

MINUTES

FREDERICK COUNTY CHARTER REVIEW COMMISSION

Thursday, January 16, 2020

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

Call to Order: Stephen Slater, Chairperson, called the meeting to order at 6:01 pm

Pledge of Allegiance

Approval of December 19, 2019 Meeting Minutes:

Motion to approve the December 19, 2019

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

Commissioner April Miller joined the meeting at 6:04 pm

Workshop and Vote on Charter Proposals:

Floor Managers - Commissioner Lisa Jarosinski and Commissioner Dylan Diggs

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.

The current Charter language is below:

503. Preparation of the County Budget (a) Not later than April 15 of each year, the Executive shall prepare and submit a proposed Budget to the Council for the ensuing fiscal year. The proposed Budget shall present a complete financial plan for the Government reflecting anticipated revenues from all sources, expenditures, and any surplus or deficit in the general or special funds of the Government. (b) During preparation of the Budget, the Executive shall hold at least two public hearings to receive public comment. One hearing shall be held in December to receive proposals for inclusion in the Budget. The other shall be held in March to receive comments on budget requests. The Executive shall provide sufficient notice of the public hearings and shall cause to be published in at least one newspaper of general circulation in the County a notice of the date,

time and place of each public hearing. If the Executive determines that no such newspaper exists in the County, the Executive shall use whatever media it deems most suited to satisfy the public notice requirements of this section. The Executive shall prepare a draft Budget and make it available to the public prior to the March hearing date. (c) The proposed Budget shall be reproduced and made available to the public.

509. *Transfer of Appropriations* (a) The Executive may transfer unencumbered appropriations in the Operating Budget within the same department, agency, or office and within the same fund. On the recommendation of the Executive, the Council may transfer unencumbered appropriations in the Operating Budget between departments, agencies and offices within the same fund. (b) A transfer may not be made between the Operating Budget and Capital Budget appropriations. On the recommendation of the Executive, the Council may transfer appropriations between Capital Projects within the same fund provided the Council neither creates nor abandons any Capital Projects except in accordance with Section 512 of this Charter. (c) Notwithstanding any provisions of this section, the Council may provide by law for inter-fund cash borrowing in the same fiscal year to meet temporary cash requirements. Nothing contained in this section may be construed to prevent reimbursement among funds for services rendered.

513. *Amendment to Capital Budget after Adoption of the Budget* Upon recommendation of the Executive and after a public hearing and an affirmative vote of at least four council members, the Council may amend the Annual Budget and Appropriations Ordinance to provide funds for a Capital Project not previously appearing in the Capital Budget for the fiscal year. The amendment may not increase the total amount of appropriations for the fiscal year, unless such increased appropriations shall be funded from revenues received in excess of those budgeted or from unanticipated revenues not previously budgeted in the Annual Budget and Appropriations Ordinance for the fiscal year.

104. *Definitions*

Chief Administrative Officer Rick Harcum met with County Attorney John Mathias, Assistant County Attorney Bryon Black, and Budget Director Kelly Weaver to review the changes that were suggested by Ms. Weaver to Article 5, Sections 503, 509, and 513 (Also, Article 1, Section 104). They found that when one change was made, that created another problem. A conclusion was reached that the inconsistencies in the Charter can be fixed with administrative procedures. Therefore, at this time Mr. Harcum requested to pull Spreadsheet Item 39 and recommend no changes.

A motion was made to take no action on making changes to Article 5, Sections 503, 509, and 513 (Also, Article 1, Section 104) for 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. at the request of Chief Administrative Officer Rick Harcum and Budget Director Kelly Weaver.

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

Spreadsheet Item 39 – no action was taken and a recommendation to the County Council will not be made in the final report.

Floor Manager - Commissioner April 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 current Charter language is below:

205. Qualifications (c) While serving as a council member, no council member may: (1) Hold any other elected public office; (2) Hold any other office of profit created by the Maryland Constitution or laws of the State, pursuant to Article 35 of the Maryland Declaration of Rights; or (3) Be employed by a department or agency of the County government, which is substantially controlled by the Executive or the Council.

Commissioner Miller made a motion to consider adding language that is more in line with other Maryland county charters pursuant to Article 2, Section 205(c). There was no second.

A motion was made to take no action on 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.

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

Spreadsheet Item 5 - no action was taken and a recommendation to the County Council will not be made in the final report.

Discussion on the Format of the Final Charter Review Commission Report:

The format and content of the first draft of the final Charter Review Commission report written by Chairperson Slaters was discussed. There are seven recommendations that are to be included in the final report. Each of the Commissioners took a recommendation to write two sentences for and one sentence against the recommendation and send them to Chairperson Slater by Saturday, January 25, 2020.

1. Commissioner Dylan Diggs - Council Member Compensation (Art. 2, Sec. 207) – Remove prohibition on providing fringe benefits for County Council Members as part of their compensation. (Spreadsheet Item #7)
2. Vice Chairperson John Daniels - Council President Additional Compensation (Art. 2, Sec. 207) – Allow the Compensation Commission to recommend an additional salary for the County Council President above that of the other County Council Members. (Spreadsheet Item #9)
3. Commissioner Walter Olson - Investigations by the Council (Art. 2, Sec. 211) – Change the number of required votes for the County Council to issue a subpoena to 5 votes instead of 6. (Spreadsheet Item #11)
4. Commissioner April Miller - Non-Interference (Art. 2, Sec. 212 (b) – Change the wording of the Council non-interference provision to allow County Council members to more easily make requests for information to the County Executive and executive branch staff. (Spreadsheet Item #13)

5. Commissioner Paul Gilligan - Redistricting Commission (Art. 2, Sec. 214 (b) – Adjust due date for Redistricting Commission recommendations from November 15 to October 15 to comply with earlier Primary Election date in presidential election years. (Spreadsheet Item #40)
6. Chairperson Stephen Slater - Vacancies of the County Executive (Art. 4, Sec. 408 (b) and (c) – Add language to require that an appointed County Executive should be of the same party as the departing County Executive at the time of his or her election and increasing the prospective list of nominees from the county central committee from one to two. (Spreadsheet Item #21)
7. Commissioner Lisa Jarosinski - Borrowing Limitations (Art. 5, Sec. 508) – Change debt limits from 5% to 3% of real property and from 15% to 9% of personal property. (Spreadsheet Item #30)

Chairperson Slater will update the report with the comments made by the Commissioners for the second draft. He will email the second draft to Lee Redmond, Executive Assistant, to post on the Charter Review Commission webpage by Monday, January 27, 2020.

Commissioner Olson and Commissioner Miller will work together to write a section for the report on proposals not recommended and will submit to Chairperson Slater. The proposals not recommended section should be no more than two to four pages.

Ms. Redmond was asked to post the working first draft of the report on the Charter Review Commission webpage for public comment. She will also send out a press release announcing the public hearing on the final Charter Review Commission Report that will be held at 7:00 pm on Thursday, January 30, 2020. Those who wish to send emails with their comments on the report may do so until midnight on Monday, February 3, 2020. Ms. Redmond was also asked to check if the First Floor Hearing Room would be available for that meeting.

The Charter Review Commission Report is to be submitted to the Frederick County Council by Friday, February 28, 2020. Following that submission, the Charter Review Commission will be dissolved.

The Charter Review Commission will present their Charter Review Commission Report on Tuesday, March 10, 2020, during the Frederick County Council meeting which begins at 5:30 pm.

Future Agenda Items:

A public hearing will be held on Thursday, January 30, 2020, at 7:00 pm. (Commissioner Dylan Diggs will not be able to attend.) Following public comment, the Commission will discuss if any changes should be made to the final report. Chairperson Slater will make the required adjustments to the final report. A Charter Review Commission meeting will be held on Thursday, February 6, 2020, at 6:00 pm for final discussion and vote on the report. The meeting scheduled for Thursday, February 20, 2020, is tentative.

Public Comments:

The following people gave public comments:

Richard Kaplowitz, Crestwood Village 7056 Catalpa Road, Frederick

Topics included: The time to begin the January 30th meeting, teachers being members of the county council, format of the final Charter Review Commission report

Commission Member Comments:

Commission Member comments were provided.

Adjournment:

By unanimous consent of the Commission members, the meeting adjourned at 8:03 pm.

Stephen Slater, Chairperson
Charter Review Commission