

MINUTES

FREDERICK COUNTY CHARTER REVIEW COMMISSION

October 3, 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 19, 2019, Meeting Minutes:

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

Discussion on Council District Statistics: **With Correction**

Commissioner Walter Olson would like to add guidelines to the Charter, suggested by Council Member Kai Hagen, not to allow the population per district to vary by a certain percentage. He was surprised that the difference was so large at this time.

County Attorney John Mathias explained that even though Stuart Harvey sent the district populations for 2012 when the Charter was passed, the population in 2010 was most likely used to set up the Councilmanic districts for the Charter.

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.”

Chairperson Stephen Slater will email general election information from 2012, 2014, 2016, and 2019 to the Commissioners.

Discussion on Workshop Structure:

Commissioner April Miller suggested two options; 1) break the Commission down into smaller groups with specific proposals, or 2) discuss all proposals with the entire Commission.

Commissioner Lisa Jarosinski felt it would not be productive to break into smaller groups. She would like to see the Commission study each proposal that has been forwarded to a workshop. She made a request to the Commission for the members to be knowledgeable of each proposal and be ready to make a decision as a group. The other Commissioners agreed.

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

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.

Spreadsheet Item 6 – Article 2, Section 207 - Increase council member salary.

Motion to move to workshop by Chairperson Slater:

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

Spreadsheet Item 7 – Article 2, Section 207 - Allow benefits for council members.

Motion to move to workshop by Chairperson Slater:

Commission Member	Aye	Nay	Absent/Abstain
Diggs	✓		
Gilligan	✓		
Jarosinski	✓		
Miller	✓		

Olson	✓		
Daniels, Vice Chair	✓		
Slater, Chair	✓		

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

Motion to move to workshop by Chairperson Slater:

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

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.

Motion to move to workshop by Chairperson Slater:

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

Spreadsheet Item 10 – Article 2, Section 210/201/204 - County council president elected at-large and go to six districts (similar to Harford County).

Motion to not move to workshop by Chairperson Slater:

Commission Member	Aye	Nay	Absent/Abstain
Diggs	✓		
Gilligan	✓		
Jarosinski	✓		
Miller	✓		
Olson	✓		

Daniels, Vice Chair	✓		
Slater, Chair	✓		

Spreadsheet Item 11 – Article 2, Section 211 - Change issuance of a subpoena possible with vote of five council members instead of six.

Motion to move to workshop by Chairperson Slater:

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

Spreadsheet Item 12 – Article 2, Section 211 - Add power for investigations to be delegated to a standing or ad hoc committee of the council.

Motion to not move to workshop by Chairperson Slater:

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

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.

Motion to move to workshop by Chairperson Slater:

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

Slater, Chair	✓		
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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.

Motion to move to workshop by Chairperson Slater:

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

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.

Motion to move to workshop by Chairperson Slater:

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

Spreadsheet Item 15A – Article 2, Section 213 or Article 3, Section 301 - Add a position of ombudsman (or standing committee for arbitration) to settle disputes between citizens and County Government before redress in Circuit Court.

Motion to not move to workshop by Chairperson Slater:

Commission Member	Aye	Nay	Absent/Abstain
Diggs	✓		
Gilligan	✓		
Jarosinski	✓		
Miller	✓		
Olson	✓		

Daniels, Vice Chair	✓		
Slater, Chair	✓		

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

Motion to move to workshop by Chairperson Slater:

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

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)).

Motion to table by Chairperson Slater:

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

Spreadsheet Item 18 – Article 4, Section 405(b) - Prohibit the county executive from holding any other public office, etc. (make Section 405(b) language agree with Section 205(c))

Motion to not move to workshop by Chairperson Slater:

Commission Member	Aye	Nay	Absent/Abstain
Diggs	✓		
Gilligan	✓		
Jarosinski	✓		
Miller	✓		

Olson	✓		
Daniels, Vice Chair	✓		
Slater, Chair	✓		

Spreadsheet Item 19 – Article 4, Section 406(a) – Increase the salary of the county executive.

Motion to move to workshop by Chairperson Slater:

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

Spreadsheet Item 20 – Article 4, Section 208 – Hold a special election if a vacancy occurs during the first two years of a county executive’s term.

Motion to move to workshop by Chairperson Slater:

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

Spreadsheet Item 21 – Article 4, Section 408(b) – Appointed county executive should be of the same party as the departing county executive. (Align with the provisions for a vacant council member in Section 209(b) for 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	✓		

Spreadsheet Item 22 – Article 4, Section 414(a) – Add the word “budgetary” to provision.

Motion to not move to workshop by Chairperson Slater:

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

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

Motion to move to workshop by Chairperson Slater:

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

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.

Motion to move to workshop by Chairperson Slater:

Commission Member	Aye	Nay	Absent/Abstain
Diggs	✓		
Gilligan	✓		
Jarosinski	✓		
Miller	✓		
Olson	✓		

Daniels, Vice Chair	✓		
Slater, Chair	✓		

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).

Motion to move to workshop by Chairperson Slater:

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

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

Motion to move to workshop by Chairperson Slater:

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

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

Motion to table by Chairperson Slater:

Commission Member	Aye	Nay	Absent/Abstain
Diggs	✓		
Gilligan		✓	
Jarosinski		✓	
Miller	✓		
Olson	✓		

Daniels, Vice Chair	✓		
Slater, Chair	✓		

Spreadsheet Item 28 – N/A - Abolish the Charter and return to Board of County Commissioner form of government.

Motion to not move to workshop by Chairperson Slater:

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

Spreadsheet Item 29 – N/A - Remove law enforcement responsibilities from the Frederick County Sheriff’s Office and create a County police force.

Motion to not move to workshop by Chairperson Slater:

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

Discussion on Scheduling Additional Meeting Dates:

Chairperson Slater asked Lee Redmond to check if the existing Charter Review Commission meetings could begin at 6:00 pm instead of 7:00 pm. Ms. Redmond was also tasked to check for open dates in November and December for the Commission to add additional meetings.

Commission Member Comments:

Vice Chairperson Daniels – Thanked everyone for moving the agenda items quickly and appreciated the public participation.

Commissioner Miller – Appreciated a productive meeting and stressed that the hard work is just beginning.

Commissioner Olson – Wanted to remind everyone about the League of Women Voters Charter Review Community Forum on Tuesday, October 22, 2019, 6:30 pm to 8:00 pm in the Natelli Room at the Urbana Library.

Commissioner Diggs – Regretted that all of the public recommendations were declined. He encouraged more public suggestions.

Commissioner Gilligan – Wanted to remind everyone that the inclement weather season is approaching and the importance of having all commissioners attend all meetings.

Commissioner Jarosinski – Was happy the Commission accomplished so much during the meeting and that they worked well together.

Chairperson Slater – Stated that he, Commissioner Olson, and Vice Chairperson Daniels planned to attend the League of Women Voters forum on October 22, 2019. At this time, no other Commissioners were planning to attend. He is also pleased with progress and dedication of the Commissioners.

Future Agenda Items:

1. October 17, Vote on Tabled Proposals:
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)).
Spreadsheet Item 27 – Provide a more open and transparent process for Board of Education vacancies to include public hearings and input from county council.
2. October 17, Discussion with the Finance Director.
3. October 17, Workshop on Redistricting - Spreadsheet Item 16 – Article 2, Section 214(c) - Modify language to more closely define “substantially equal in population”.
4. October 17, Discussion on interviewing additional County staff.
5. October 28, Discussion with the Current Frederick County Executive.
6. November 7, Discussion with the Budget Director.
7. November 18, Discussion with the Director of Frederick County Board of Elections.

Preliminary Discussion on Charter Review Commission Report:

It was discussed to have the County Attorney's Office help draft the language for the proposals to the Charter.

Chairperson Slater briefly discussed his idea of how he would like to see the Charter Review Commission Report come together. The report will be comprised of all the items in the Charter Review Commission minutes that have been posted. Council staff will collate those items by article and section of the Charter for the Commission to submit to the County Council.

Misc. Action Items:

Ms. Redmond will post the League of Women Voters Charter Review Community Forum to the Charter Review Commission webpage - Tuesday, October 22, 2019, 6:30 pm to 8:00 pm in the Natelli Room at the Urbana Regional Library.

Public Comments:

Mike Morse, 5512 Old National Pike, Frederick – Stated that he was impressed with the seriousness and dedication of the Commission members to sign a pledge to act in the best interest of the people. The current preamble of the Charter only speaks of efficiency as the main goal. This wording should be replaced with what is contained in the pledge.

Frederick history includes aspects to be proud of as well unfortunate pieces of the past that should be used for learning and moving forward. The Charter Review Commission should be proactive and not remain silent on establishing protocols to assist the County Council to control the actions of the Frederick County Sheriff's Office. This will ensure the humane treatment of all those who live in Frederick County.

Sea Raven Morse, 5512 Old National Pike, Frederick – Stated that she wanted to speak in support of the proposed changes to Charter Article 1, Section 104(a) (spreadsheet item 1) (definition of "agency" and to add the phrase "funded by County taxes") which has been tabled. Ms. Morse urged the Commission to move this proposal to a workshop.

Ms. Morse agreed with Mr. Morse in his suggestion to change the preamble of the Charter to what is contained in the Commission's pledge. The words of the pledge will remind County leadership of the fundamental values of truth telling, transparency, accountability, respect and justice.

Ms. Morse felt that it is essential to clarify in the Charter who is subject to oversight. By establishing the proposed change to Article 1, Section 104(a), "agency" will be define as all entities that utilize the County's financial system. Specifically, this change will give authority of the financial decisions of the Frederick County Sheriff's Office to the Frederick County Council.

Ms. Morse also discussed the outstanding request to the Frederick County Attorney to clarify in writing whether Charter Section 402(f) applies to the Frederick County Sheriff's Office in regard to the ICE Program.

Ellen Lerner – Stated that part of the Charter Review Commission's charge is to make the Charter clear in meaning. The word "all" in Charter Section 402(f), is there to create accountability to the people with a system of checks and balances. The word "all" shows that the Charter has leverage over the Frederick County Sheriff's Office as well as other entities that utilize Frederick County Government funds. Ms. Lerner asked the Commissioners to find a way that the Charter can work for the people in regard to 287(g).

She also asked the Frederick County Attorney to provide his written opinion of the Charter in the 287(g) issue.

The proposed changes to Charter Article 1, Section 104(a) need to be brought back and moved forward. This will make the Charter clear in meaning and represent the needs of the people.

Adjournment:

By unanimous consent of the Commission members, the meeting adjourned at 9:11 pm.

Stephen Slater, Chairperson
Charter Review Commission