said that there is a difference between asking for information to be created and asking for information that already exists. Council members should be able to ask directly for information that already exists. Chief Administrative Officer Rick Harcum explained the need for the current process. Allowing each council member to have direct access to the departments and divisions would cause problems.

Another issue Council Member Hagen would like to highlight would be districts. He would like to see the population of districts to be as close to even as the precincts would allow.

Questions from the Commissioners:

Commissioner Dylan Diggs is concerned about the balance of power between the branches of government when the Charter gives so much power to the county executive. He asked what tools the Council Members feel they have. A discussion ensued regarding the amount of members to issue a subpoena. Council Member Hagen added that the Council Members currently do not have many tools at their disposal for balancing the power without getting into nasty politics. The Council Members agreed that cutting the budget is the most leverage that they have.

In addition, Commissioner Diggs asked what in the Charter the Council Members think should be given more time before changes are made. Council Member Hagen believes a very limited amount of changes should be made to the Charter

at this time. Council Member McKay feels the Commission should consider how many times an issue has come up before making changes.

Commissioner Paul Gilligan wanted to clarify that the Council Members would like to see changes made in the Charter concerning the noninterference clause. He would like to see a consistency of government when it comes to filling vacancies. The balance of power between the branches needs to be increased by being able to check egregious actions via subpoenas.

Commissioner Lisa Jarosinski asked about the land issues Council Member McKay included in his written suggestions. Council Member McKay feels that the council does not receive land use information in a timely manner. For ethics and constituent reasons, the council should receive this information faster. Commissioner Jarosinski felt land use notifications should be discussed in the communication policy.

Commissioner John Daniels did not have any questions.

Commissioner April Miller felt that the vacancy issue should be more open and transparent. Codifying good policies and procedures should stand the test of personalities and time. She asked about the general communication between the County Executive and the Council. Mr. Harcum explained that there is a weekly meeting between the County Executive, Council President and the Council Vice President. Council McKay added that most of the Council Members have regular meetings with the Council President to go over what was discussed with the County Executive. This procedure is not currently in the Charter. Council Member McKay would like to see public meetings for both the County Executive and Council to attend. Commissioner Miller would like to help facilitate that happening.

Commissioner Miller asked the Council Member's thoughts about standing committees. Council Member Hagen felt they could be useful. Council Member McKay stated that the discussion from the previous meeting resulting in an alternate interpretation of ad hoc committees was sufficient.

Commissioner Miller asked Council Member Dacey about his suggestion concerning council staff. Council Member Dacey would like to see provisions built into the Charter stating that the council staff budget cannot be defunded. Commissioner Olson suggested that the Charter should state key advisory positions will be funded if the council chooses to create them.

Commissioner Walter Olson asked if the Charter Review Commission needed to address council compensation. Council Member Hagen stated that a compensation review commission will be created.

Commissioner Stephen Slater did not have any questions.

Vote on Charter Revisions to Move Forward to Workshop and Public Hearing:

There was a consensus to table this item to the next meeting.

Discussion on Additional Meeting Dates:

- Adding a meeting on Monday, October 28 was discussed and approved.
- County Executive Jan Gardner will not be able to attend the October 3, meeting. The date of Monday, October 28, was offered for her to attend and accepted
- The County Council staff will be at the Maryland Association of Counties (MACo) Conference on Thursday, December 5.
- The Thursday, December 5 meeting was reschedule for Wednesday, December 11.

Commission Member Comments:

Commissioner Olson – Met with the League of Women Voters and the Charter Review Commission is invited to their next meeting

Commissioner Miller – Thanked the Council Members for attending the meeting

Vice Chairperson Daniels – had no comment

Commissioner Jarosinski – had no comment

Commissioner Gilligan – had no comment

Commissioner Diggs – He appreciated all the effort the Council Members put in to providing input on the Charter review process

Chairperson Slater – Stated that he will compile all the comments and proposals that have been send to the Commission

Future Agenda Items:

1. Continue to Vote on Charter Proposals to Move Forward to Workshop and Public Hearing
2. Discussion with Finance and Budget staff on Article 5 of the Charter-Budget and Finance
3. Discussion on interviewing additional County staff
4. Discussion with Elections Director on Redistricting and Charter Issues on November 18

Action Items:

- Council Chief of Staff Ragen Cherney will ask Election Director Stuart Harvey to provide the original and current population numbers for each council district

Public Comments:

Maryanne Ford – Found it enlightening that there was much discussion about the balance of power between the branches. With that balance of power comes a requirement for additional staff for the council. She was reminded of the argument against Charter government which was the increased cost. Good government costs, either in structure or the process.

Ellen Lerner – Wanted to speak to in favor of keeping two at-large council members. It is important for people to know that they have contact options within the council. The Council Members must be responsive to the people. Please take that into consideration when discussing the council members and districts issues.

Adjournment: Time: 9:23 pm

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

Stephen Slater, Chairperson
Charter Review Commission