

APPENDIX D



Minutes of Meetings

MINUTES

FREDERICK COUNTY CHARTER REVIEW COMMISSION

June 26, 2019

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

Call to Order: Ragen Cherney, Chief of Staff, County Council called the meeting to order at 7:00 pm.

Pledge of Allegiance

Welcome: Frederick County Council President, MC Keegan-Ayer and County Executive Jan Gardner delivered welcoming remarks to the Charter Review Commission recognizing their charge and thanking them for their service.

Role of Charter Review Commission and Legal Background: Frederick County Attorney John Mathias presented a PowerPoint detailing the role and expectations of the Commission, requirements of the Maryland Open Meetings Act and the Maryland Public Information Act. Specifically, Mr. Mathias noted the Commission members were to review the Charter and to make recommendations in a report to the Council on the necessary Charter revisions no later than February 28, 2020. Mr. Mathias outlined the current Frederick County Charter as well as delving into the responsibilities of the County Executive, the County Council, and the overall performance of local government.

Election of Officers: Mr. Daniels nominated Stephen Slater to be Chairperson, which was seconded by Mr. Gilligan. There were no other nominations. County Attorney Mathias closed the nominations. Mr. Mathias asked for acclimation for the election of Mr. Slater to be Chair. The Commission voted unanimously for Mr. Slater to be Chair.

Dr. Miller nominated Walter Olson as Vice Chairperson and Mr. Diggs seconded the nomination. Ms. Jarosinski nominated John Daniels as Vice Chairperson and Chairperson Slater seconded the nomination. Hearing no other nominations, Mr. Mathias closed the nominations. Mr. Daniels was elected Vice Chairperson with a 4-3 vote, (Members Daniels, Gilligan, Jarosinski, and Slater voting in favor of Mr. Daniels; Members Diggs, Miller, and Olson voting in favor of Mr. Olson).

Future Charter Review Commission Meeting Dates and Times: Due to summer vacation schedules, the Commission did not select regular meeting dates and times. The Commission decided they would address future meeting

dates and times and scheduled their next meeting date for Wednesday, July 10, 2019, at 7:00 pm in the Third Floor Meeting Room in Winchester Hall.

Other Business: Chairperson Slater asked the members to create a list of stakeholders who would be most helpful in giving feedback on the current Charter. A suggestion was made by Dr. Miller to discuss options on how to analyze the Charter. It was decided to save that topic for discussion at a future meeting.

Public Comments: None

Next Meeting

Wednesday, July 10, 2019, at 7 pm, Winchester Hall

Adjournment: A motion to adjourn was made by Mr. Gilligan and seconded by Dr. Miller. The motion passed unanimously. The meeting adjourned at 8:20 pm.

Stephen Slater, Chairperson
Charter Review Commission

MINUTES

FREDERICK COUNTY CHARTER REVIEW COMMISSION

July 10, 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

Welcome: Stephen Slater, Chairperson

Approval of June 26, 2019, Minutes:

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

Discussion Regarding How to Approach and Review Potential Charter Revisions:

The Commission discussed many approaches to review the Charter and gather information. Some of these included interviewing the original Frederick County Charter Board members, present and past Council Members, the County Executive, the County Council staff, County municipalities, charter review commission members, council members and county executives from other counties, Frederick County Board of Education, Frederick community groups and members of the public. Having town hall meetings out in the community was also discussed.

There was discussion on having the Council staff to the Commission draft a letter to invite the past and present Council Members, and the County Executive to give written feedback on the positive and negative aspects of the Charter and what changes should be made. An invitation to attend an upcoming meeting to be interviewed by the Commission will also be included in the letter. A response to the letter is expected by August 1, 2019. The letter is to be signed by Chairperson Slater.

A motion was made to approve a resolution granting the Chair of this Commission authority to send a letter to the County Executive, and to each of the present and past County Council members in regard to what has been effective and what are the major challenges to implementing or working with the current Charter. In the same motion, the letter is to include two paragraphs. Paragraph one will include the Resolution 19-09, paragraph two will ask for input on what is working, not working, and what improvements could be made to the current Charter. An amendment to the motion was made by Dr. Miller for the third paragraph to have an invitation to attend a future Charter Review Commission meeting to discuss input.

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

A suggestion was made by Dr. Miller to add a section to the agenda for the Commissions members to give comments on the information they have received.

Future Charter Review Commission Meeting Dates and Times: The Commission has set the following dates for the next meetings:

- Thursday, August 1, 2019, at 7:00 pm
- Monday, August 19, 2019, at 7:00 pm
- Beginning in September, the Commission will meet on the first and third Thursdays at 7:00 pm

The Commission reached a consensus to invite the original Charter Board members and alternates to the August 1, 2019, meeting to offer comments and feedback. They can also offer their observations in writing.

Other Business: The August 19, 2019, meeting will be used for a feedback review meeting. Chief Administrative Officer will inquire when the County Executive will be able to attend a meeting.

Public Comments: None

Next Meeting

Thursday, August 1, 2019, at 7 pm, Winchester Hall

Adjournment: 8:00 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

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

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

Stephen Slater, Chairperson
Charter Review Commission

MINUTES

FREDERICK COUNTY CHARTER REVIEW COMMISSION

August 19, 2019

Members Present: John Daniels, Dylan Diggs, Paul Gilligan, Lisa Jarosinski, Walter Olson, Stephen Slater, Dr. April Miller was absent

Call to Order: Stephen Slater, Chairperson, called the meeting to order at 7:00 pm.

Pledge of Allegiance

Approval of August 1, 2019, Minutes:

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

Discussion on Compiling Information and Process:

Compiling Information – Chairperson Slater compiled a spreadsheet containing all proposals that have been received to date. The written comments that have been received have been sorted into Charter sections by topic, nature of change, the person who suggested, and date received. Chairperson Slater offered to continue to compile the information as it is received. When public comment is taken, he will summarize their comments and add them to the spreadsheet. Commissioner Diggs asked if the spreadsheet needed to be posted online. County Attorney John Mathias replied that it was up to the Commission if they wanted it to be posted but it was not a requirement. Chairperson Slater will update the spreadsheet and send it to all the Commissioners every Monday. The Commissioners consented.

Process – Chairperson Slater suggested that the Commission would vote on each item on the spreadsheet. If three of the seven members voted in favor of an item, then that item would be placed as a topic for a workshop and potentially

a public hearing. The items presented for a workshop and eventual public hearing would be voted on again at a later date to decide which ones will be presented to the Council for referendum. Four out of the seven Commissioners would be needed to vote for the item for a majority. All Commissioners agreed on this process.

A community engagement plan was suggested by Commissioner Miller at an earlier Charter Review Commission meeting. (Commissioner Miller was absent.) Chairperson Slater asked staff to send out a press release when items will be going to public hearing. All Commissioners agreed to have press releases sent out to notify the public.

Discussion of 2012 Charter Board Pledge:

The Commission Members agreed to have staff create a document with the following pledge for signature and have it posted on the Charter Review Commission's webpage:

The Frederick County Charter Review Commission Pledge

We believe that being selected to serve on the Charter Review Commission, tasked to review the provisions of the Charter for Frederick County in the twenty-first century, is both a civic duty and an honor.

We believe that placing this trust in us obligates us to act in the best interest of all the people of Frederick County.

In so doing, we therefore willingly pledge to set aside our personal, professional, business, and political interests to the higher criterion of what would be best for the County and its people. To help learn this, we will widely engage the public to tell us about their concerns.

The final Charter revisions that we will place before the County Council will be the result of our best efforts to integrate and reach consensus on all of the viewpoints brought forward over the months.

We seek to reach all voters so that they will be able to make a fully informed decision on the Charter amendments.

The signed copy of the Pledge will be posted on the Charter Review Commission webpage.

Commission Member Comments:

Commissioner Diggs was glad the Commission is moving forward with the pledge. He wanted to clarify that the Commissioner's goal is the betterment of Frederick County.

Commissioner Gilligan had no comment

Commissioner Jarosinski had questions about Charter Section 402 (f) – Contractual Signing of Agreements – the public is concerned about the immigration issues associated with the 287(g) program. She asked County Attorney John Mathias to give the Commission guidance on what is or is not in their purview to address. Mr. Mathias explained that the 287(g) program is a federal law. There is very little role for states and counties in regard to immigration. The 287(g) program operation is under the Sheriff's Office and the Sheriff is a State constitutional officer. It is not possible for the Charter to be amended to change State law and have oversight over the Sheriff's Office.

Commissioner Daniels asked for clarification of 402 (f). Mr. Mathias explained that the Sheriff is a State official. There is Maryland case law precedent stating the County has no authority over the law enforcement activities of the Sheriff. The 287(g) program falls under law enforcement. If the Charter Review Commission decided to recommend oversight of the Sheriff in the Charter, a judge would rule that it was not binding. State law trumps County law. Commissioner Daniels requested Mr. Mathias to write an opinion to state that the Charter has no role in regulating the Sheriff's Office. Mr. Mathias agreed to do that.

Commissioner Gilligan asked if the Sheriff is allowed to sign any contract. Mr. Mathias explained that no one in the State level has authority over the Sheriff. He reports to the voters. The Sheriff is subject to the County budget and cannot enter into a contract unless there is money in his budget. The County has a responsibility to pay the necessary expenses of the Sheriff's Office. The Commission agreed to have Mr. Mathias write an explanation of this in the opinion he will submit.

Commissioner Daniels clarified his statement from last week when he said Montgomery County Council does not have standing committees. Mr. Mathias gave Commissioner Daniels information from Montgomery County's website that showed that they do have standing committees.

Commissioner Daniels and Commissioner Olson will be having a roundtable discussion with the League of Women Voters on Saturday, September 14, 2019, at 9:00 am at Dublin Roasters in Frederick. Mr. Mathias reminded the Commission Members to remember the Open Meetings Act and that four members are a quorum.

Other Business:

Commissioner Olson asked when the Frederick County Delegation will be contacted for their input on Charter revisions. The Commission Members asked staff to send letters to the County Delegation. The letters should be similar to the ones sent to the current and former Council Members asking for their comments. Former Frederick County Delegation members will not be sent letters. The written response deadline will be September 19,

2019. No letters will be sent to Frederick County municipalities. There was a consensus from all Commission Members.

Future Agenda Items:

September 5

- Sign the Frederick County Charter Review Commission Pledge
- Charter discussion with Council President Keegan-Ayer, Council Vice President Blue, Council Member Dacey, Council Member Donald, and Council Member Fitzwater
- Vote on items on the spreadsheet to move forward for workshop discussion and possible public hearing - Articles 2 and 3 of the Charter

September 19

- Charter discussion with Council Member Hagen and Council Member McKay
- Vote on items on the spreadsheet to move forward for workshop discussion and possible public hearing - Articles 4 and 5 of the Charter

October 3

- Charter discussion with County Executive Gardner

Public Comments:

1. Bill Ashton, 932 Cherokee Trail, Frederick

Mr. Ashton said that he does not and has never supported Charter government.

Mr. Ashton's requests:

- a. Do not change the structure or authority of the Frederick County Sheriff's Office
- b. Add language to the Charter to cover council member conduct with disciplinary actions – to make sure that a council member is not in office for self-serving reasons

2. Eileen Benecke

Requests/Questions:

- a. Please provide an index at the beginning of the Charter
- b. Clarify the tools in the Charter that the council members have to balance the power between the council and the county executive
- c. Besides amendments, will the Charter Review Commission add more to the final report such as recommendations?

- d. Provide the background documents the original Charter Board used to create the Frederick County Charter
- e. Provide information the Charter Review Commission will be using to make decisions and provide the reasons that information was used
- f. Provide a footprint for the next Charter Review Commission

County Attorney Mathias addressed Ms. Benecke's request for an index for the front of the Charter. He pointed out that the Frederick County Charter is included in the Frederick County Code. The online Code is searchable.

3. Ellen Lehrner

Questions:

- a. Inquired if the Charter Review Commission will discuss Articles 7 and 8?

Chairperson Slater answered that so far no proposals have been submitted regarding those sections. Article 7 covers miscellaneous provisions. To date no one has offered suggestions for this section. If suggestions are received for Article 7 then that section will be discussed. Article 8 discusses the transition from the commissioner form of government to the charter form of government which has already happened.

- b. Inquired as to how the public can offer a proposal to the Charter Review Commission?

Chairperson Slater provided information to find the Charter Review Commission webpage and the email address to send in suggestions.

4. Richard Kaplowitz

- a. Requested to make documents used by the Charter Review Commission, including legal documents provided by attorneys, available to the public via the webpage. The public would like to know the thought process of the Commission.

Chairperson Slater provided closing comments – He encouraged the Commission Members to get out into the public and get feedback from and provide information to individuals and community groups. Chairperson Slater also suggested to invite interested parties to a Charter Review Commission meeting.

Next Meeting:

Thursday, September 5, 2019, at 7 pm, Winchester Hall

Adjournment: 8:00 pm

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

Stephen Slater, Chairperson
Charter Review Commission

MINUTES

FREDERICK COUNTY CHARTER REVIEW COMMISSION

September 5, 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 August 19, 2019, Meeting Minutes:

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

Frederick County Charter Review Commission Pledge Signing:

Chairperson Stephen Slater read the Charter Review Commission Pledge and it was signed by the commission members. The Pledge will be posted on the Charter Review Commission webpage.

Discussion with Current Frederick County Council Members – Council President Keegan-Ayer, Council Vice President Michael Blue, Council Member Phil Dacey, Council Member Jerry Donald, and Council Member Jessica Fitzwater: (Council Member Phil Dacey was absent.)

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 would like more details on their suggestions.

Council President M.C. Keegan-Ayer emphasized three suggestions for the Charter Review Commission to review. 1) Add standing committees to assist the Council with fact finding and to monitor the issue once the legislation has

been passed. 2) Vacancy of a county executive – A process should be established for when the county executive position is vacant. Currently, a vacant seat must be filled by a member of the same political party as the one that left. If the elected official changed political parties during their time in office, the seat should be filled by the political party of the elected official when that person was originally elected. 3) Budget concerns – how to balance the power between the county executive and the county council. Currently the Charter allows the council to only make cuts to the budget. Council President Keegan-Ayer would like for the Charter to allow council members to cut a line item and move the money to another area by a super majority.

Council Vice President Michael Blue shared Council President Keegan-Ayer's concerns about the budget. He felt that the budget timeline is too short. The council needs to be more involved with the budget process during the entire year. Council Vice President Blue also stated that the process of filling vacancies needs more public input. He realized, however, that our Charter form of government is new and no major changes should be made.

Council Member Jerry Donald wanted the Commission to know that they should not feel obligated to make changes to the Charter at this time. He was cautious about suggesting too many changes to the Charter. He was not sure if the problems the council has experienced were due to the personalities of the council members or problems with the Charter. As far as the budget, he felt that having individual meetings with the county executive before the budget process is important. It allows the council members to get a preview of the county executive's budget before April 15. If any changes are made to the Charter to allow the council to add or move funds, it will become a very long and arduous process and will cause problems. Many details will have to be discussed including hiring a budget director for the council if changes are made in the council's budget role.

Council Member Jessica Fitzwater had four items she would like the Charter Review Commission to consider. 1) Budget concerns - she stated she was torn in her ideas about how the budget process should be changed in the Charter. She felt the amount of time that is allotted for the council to review the budget is not sufficient. Council Member Fitzwater felt that the budget process issue should be emphasized during the Charter Review Commission discussions. 2) The council president should have some additional stipend. She felt that position is not fairly compensated for the amount of work that is required. 3) Insurance for council members - The lack of benefits and the salary for the council members limits the quality of candidates that run for County office. 4) Section 212 (b) of the Charter - Non-interference – Council Member Fitzwater felt that this section is very vague. For example who decides the definition of "Council"? Who decides if a requests has a legislative component? The communication process between the Council and the County Executive at times seems more complicated than is necessary. She would like to see clarification in this section of the Charter.

Questions from the Commissioners:

Commissioner Walter Olson – Asked about the topic of standing committees. He asked Council President Keegan-Ayer why the ability to have ad hoc committees was not sufficient. Council President Keegan-Ayer stated under the current Charter, the council is allowed to create ad hoc committees for fact finding for a limited amount of time. The interpretation currently is that once the fact finding is complete, the ad hoc committee must be dissolved. She felt that having a standing committee that met on a quarterly basis would be advantageous to continue to monitor a legislative issue once it was passed. Council Member Fitzwater felt that having standing committees would be challenging for part time council members.

Commissioner Lisa Jarosinski shared that the original Charter Board had a fear that standing committees would create legislation and circumvent the county council. The meaning of standing committees must be defined if it is to be added to the Charter.

Commissioner April Miller stated that in her experience with the Board of Education, standing committees were successful. She was not opposed to discussing standing committees. Council President Keegan-Ayer explained that she would like to see a standing committee so that an issue could continue to be monitored.

Commissioner Miller asked if it would be beneficial for the council to have meetings with the county executive before April 15 to discuss their priorities. She stated that she did not like the idea of individual council members meeting behind closed doors with the county executive. The current process did not seem open and transparent. She would like public meetings with all of the council members and the county executive to discuss issues before the budget is finalized. Discussing the budget with the county executive should not be based on dynamics and personalities. This would create more interaction between the council and the county executive. The County Chief Administrative Officer, Rick Harcum, explained that the process Commissioner Miller was suggesting could happen now if desired. Commissioner Miller felt that a process in the Charter should be put in place to make it happen. Council Member Fitzwater agreed and added that it would force council members to be more prepared for when the budget is received from the county executive on April 15. Council Chief of Staff Ragen Cherney explained the current process at the beginning of each year is for the council to meet with all of the division directors to find out their budget needs. Commissioner Miller felt that discussing a more defined budget process for the Charter would be beneficial. Council Member Donald added that the current County Executive has been open to all Council Members to meet with her about the budget. Some chose not to accept the invitation.

Rick Harcum added a transparency comment. He pointed out that every budget request is documented and comes through a transparent process. All requests have backup documentation to justify the request and is provided in the “red book” and shared with the Council. Commissioner Dylan Diggs asked if the “red book” was mandatory or provided in good faith by the County Executive. Mr.

Harcum answered that it is not mandated in the Charter but is a process that will be continued by future county executives.

Commissioner John Daniels inferred that it was a concern of the Council to be able to have standing committees for the ongoing review of legislative considerations. Council President Keegan-Ayer realized while discussing standing committees, there could be a different interpretation to ad hoc committees in the Charter.

Commissioner Daniels continued with thoughts about the budget. He felt that the Charter Review Commission needs to look at a way to get the council involved earlier in the county executive's budget process. Not making too many changes to the budget, however, was a concern.

Commissioner Lisa Jarosinski did not have any specific questions for the Council Members. She agreed with Commissioner Miller on having a public budget meeting with the council and the county executive early in the budget process. She would like more discussion on standing committees if Council President Keegan-Ayer does not have success with her ideas on ad hoc committees.

Commissioner Paul Gilligan said that he was interested in ad hoc committees and standing committees and would like to have further discussion. He asked Council President Keegan-Ayer if she was sure her new interpretation of ad hoc committees was sufficient. She replied that if she found that there was a problem, she will come back to the Charter Review Commission and let them know.

Commissioner Gilligan discussed the budget and the suggestion that the council would need a full time budget director and council attorney. He felt that adding these positions could assist the council with their issues with the budget timeline. Council President Keegan-Ayer explained that administration staff gives the council briefings on a quarterly basis. She suggested that as Council President, she could have a Council workshop that would include staff from the finance department to get a better understanding of the upcoming budget. It will also force the Council Members to become more engaged in the budget process. Under section 213, the council currently has the power to hire more staff and has a contract budget. The council, however, does not have the budget to hire a council attorney or a budget director full time.

The subject of adding health insurance to the council benefits would help attract quality candidates. Chairperson Slater added that the Charter Review Commission could propose to remove the prohibition of insurance benefits from the Charter. This would allow the discussion of providing benefits during the council compensation review. County Attorney John Mathias stated that benefits for council members could not start midterm.

Council Member Fitzwater left the meeting at 8:00 pm.

Commissioner Miller asked about the council adding new staff salaries to their budget when the county executive has the power to zero out that line item. Council President Keegan-Ayer affirmed that was correct but the council has

tools to encourage the county executive to negotiate. Commissioner Miller stated that having the ability to add and move budget funds would be helpful in this instance.

Commissioner Dylan Diggs wanted to make sure that the council members have the tools to do their job even in the worst case scenario of a divided government.

Chairperson Stephen Slater asked if obtaining information from the Administration was a severe problem. Would changing the wording in the Non-interference section of the Charter from council to council member be helpful? Council President Keegan-Ayer stated that the process was created to protect Administration staff from Council Member harassment. The Communication Policy between the Council and the County Executive is a fluid document with changes being made periodically. Rick Harcum, Ragen Cherney and John Mathias explained the intricacies of the Communication Policy and the processing of constituent issues. Council President Keegan-Ayer stated the current process is needed to not overwhelm the Administration staff with a large amount of individual Council Member requests for information. Commissioner Miller felt that an elected council member should be able to obtain information needed to assist a constituent or for legislative purposes. She added that this should happen in a timely manner. The flow of information should work for everyone not just for those who are in line with the county executive.

Chairperson Slater asked Council Vice President Blue about his first experience with the budget process this past spring. He felt the budget process went very well but more time is needed to discuss the process with the county executive. Council Vice President Blue would like to see more transparency when it comes to public hearings between the council and the county executive on the budget.

Chairperson Slater thanked the Council Members for attending the meeting and sharing their thoughts on the Charter.

Vote on Charter Revisions to Move Forward to Workshop and Public Hearing - Articles 2 & 3:

Chairperson Slater asked the Commissioners if they wanted to begin working on the proposals on the spreadsheet or to table it until the next meeting. There was a consensus by the Commission to begin.

Spreadsheet Item 1 – Article 1, Section 104(a) – Definition of “Agency”

Add phrase “including all entities, however structural, that utilize the County’s financial system”

Motion: To table Spreadsheet Item 1 to a later meeting

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

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

Spreadsheet Item 2 – Article 2, Section 203 – Council to Act as a Body

Add to the county council the ability to create standing committees

Motion: To forward Spreadsheet Item 2 to a work session

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

Spreadsheet Item 3 – Article 2, Section 204(c) (and Section 201) – Election of County Council

Abolish two at-large council member positions (and reduce county council from seven to five district council members)

Motion: To forward Spreadsheet Item 3 to a work session

There was no support to forward this item to a work session

Spreadsheet Item 4 – Article 2, Section 204(e) – Election of County Council

Create staggered terms for council members so all are not elected in gubernatorial election cycles

Motion: To forward Spreadsheet Item 4 to a work session

John Mathias informed the Commissioners that to change this item would need a constitutional amendment

There was no support to forward this item to a work session

Spreadsheet Item 5 – Article 2, Section 205(c) – Qualifications for County Council

Prohibit council members from serving as employees of the Board of Education due to perceived conflict of interest

Motion: To forward Spreadsheet Item 5 to a work session

Commission Member	Motion	Second	Aye	Nay	Absent/Abstain
Diggs			✓		

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

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. Therefore, the item will move forward to a work session.

Discussion on Additional Meeting Dates:

Executive Assistant Lee Redmond advised that she has tentatively scheduled additional commission meetings for October 31, 2019, and January 30, 2020. There was a consensus to add January 30, 2020, to the meeting schedule and to find another date the last week of October since October 31, 2019, is Halloween. Ms. Redmond will inquire if the Third Floor Meeting Room and Video Services are available on another date.

Commission Member Comments:

Commissioner Diggs – felt that the discussions so far have been constructive and wanted to encourage the public to give the commission their suggestions for the Charter.

Commissioner Gilligan – felt the advice to not do anything “stupid” with the Charter was useful.

Commissioner Jarosinski – did not have any comments

Vice Chairperson Daniels – did not have any comments

Commissioner Miller – felt that having the difficult discussions are necessary to improve the Charter

Commissioner Olson – shared that he attended the County Municipal League meeting and gave a presentation about the Charter Review Commission

Chairperson Slater – 1) was very happy that the Pledge was created and signed and 2) was happy about the way the Charter Review Commission process was moving forward

Future Agenda Items:

1. Discussion with Current Frederick County Council Members – Council Member Kai Hagen, Council Member McKay and Council Member Phil Dacey (tentative)
2. Continue to Vote on Charter Proposals to Move Forward to Workshop and Public Hearing
3. Discussion with Finance and Budget staff on Article 5 of the Charter-Budget and Finance

4. Discussion on interviewing additional County staff

Action Items:

There was a consensus for Ragen Cherney to ask the County Executive if County Finance and Budget staff would be allowed to attend a meeting to discuss Article 5 of the Charter.

Public Comments:

Mike Morse, 5512 Old National Pike, Frederick – Supported the proposed changes to Article 1, Section 104(a) – Definition of “Agency”, Article 2, Sections 203 and 211 as submitted by himself, Ellen Lerner and Sea Raven Morse via email on August 29, 2019. The review commission needs to address three anomalies in the current Charter:

1. The county sheriff is not accountable to the County
2. The county executive and council need to sign off on all contracts concerning the County except for those of the sheriff
3. Federal law states that any locale does not have to participate with the 287(g) program unless it wishes to, yet the sheriff is able to make this decision on his own

Sea Raven Morse, 5512 Old National Pike, Frederick – Gave information about the sheriff and the 287 (g) program. In addition, she gave the opinion of the Maryland Attorney General that the limited training in immigration enforcement of the sheriff’s deputies increases the risk of racial profiling. The Attorney General’s Office has declined to defend the Sheriff in the Medrano lawsuit. The proposed changes would allow the council to have oversight of the actions of the sheriff’s office.

Ellen Lerner – Explained that the proposals emailed by her, Mike and Sea Raven Morse are to bring the sheriff into accountability. Currently, State legislators tell County officials to comply with federal law. She encouraged the Commission to strengthen the Charter and to make proposals to allow the council to make the sheriff more accountable. There are some very unconstitutional and criminal activities that need to be addressed.

Richard Kaplowitz, Crestwood Village 7056 Catalpa Road, Frederick – Made statements in response to the proposal spreadsheet that was discussed earlier. He felt that the issue of teachers on the county council is political in nature. The public weighs the qualifications of each individual candidate and does not have a fear that the candidate is only interested in how the position would benefit the candidate. The election process will take care of that concern. Mr. Kaplowitz encouraged the Commission not to make changes in the number of council members at this time. On the issue of the council adding a budget director and a staff attorney, Mr. Kaplowitz felt that there should be an opportunity stated in the Charter for citizens in Frederick to volunteer to take those positions on a part

time basis. There needs to be a legal opinion from the Maryland Attorney General on if there should be restrictions on how the County funds are allocated by the sheriff for the 287(g) program. Finally Mr. Kaplowitz relayed that he felt the Charter should not be abolished.

Adjournment: Time: 9:13 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

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

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

MINUTES

FREDERICK COUNTY CHARTER REVIEW COMMISSION

October 17, 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 October 3, 2019, Meeting Minutes: **Attachment – With Corrections**

In the October 3, 2019, minutes 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.”

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

Discussion with Finance Director Lori Depies on Potential Charter Changes:

County Finance Director Lori Depies gave a PowerPoint presentation on potential changes to Charter Section 508(a).

The current Charter language is below. The section suggested for change is in bold:

Borrowing Limitations (a) Except as otherwise provided by State law, the aggregate amount of bonds and other evidences of indebtedness outstanding at any one time that pledge the full faith and credit of the County may not exceed a total of five percent of the assessable basis of real property of the County and fifteen percent of the County's assessable basis of personal property and operating real property described in § 8-109(c) of the Tax - Property Article. (b) Except as may otherwise be provided by State law, the following may not be computed or applied in establishing the debt limitations provided in this section: (1) Tax anticipation notes or other evidences of indebtedness having a maturity not in excess of 12 months; (2) Bonds or other evidences of indebtedness issued or guaranteed by the County payable primarily or exclusively from taxes levied in or on, or other revenues of, special taxing areas or community development authorities; and (3) Bonds or other evidences of indebtedness issued for self-liquidating and other projects payable primarily or exclusively from the proceeds of assessments or charges for special benefits or services.

Ms. Depies stated that as the Charter in its current form, it is consistent with State law. The indebtedness of the County is limited to 5% of the accessible base of the real property and 15% of the County's accessible base for personal property and operating real property. Ms. Depies felt 5% and 15% could open the County up to debt issues and she would like to see it lowered to 3% and 9% respectively. The current borrowing limitations for the County for allowing 5% of indebtedness would give a capacity to do additional borrowing that the County might not be able to afford. The Finance Department recommends to change to 3% of real property and 9% of personal property which would be more in line with what the County can actually afford based upon the affordability model. These percentages would allow for incurrence of debt up to the amount of \$251 million in case of a catastrophic event. Currently, the County is at 2.6%.

Commissioner April Miller asked if these changes correlated with the CIP. Chief Administrative Officer Rick Harcum stated that everything that is already in the CIP is within the affordability limits that are being recommended. Commissioner Miller asked if the County could afford the mandates from the Kirwan Commission. Ms. Depies explained that what the Kirwan Commission will be passing along to the counties will be reflected in the County's operating dollars to the Board of Education. The County does not leverage debt for operating expenses, only for capital expenditures. The expenses incurred from the Kirwan Commission directives will come from income, property or special taxes. A borrowing limitation should not have an effect on the County's ability to have the money available for the Kirwan Commission expenses.

Chairperson Stephen Slater stated his concerns about a future county government being restricted if catastrophic events happened. Ms. Depies suggested that the Commission could look at 3.5% or 4% if they are uncomfortable with 3%. At 3.5%, there would be an excess margin of \$411 million and at 4%, there would be an excess margin of \$570 million.

Commissioner Diggs asked about a catastrophic event during a recession. Ms. Depies stated the borrowing capacity under the Charter is based on the real property assessed values. The County has the Homestead Cap that buffers the amount of how much people's taxes can increase as well as insulates the County when property values fall.

Chairperson Slater asked for a copy of Ms. Depies' PowerPoint presentation. Ms. Depies will send it to Lee Redmond.

Chairperson Slater will add Ms. Depies' proposal to the Proposals Spreadsheet.

A motion was made by Commissioner Miller to move the proposal from County Finance Director Lori Depies to change the percentages in Charter Section 508(a) from 5% and 15% to 3% and 9% to workshop.

The motion was seconded by Commissioner Diggs.

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

Vote on Tabled Proposals:

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.

- a. Spreadsheet Item 17 – Article 24, 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 leave on the table by Vice Chair John Daniels:

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

- b. Spreadsheet Item 27 – Provide a more open and transparent process for Board of Education vacancies to include public hearings and input from the 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		✓	

Workshop on Redistricting: Attachment – [Commissioner Olson’s Memo](#)

Before the discussion took place, Chairperson Slater reviewed his thoughts on the workshop process. During a workshop, there will be a discussion of the item/proposal in an orderly fashion. At some point, a member of the Commission will call for a vote and the Commission will proceed with the voting process. Under agreed upon conditions set by the Charter Review Commission, an item would be forwarded to the final report with the assent of four members. Commissioner Miller suggested that the voting process does not have to take place at the same meeting as the workshop. There will need to be a legal consultation on the proper wording of the proposal before the vote for items to be added to the final report. Commissioner Miller went on to suggest that an item/proposal should not be workshopped and voted on in the same meeting (with a few exceptions such as an insignificant change). The Commission members consented to the following process: 1) discuss the item/proposal in a workshop, 2) craft preliminary language for the proposal and 3) send the proposal to the County Attorney’s Office for finalization of the language.

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

The current Charter language is below. The section suggested for change is in bold:

*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.*

Commissioner Walter Olson presented his memo on redistricting which was based on a proposal by Council Member Kai Hagen. According to the Charter, the council districts are supposed to be “substantially equal in population”. The language of “substantially equal” is not defined. If the wording in the Charter is not changed, leeway could be exercised by political bodies which could harm the democratic process. Commissioner Olson would like to see the variance of

population specifically defined. The definition could be numerical standards (X% spread) or verbal standards (as equal as possible). The goal would be to not break up precincts. Commissioner Olson used precinct registered voter data not actual district population data for his memo. The redistricting would be based on census calculations which means all persons in an area are counted not just registered voters.

Chairperson Slater clarified that the Charter Review Commission would not be redistricting the councilmanic districts just proposing modifications to make the Charter language more clear.

During the discussion, many on the Commission agreed that a numerical standard would be beneficial. The Commissioners decided to further discuss this issue with Elections Director Stuart Harvey before a final decision is made.

Commissioner Olson was asked to work on the language of this proposal and share it with the other Commission members. Specifically, the Charter wording could be, "with every attempt for a district not to exceed the population of another by more than X percent," instead of, "substantially equal in population".

Chairperson Slater will contact Mr. Harvey to give him the background of what the Commission has been discussing prior to the November 18, meeting.

Discussion on Interviewing Additional County Staff:

By consent of the Commission members, there was no request for specific county staff to attend any future meetings.

Discussion on Meeting Time Change and Additional Meeting Dates– Lee Redmond, Executive Assistant, County Council:

- a. **Beginning in November, all meetings can start at 6:00 pm and end at 10:00 pm.**

By consent of the Commission members, the Charter Review Commission meetings will stay 7:00 pm to 9:00 pm at this time.

- b. **The only extra available meeting days for November and December: Thursday, November 14, 2019, 6:00 pm to 10:00 pm and Monday, December 16, 2019, 6:00 pm to 10:00 pm.**

By consent of the Commission members, the Charter Review Commission will not add any additional meeting dates at this time.

Future Agenda Items:

Monday, October 28, 2019

1. Vote on Tabled Proposals to Move Forward to Workshop and Public Hearing:

- a. Spreadsheet Item 1 – Article 1, Section 104(a) – Change definition of “Agency” from, “...entity of the Frederick County Government.” to “...entity funded by Frederick County taxes.”
 - b. 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)).
2. Vote on Charter Proposal to Move Forward to Workshop and Public Hearing:
 - a. Spreadsheet Item 30 – Article 5, Section 508(a) – Change borrowing limitations from 5% to 3% of real property and from 15% to 9% of personal property.
3. Workshop on Charter Proposals - Spreadsheet items 6, 7,9,19 – Salary and Pay – Floor Manager – Commissioner Diggs
4. Workshop on Charter Proposal - Spreadsheet item 11 – Change issuance of a subpoena - Floor Manager – Chairperson Slater

Monday November 4, 2019

1. Discussion with Frederick County Executive Jan Gardner (Confirmed)

Thursday, November 7, 2019

1. Discussion with Budget Director on Potential Charter Changes – Kelly Weaver (Confirmed)
2. Workshop on Charter Proposals – Spreadsheet Items 8, 20, 21, 27 - Vacancy – Floor Manager – Commissioner Miller

Monday, November 18, 2019

1. Discussion with the Director of Frederick County Board of Elections – Stuart Harvey (Confirmed)
2. Vote on Charter Revisions to Move Forward to Workshop and Public Hearing

Wednesday, December 11, 2019

Thursday, December 19, 2019

Public Comment:

Public comment was heard from the following people concerning Charter Article 4, Section 402(f), the opinion of County Attorney John Mathias concerning Charter Article 4, Section 402(f), Charter Review Commission Proposal Spreadsheet items, the 287(g) program, the Frederick County Sheriff's Office and Sheriff Chuck Jenkins.

Mark Schaff, Urbana

Mary Posey, Myersville

Bill Ashton, Frederick City

Jason Miller, Mt. Airy

Montgomery County Resident, No Name Given

Sea Raven Morse, 5512 Old National Pike, Frederick

Ellen Lerner, Frederick County Resident

Mike Morse, 5512 Old National Pike, Frederick

James Gross, Myersville

Commission Member Comments:

Commission Member comments were provided.

Adjournment:

By unanimous consent of the Commission members, the meeting adjourned at 9:15 pm.

Stephen Slater, Chairperson
Charter Review Commission

MINUTES

FREDERICK COUNTY CHARTER REVIEW COMMISSION

October 28, 2019

Members Present: John Daniels, Dylan Diggs, Paul Gilligan, Lisa Jarosinski, Dr. April Miller (arrived at 8:12 pm), Walter Olson, Stephen Slater

Call to Order – Stephen Slater, Chair

Time: 7:00 pm

Attendance:

Slater	✓		Jarosinski	✓
Daniels	✓		Miller	
Diggs	✓		Olson	✓
Gilligan	✓			

Pledge of Allegiance

Approval of October 17, 2019, Meeting Minutes:

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

Vote on Tabled Charter Proposals to Move Forward to Workshop and Public Hearing:

Spreadsheet Item 1 – Article 1, Section 104(a) – Change definition of “Agency” from, “...entity of the Frederick County Government.” to “...entity funded by Frederick County taxes.”

Motion to **not** move to workshop:

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

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

Spreadsheet Item 1 – Article 1, Section 104(a) will not be moved to workshop

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 where there is an expenditure of County funds. (i.e. MOA between DHS/ICE and FCSO re: Section 287(g)).

Motion to move to workshop:

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

Spreadsheet Item 17 – Article 4, Section 402(f) will be moved to workshop

Workshop on Charter Proposals:

Commissioner Diggs Compensation Review

Spreadsheet Item 6 – Article 2, Section 207 - Increase council member salary. Floor Manager – Commissioner Dylan Diggs

The current Charter language is below.

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.

Chairperson Stephen Slater made two points. 1) If the "Salary of \$22,500 per annum" language is kept in the Charter, it establishes a base salary amount for the county council members. 2) The amount of \$22,500 for council members was put into the Charter so that changing to a Charter form of government in 2014 would be cost neutral. With inflation, \$22,500 is not worth the same as it was in 2014.

There was discussion on if a change to this language would require an ordinance/bill or if it would require a referendum vote. County Attorney John Mathias read excerpts from the Maryland State Code, *Local Government Article, Section 10-302 (a) Compensation commission. -- By ordinance, a county may establish a commission to recommend*

compensation and allowances for members of the county legislative body. (b) Recommendations. -- (1) Within 15 days after the beginning of the fourth year of the term, a commission established under this section, by resolution, shall submit to the county legislative body its recommendation for the compensation and allowances for members of the county legislative body. (2) Subject to subsection (e) of this section, the commission may recommend an increase or decrease in the compensation and allowances for members of the county legislative body. (c) Legislative action. -- On receiving the resolution, the county legislative body may reduce or reject the commission's recommendation, but may not increase any item. (d) Changes in salary. -- Any change in the compensation and allowances of members of the county legislative body shall be enacted by ordinance before the election for the members of the next succeeding county legislative body and take effect only for the members of the next succeeding county legislative body. (e) Minimum for compensation and allowances. -- The compensation or allowances for members of the county legislative body of a charter county may not be less than provided in the county charter.

Chairperson Slater asked if the compensation commission recommended to increase the salary of the council members, and the county council adopted it, would the county executive be bound to add that increase to the budget. Mr. Mathias said that the budget would have to be increased. Mr. Mathias will research if revisions to council member salaries can be made by changing Charter language.

It was discussed to let the upcoming county executive and county council member salary review commission concentrate on this item.

Motion to **not** take further action on Spreadsheet Item 6 – Article 2, Section 207:

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

No further action will be taken on Spreadsheet Item 6 – Article 2, Section 207

Spreadsheet Item 19 – Article 4, Section 406(a) – Increase the salary of the county executive. Floor Manager – Commissioner Dylan Diggs

The current Charter language is below.

406. Compensation of the County Executive (a) Subject to subsection (b) of this section, the Executive shall receive a Salary of \$ 95,000. In addition to Salary, the Executive shall be entitled to receive Allowances and Fringe Benefits as those terms are defined in this Charter. The Executive may not accrue annual leave or be entitled to any payment in lieu thereof.

It was discussed to let the upcoming county executive and county council member salary review commission concentrate on this item.

Motion to **not** take further action on Spreadsheet Item 19 – Article 4, Section 406(a):

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

No further action will be taken on Spreadsheet Item 19 – Article 4, Section 406(a)

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. Floor Manager – Commissioner Dylan Diggs

The current Charter language is below:

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.

It was discussed that due to the fact that the position of council president is more time intensive, the salary of the council president should be more than the rest of the county council.

Mr. Mathias was asked what it would require to change the Charter language to state that the council members would receive a different amount of compensation than the council president. He will research this question and then reply to the Commission.

Motion to table Spreadsheet Item 9 – Article 2, Section 210/207 pending information from the County Attorney:

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 was tabled pending information from the County Attorney

Spreadsheet Item 7 – Article 2, Section 207 - Allow benefits for council members. Floor Manager – Commissioner Dylan Diggs

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.*

Commissioner Diggs offered the following data:

Salary and Benefits Budget	
Individual Costs	Amount
<i>Salary</i>	\$22,500.00
<i>Payroll Taxes</i>	\$1,735.00
<i>Annual Individual Expenses</i>	\$1,000.00
Individual Costs Total	\$25,235.00
Council Total Accounted Costs (current)	\$176,645.00
Fringe Benefits*	
<i>Health Insurance</i>	\$15,143.00
<i>Pension</i>	\$3,015.00
<i>OPEB (Retiree Health)</i>	\$5,064.00
<i>Life Insurance</i>	\$75.00
<i>Dental Insurance</i>	\$60.00
<i>Unemployment Insurance</i>	\$51.00
Benefits Individual Total	\$23,408.00
Benefits Overall Total	\$163,856.00

Overall Costs with Benefits	
Individual Overall Total	\$48,643.00
Total Council Overall Costs (including all seven CMs)	\$340,501.00
Additional Analysis	
Benefits % of current cost	92.76%

Commissioner Diggs stated that the question up for discussion was if the Commissioners wanted to remove, “*The Salary shall be in full compensation for all services performed,*” language in the Charter that restricts the County from offering benefits to council members. Currently, none of the other Maryland counties that have part-time council members (citizen legislators) offer benefits. It was Commissioner Diggs’ opinion not to move this item forward. In his view, the Charter was set up with the council members being citizen legislators (defined as elected legislators that have a full-time occupation besides serving on the council). The Frederick County Charter form of government was too new for the Commission to propose changing the incentive structure.

There was discussion that citizen legislatures only allow people of means to run for a council member position and become elected. Removing the barriers from the Charter language would allow the compensation commission to make the decision. The cost of allowing council members to receive benefits was cited as a deterrent due to the massive jump in compensation even if the council member salaries remained \$22,500. There would be a significant cost to the taxpayer.

Mr. Mathias was asked to create the language for Charter Article 2, Section 207 that will allow for council members to receive benefits.

Motion to 1) remove the language from Charter Article 2, Section 207 that prohibits benefits for council members, 2) ask the County Attorney for proposed language for the change, and 3) include this item in the Commission's final report.

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

Spreadsheet Item 7 – Article 2, Section 207 will be included in the final Charter Review Commission Report

Commissioner April Miller arrived at 8:12 pm

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

The current Charter language is below:

211. Investigations by the Council the Council may investigate the affairs of the County and the conduct and performance of any Agency. The Council may subpoena witnesses, administer oaths, take testimony, and require the production of evidence for purposes of this section. A subpoena may be issued to any current County employee, County agency or department, or contractor doing business with the County upon the affirmative vote of at least six council members.

Chairperson Slater led the discussion of this issue. Almost all Maryland county charters allow the issuance of subpoenas with a simple majority vote. Frederick County is the only county that currently requires a supermajority of six out of seven council members. Chairperson Slater recommended that the Commission propose the change of a supermajority for subpoenas to five out of seven council members.

Motion to forward a change the language in Article 2, Section 211 of the Charter from six out of seven council members required for a subpoena to five out of seven.

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

Spreadsheet Item 11 – Article 2, Section 211 will be included in the final Charter Review Commission Report

Future Agenda Items

Monday, November 4, 2019 (Meeting begins at 6:00 pm)

Discussion with Frederick County Executive Jan Gardner (Confirmed)

Thursday, November 7, 2019

Discussion with Budget Director on Potential Charter Changes – Kelly Weaver (Confirmed)

Workshop on Charter Proposals – Spreadsheet Items 8, 20, 21, 27 - Vacancy – Floor Manager – Commissioner Miller

Monday, November 18, 2019

Discussion with the Director of Frederick County Board of Elections – Stuart Harvey (Confirmed)

Workshop Proposals

Commissioner Diggs requested to add a workshop on the process of changes to future Charter Review Commissions. Chairperson Slater will add this request to the charter proposal spreadsheet.

Commissioner Olson acknowledged the proposals that were received from Mr. Grose and stated that Carol Jarr Sepe will send in her proposals.

By unanimous agreement, an announcement was made by the Charter Review Commission that the acceptance of Charter change proposals will end on December 1, 2019. A request was made to Council staff to prepare a press release. This information will need to be added to the Charter Review Commission webpage.

Public Comments:

Chairperson Slater stated ground rules for public comment.

Public comment was heard from the following people:

Mark Schaff, Urbana

Bill Ashton, Frederick City

Gil House, Urbana,

Clarence Price, Jefferson

James Grose, Myersville, President of Frederick County Conservative Club

Mary Posey, Myersville

Jason Miller, Mt. Airy

Sally Oden, Frederick

Robert Worley, Knoxville

Sheriff Chuck Jenkins

The topics included: Charter Article 4, Section 402(f), the increase of County spending with the increase of benefits to council members, where salaries come from for County/State employees, increased County Executive spending by adding to her staff and having a private security detail, the elimination of Charter Section 8, the omission of the Prince George's County Charter on the Charter Review Commission webpage, the request to include an index in the Charter, negative impact of professional politicians vs. volunteer citizen politicians, election recalls, elected vs. appointed ethics board, council member code

of conduct, the 287(g) program, ICE, the Frederick County Sheriff's Office, Sheriff Chuck Jenkins, the opinion of County Attorney John Mathias concerning Charter Article 4, Section 402(f), a request to the Commissioners to look at the Charter in its entirety, consider that the taxpayer would be funding the increase in council member compensation, giving full-time benefits to a part-time position, the abolishment of the 287(g) program creating a sanctuary county, the protection of Frederick County citizens, the roll of the Sheriff and the roll of the County Executive

Commission Member Comments:

Commission Member comments were provided.

Adjournment:

By unanimous consent of the Commission members, the meeting adjourned at 8:57 pm.

Stephen Slater, Chairperson
Charter Review Commission

MINUTES

FREDERICK COUNTY CHARTER REVIEW COMMISSION

Monday, November 4, 2019

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

Call to Order – Stephen Slater, Chair

Time: 6:00 pm

Attendance:

Slater	✓		Jarosinski	✓
Daniels	✓		Miller	
Diggs	✓		Olson	✓
Gilligan	✓			

Pledge of Allegiance

Approval of October 28, 2019, Meeting Minutes:

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

Discussion with County Executive Jan Gardner:

Chairperson Stephen Slater presented the Charter Review Commission timeline:

- On December 1, 2019 – Charter Review Commission will stop taking proposals
- By December 31, 2019 – Draft Charter Review Commission Report
- In January 2020 – Draft Charter Review Commission Report will be presented to the public for comment
- By February 28, 2020 – Draft Charter Review Commission Report will be finalized

- On March 10, 2020 – The Charter Review Commission will present their Report to the County Council Members

The Charter Review Commission welcomed County Executive Jan Gardener to the meeting.

County Executive Gardner stated that overall, since the Frederick County Charter has taken effect, good government has been delivered.

Topics that were discussed included:

Budget – County Executive Gardner felt that if the county council is granted the ability to modify or transfer (instead of only delete) funds in the budget, the county executive should have right to approve the changes. The council should be required to spend more time reading, discussing and considering the budget than they currently take. County Executive Gardner felt that this should include at least a 100 hours. This is because it is impossible to fully understand the implications of each change when the council currently only spends two days learning about the budget from County divisions.

The budget timeline was discussed as well as the difficulties in making any changes to the timeline. County Executive Gardner and Rick Harcum, Chief Administrative Officer stated the requests from division directors are received by the end of January and requests from the Board of Education and Frederick Community College are received by the end of February. The County Executive releases a draft Capital Improvement Program to the council in March with the understanding that there could be changes made pending the ending of the general assembly in early April. All budget requests are summarized and published before the public hearing the County Executive presents in March. Final school construction funds are given in May. The council has to set the tax rate by the third week in May so the tax bills go out by the beginning of the fiscal year in July.

The Council has requested budget information earlier than April 15. All budget information is released to the council as soon as it is produced by the Budget Office. Mr. Harcum explained that the numbers change too quickly and early budget information can be misleading. The revenue numbers and what has been passed by the general assembly is not known until the middle of April. The County Executive stated that there are too many unknown variables with the budget prior to April 15 to be able to release the budget to the council any earlier.

Mr. Harcum is hopeful that new computer systems giving the ability to see the entire budget online in real time will be available by the spring of 2020.

The topic of Council staffing was discussed. County Executive Gardener explained that she has funded 100% of the staffing positions that the Council has requested. She requires, however, that the request comes as a collective agreement of the majority.

The County Executive was asked her thoughts about the transparency of the one on one meetings that she offers each Council Member beginning in January to discuss the upcoming budget. She stated in most all counties the county executive does not meet with county council as a whole. The council is to function as an independent body and should not be perceived as being pressured by the county executive. Therefore, she feels that it should not be mandated in the Charter that the council has a public meeting with the county executive concerning the budget.

Communication with the Council – The communication system between the County Executive's Office and the County Council was discussed. The Commission stated their concern about the comments from the current Council Members that the constituent issue communication process was too slow. The County Executive explained that all

council member requests (about 1,540 over the past few years) are tracked and logged in the County Executive's Office. Mr. Harcum added that in the past, responses to the Council Members have in some cases taken a long time to process. Due to the amount of constituent issues, the County Executive's Office has hired a Constituent Services Representative and the communication has recently been streamlined. The County Executive felt that Council constituent services should focus on legislative matters. All other matters should be forwarded to the Administration to handle.

County Executive Gardner Charter Revision Suggestion – Overall, County Executive Gardner felt that there does not need to be too many changes made to the Charter. However, she suggested a change could be made in Section 405(b). The current Charter language states:

405(b) The Executive shall devote full-time to the duties of the office. The Executive may not participate in any private occupation for compensation. During the term of office, the Executive may not hold any other office of profit.

Currently, there are no consequences for failing to comply with this item in the Charter. County Executive Gardner proposed that there should be a discussion of some kind of repercussion.

Special Elections for Vacancies – The County Executive did not support any changes to the existing Charter on special elections for vacancies.

Charter Review Commission Selection Process –

The County Executive felt that the county executive has an important role in county government's daily function and should be able to appoint one or more members.

Definition of "Agency" – County Executive Gardner felt that the definition of "agency" in the Charter should not be changed. County funding is very complicated and a list of those agencies cannot be completely defined. It would be more confusing.

Council Salary – The County Executive suggested wording should be added to the Charter that allows benefits and salary to be reviewed by the compensation commission.

Redistricting - County Executive Gardner supported the proposals that were discussed by the Commission to have the variance of population specifically defined in districts.

Future Agenda Items

Thursday, November 7, 2019, 7:00 pm

1. Discussion with Budget Director on Potential Charter Changes – Kelly Weaver (Confirmed)
2. Discussion/Vote to Move New Proposals to Workshop
3. Discussion on Assignment of Floor Manager for New Proposals
4. Workshop on Charter Proposals – Spreadsheet Items 8, 20, 21, 27 - Vacancy – Floor Manager – Commissioner April Miller

Monday, November 18, 2019, 7:00 pm

1. Discussion with the Director of Frederick County Board of Elections – Stuart Harvey (Confirmed)
2. Vote on Charter Revisions to Move Forward to Workshop and Public Hearing

Wednesday, December 11, 2019, 7:00 pm

Thursday, December 19, 2019, 7:00 pm

Public Comments:

Chairperson Stephen Slater stated ground rules for public comment.

The topics included: Charter Article 4, Section 402(f), the Sheriff, and the 287(g) program

Public comment was heard from the following people:

Ellen Lerner, Frederick

Commission Member Comments:

Commission Member comments were provided.

Adjournment:

By unanimous consent of the Commission members, the meeting adjourned at 7:27 pm.

Stephen Slater, Chairperson
Charter Review Commission

MINUTES

FREDERICK COUNTY CHARTER REVIEW COMMISSION

Thursday, November 7, 2019

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

Call to Order – Stephen Slater, Chair

Time: 7:00 pm

Attendance:

Slater	✓	Jarosinski	✓
Daniels	✓	Miller	✓
Diggs	✓	Olson	✓
Gilligan	✓		

Pledge of Allegiance

Discussion with Budget Director Kelly Weaver on Potential Charter Changes:

Charter changes proposed by Budget Director Kelly Weaver:

1. Section 104(a) - The term "Agency" means any agency, **division**, department, office, board, commission or administrative entity of the Frederick County Government.
2. Section 104(e) - The term "Capital Budget" means the plan to receive and expend funds for capital projects during the next fiscal year. **The Capital Budget shall be appropriated in the Annual Budget and Appropriations Ordinance.**
3. Section 104(f) - The term "Capital Improvement Program" means the plan to receive and expend funds for capital projects during the next fiscal year and the next succeeding five fiscal years. **The Capital Improvement Program is not appropriated in the Annual Budget and Appropriations Ordinance.**
4. Section 104 (Add) - **The term "Sub-project" means one or more discrete projects managed under the heading of a Capital Project.**
5. Section 104(n) - The term "Frederick County Government" means the officers, personnel, **divisions**, departments, agencies, offices, boards, commissions, and other entities that are subject collectively to the powers of local self-government and home rule as are now or may be provided or necessarily implied by this Charter, Article XI-A of the Maryland Constitution, and Article 25A of the Annotated Code of Maryland.
6. Section 104(s) - The term "Operating Budget" means the plan to receive and expend funds for charges incurred for operation, maintenance, interest, debt service payments and other charges for the next fiscal year. **The Operating Budget shall be appropriated in the Annual Budget and Appropriations Ordinance.**

7. Section 503(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 Funds** of the Government.
8. Spreadsheet Item – Article 5, Section 509(a) - The Executive may transfer unencumbered appropriations in the Operating Budget within the same **division**. On the recommendation of the Executive, the Council may transfer unencumbered appropriations in the Operating Budget between **divisions**.
9. Section 509(b) - A transfer may not be made between the Operating Budget and Capital Budget appropriations. **The Executive may transfer unencumbered appropriations between a Capital Project and its sub-projects**. 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.
10. Section – 513 - Upon recommendation of the Executive 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. **If the Capital Project has not previously appeared in a Capital Improvement Program, a public hearing is required before the Council vote**. 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, from unanticipated revenues, **or bonds within affordability limits** not previously budgeted in the Annual Budget and Appropriations Ordinance for the fiscal year.

Chairperson Slater will create one spreadsheet item as Budget Housekeeping Package.

Vote to Move New Proposals to Workshop:

By unanimous consent of the Commission members, the vote to move new proposals to workshop was tabled to the November 18, 2019 meeting

Workshop on Charter Proposals:

Floor Manager – Commissioner April Miller

Council Member Steve McKay was asked to join the Commission meeting to discuss his Charter proposals concerning vacancies.

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)

The Commission discussed the information that was submitted by Council Member McKay and Commissioner Miller concerning special elections for council members.

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.

The Commission discussed the information that was submitted by Council Member McKay and Commissioner Miller concerning special elections for the county executive.

County Attorney John Mathias offered information on special elections. 1) Until 2014, the Maryland Constitution only allowed for special elections for the county council. In 2014, the Constitution was modified to allow special elections for both the county council and the county executive. 2) An option for the Commission would be to change the wording in the Charter similar to the Howard County Charter, where the county council is authorized to adopt an ordinance to implement a special election. Mr. Mathias noted that it is easier to change an ordinance than the Charter.

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:

(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.

The Commission discussed the information that was submitted by Council Member McKay and Commissioner Miller concerning the party of an appointed county executive.

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.

The Commission discussed the information that was submitted by Council Member McKay and Commissioner Miller concerning the Board of Education vacancy process.

Future Agenda Items

Monday, November 18, 2019, 7:00 pm

1. Discussion with the Director of Frederick County Board of Elections – Stuart Harvey (Confirmed)
2. Continuation of workshop and vote on tabled (11/7/19) vacancy Charter proposals
3. Workshop on Charter proposal - Spreadsheet Item 30 – Article 5, Section 508(a)
4. Discussion on new budget housekeeping Charter proposal package to move forward
5. Discussion on floor manager assignments for remaining Charter proposals for workshop
6. Discussion on extending meeting time and additional meetings

Wednesday, December 11, 2019, 7:00 pm

Thursday, December 19, 2019, 7:00 pm

Public Comments:

Chairperson Slater stated ground rules for public comment.

Richard Kaplowitz, Crestwood Village 7056 Catalpa Road, Frederick

James Grose, Myersville, President of Frederick County Conservative Club

Steve McKay, Council Member, District 2

The topics included: the proposals for vacancies, the County budget, council member benefits, and the recall of an elected official, the Board of Education vacancy and 402(f)

Commission Member Comments:

Commission Member comments were provided.

Adjournment:

By unanimous consent of the Commission members, the meeting adjourned at 9:45 pm.

Stephen Slater, Chairperson
Charter Review Commission

MINUTES

FREDERICK COUNTY CHARTER REVIEW COMMISSION

Monday, November 18, 2019

Members Present: John Daniels, Dylan Diggs, Paul Gilligan, Lisa Jarosinski, Dr. April Miller (arrived at 7:27pm), Walter Olson, Stephen Slater

Call to Order: Stephen Slater, Chairperson, called the meeting to order at 7:00 pm

Pledge of Allegiance

Approval of November 4, 2019 and November 7, 2019 Meeting Minutes:

Motion to approve the minutes for November 4, 2019 and November 7, 2019

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

The minutes were approved.

Discussion with Frederick County Board of Elections Director Stuart Harvey on Potential Charter Changes:

Redistricting Commission

Mr. Harvey discussed councilmanic redistricting with the Commission. The Charter Review Commission acknowledged that the future redistricting commission will be setting the Frederick County Councilmanic district boundaries. The Charter Review Commission will simply propose changing Charter language to give the redistricting commission guidance.

The current Charter language is below:

214. Redistricting (a) The Council shall appoint by resolution a Redistricting Commission not later than April 1 of the year following each decennial census date. The central committee of each political party shall nominate three persons to serve on the Commission if, at the time of nomination, at least twenty-five percent of the total number of registered voters in the County are affiliated with the political party. The Council shall appoint all such nominees as members of the Commission as well as two or three additional members of the Commission, as the case may be, who are unaffiliated with any political party for at least two years prior to the date of appointment,

to ensure that its total membership equals an odd number. The Chair of the Commission shall be elected by and from the Commission members. No person shall be eligible for appointment to the Commission who holds elective office. 9 (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. (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. (d) An ordinance establishing Council Districts shall be exempt from referendum.

205(b) If a candidate for the office of County Council cannot have resided and been a registered voter of the district in which he or she resides for at least one year prior to election solely because the boundaries of the district have changed as a result of redistricting as provided in Section 214 of this Charter, the candidate may be elected or appointed to represent the district if he or she meets the following criteria: (1) a citizen of the United States; 6 (2) a resident and registered voter of the County for at least one year prior to election or appointment; and (3) a resident and registered voter of the district for at least six months.

Mr. Harvey stated that there is an issue with Redistricting Section 214(b) of the Frederick County Charter. The Charter was written when the gubernatorial election was held in September. The State changed it so it is now held in June (the General Assembly is able to change the gubernatorial election date at will). This has changed the filing deadlines. Currently, the report is due on November 15 and given to the county council. Within 30 days, the county council will have to hold a public hearing. Then, within 90 days, the plan would become law if the council took no action. For gubernatorial elections, the filing deadline for the June primary is now the last Tuesday in February.

Mr. Harvey suggested the Commission change the timeline to make the report due before November 15. A plan should be in place by the beginning of the year so that the candidates know their districts. He also asked if the Commission thought there should be a wait of 90 days for the plan to be effective if the county council took no action.

Chairperson Slater stated that the Commission should take a look at the Redistricting Section 214(b) timeline. He asked Mr. Harvey if the November 15 deadline for the report was changed to October 15, and the county council had 60 days instead of 90 days to take action, would that be enough time. Mr. Harvey replied that in his opinion it would be.

County Attorney John Mathias added that the 60 day timeline will work if the county council approved the plan. However, it may not be enough time if the county council decided to make any changes.

Chairperson Slater asked if the November 15 deadline for the report was changed to October 15, and if the time for the county council remained at 90 days to take action, would that be enough time. Mr. Mathias explained that would be reducing the amount of time for the redistricting commission by 30 days. The redistricting commission must be appointed no later than April 1. That commission would be limited by how quickly they are given the decennial census information from the federal government. Mr. Harvey added that from what he remembers in the past, the census data has been available as early as April.

(The Commission will discuss the possibility of creating the following spreadsheet item at a later date.

Spreadsheet Item 40 - Article 2, Section 214(c) – Change the date the redistricting commission shall present to the council a plan of councilmanic districts the year following each decennial census date to from November 15 to October 15 and/or changing the current 90 days for the county council to take action to 60 days.)

Spreadsheet Item 16, Article 2, Section 214(c), was discussed with Mr. Harvey. This item would modify language to more closely define “substantially equal in population”.

Council district population numbers are based on decennial census data. Because of the way that census tracts were pulled by the State Legislature, Frederick County had to create odd precincts during the last redistricting. In Frederick County, there are “ghost precincts” (precincts with no voters in them) because of the census tracts. Due to the unusual way that Frederick County precincts are divided, Mr. Harvey would like to see the upcoming redistricting commission work closely with the Board of Elections. This will benefit everyone in Frederick County.

Mr. Harvey suggested wording be added similar to that in a [Montgomery County Memorandum](#) dated March 24, 2011, regarding Legal Issues in Redistricting. The memo was from an Assistant Montgomery County Attorney to the Redistricting Commission Members during their redistricting in 2011. Page 4 of the memo in Section II, Substantially Equal Population: One Person, One Vote, “The Commission should strive to create districts which meets the formula described above. In our case, the hypothetical ideal district is the total county population divided by 5. The sum of the percentage variation of the largest and the smallest district in comparison to that ideal district should be under 10%.”

Mr. Harvey was asked his opinion if a 6% difference in councilmanic district population was added to the Charter, would that create more partisan districts. He feels that if you look at the upper part of Frederick County and districts in Frederick City, there are clear partisan areas. However, there is no partisan lean in the southern part of Frederick County. Ideally, districts should be made with a balance of political parties. By not changing any of the other wording in the Charter, the creation of a partisan district would be avoided.

County Attorney John Mathias added that the topic of a council district change for a candidate for the office of county council is covered in Article 2, Section 205(b) of the Charter.

The current Charter language is below:

205(b) If a candidate for the office of County Council cannot have resided and been a registered voter of the district in which he or she resides for at least one year prior to election solely because the boundaries of the district have changed as a result of redistricting as provided in Section 214 of this Charter, the candidate may be elected or appointed to represent the district if he or she meets the following criteria: (1) a citizen of the United States; (2) a resident and registered voter of the County for at least one year prior to election or appointment; and (3) a resident and registered voter of the district for at least six months.

Mr. Harvey stated the voter registration numbers for November 18, 2019, is 179,484 active voters.

Council District 1	39,107
Council District 2	40,520
Council District 3	31,639
Council District 4	35,843

Commissioner April Miller arrived at 7:27 pm.

Special Elections

Mr. Harvey discussed with the Commission members the information that was submitted by Council Member McKay and Commissioner Miller concerning special elections (Spreadsheet Items 8, 20 and 27).

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)

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 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.

Mr. Harvey felt, from an administrative point of view, that adding another race to an existing election is not a problem. There would only be changes to the ballot style for a council member special election (which could raise the ballot printing cost slightly).

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.

The Commission discussed with Mr. Harvey the information that was submitted by Council Member McKay and Commissioner Miller concerning the Board of Education vacancy process.

County Attorney John Mathias gave information concerning the Board of Education appointment process. General Board of Education vacancies are covered in the Education Article of State law. The County cannot legislate on the election of the Board of Education members if it would conflict with State law. Once State law is changed, the Frederick County Charter does not need to be changed because State law trumps County law. However, the County's Board of Education **appointment process** can be added to the Charter. A vague **confirmation procedure** is currently covered in State law (the county executive appoints and the council confirms). Language can be added to the Frederick County Charter to make for a more defined appointment process (for example to add more public input). The State could always come back and change State law to override County law.

The subject of ballot drop-off was discussed. The position of county executive and county council on the ballot is much higher than the Board of Education. According to election law, because the Board of Education candidates are non-partisan, they are at the bottom of a ballot.

Charter Proposal Votes for Workshop or Final Charter Review Commission Report:

Continuation of Workshop and Vote from November 17, 2019 - Vacancy Charter Proposals:

These items were rescheduled for vote during the December 11, 2019 meeting.

Chairperson Slater added Discussion on Spreadsheet Item 9 to the Agenda during the Meeting:

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. Floor Manager - Dylan Diggs

The current Charter language is below:

210 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 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.

Mr. Mathias was asked to create language to allow the council president to receive a higher salary than the other council members. The Commissioners will decide on the amount.

The decision was made to vote on this item during the December 11, 2019 meeting.

Spreadsheet Item 30 – Article 5, Section 508(a) – Change debt limits from 5% to 3% of real property and from 15% to 9% of personal property. Floor Manager Chairperson - Stephen Slater

The current Charter language is below:

508(a) Except as otherwise provided by State law, the aggregate amount of bonds and other evidences of indebtedness outstanding at any one time that pledge the full faith and credit of the County may not exceed a total of five percent of the assessable basis of real property of the County and fifteen percent of the County's assessable basis of personal property and operating real property described in § 8-109(c) of the Tax - Property Article.

Motion to include in 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 30 – Article 5, Section 508(a) will be included in the final Charter Review Commission Report

There was a Consensus by the Commission members to add Spreadsheet Items 31, 32, 33, 34, 35, 36, 37, and 38 to the Agenda for Vote to Move to Forward:

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

The current Charter language is below:

703(a) A Charter Review Commission shall be appointed by the Council no later than six months following the installation of newly elected council members after the election of 2018. A Charter Review Commission may be appointed at such other times as the Council, in its discretion, may determine but at least once every 10 years beginning in 2018. The Charter Review Commission shall be composed of seven registered voters of the County, including at least one member from each Council District established pursuant to Section 204 of this Charter. No person shall be eligible for appointment to the Commission who holds elective office. The chair of the Commission shall be elected from and by the members of the Commission.

Motion to move to workshop:

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

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

Spreadsheet Item 31 – Article 7, Section 703(a) will be moved to workshop

Council Chief of Staff Ragen Cherney will email information on how other Maryland Charter counties handle the appointment of charter review members to the Commissioners. Mr. Mathias added under the Maryland Constitution, the amendments to the Charter are decided on by the county council alone. Commissioner Miller will contact the former Charter Board members to find out their reasoning for their decision.

Spreadsheet Item 32 – Article 3, Section 305(f) – Extend from 90 days to 120 days if amendments constituting a change in substance are introduced.

The current Charter language is below:

305(f) A Bill not enacted within ninety days of introduction is void. A Bill not enacted prior to the month of November in any year in which council members are elected to office is void. (Res. 16-16, 7-19-2016)

Motion to reject:

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

Spreadsheet Item 32 – Article 3, Section 305(f) will not be moved to workshop

Spreadsheet Item 33 – Article 4, Section 412(b) – Clarifying appointment process for boards and commissions to make process more open and transparent.

The current Charter language is below:

(b) Except as provided in subsection (c) of this section or prescribed by law, the provisions of this Charter or by ordinance, the Executive shall appoint all members of boards and commissions. All members shall be subject to confirmation by the Council. Individuals appointed under this subsection shall serve at the pleasure of the Executive, unless otherwise provided by law, the provisions of this Charter or by ordinance.

Motion to move to workshop:

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

Slater, Chair				✓	
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Spreadsheet Item 33 – Article 3, Section 412(b) will not be moved to workshop

Spreadsheet Item 34 – Add index to Charter.

The clarification of index vs. table of contents was discussed. This motion will be for an addition of a table of contents to the Charter. There will not be a section of the Charter added to cover the definition and implementation of a table of contents.

1. Motion to move Spreadsheet Item 34 to workshop – Commissioner Miller
2. Seconded - Commissioner Gilligan
3. Amendment to the motion to skip the workshop and add Spreadsheet Item 34 to the final Charter Review Commission Report – Commissioner Jarosinski
4. Commissioner Miller accepted the amendment
5. Amendment was seconded - Commissioner Gilligan
6. Motion to include in the final Charter Review Commission Report:

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

Spreadsheet Item 34 will be included in the final Charter Review Commission Report

Spreadsheet Item 35 – Allow recall election for county elected officials following a recall petition and subsequent recall vote.

Chairperson Slater stated that Mr. Mathias sent the Commission a report from the Maryland Attorney General that recall elections were unconstitutional. Maryland prevents recall elections in the Quadrennial Elections Amendment. The amendment requires a definite four-year term for county elected officials except for being removed due to cause. Based on that information, a motion was made to reject Spreadsheet Item 35.

Motion to reject:

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

Spreadsheet Item 35 will not be moved to workshop

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

County Attorney John Mathias explained that an ethics commission is mandatory under State law and must be similar (meaning identical according to the Courts) to the State recommended template. Mr. Mathias will submit an opinion, including precedent, to the Commission concerning this issue.

Motion to table:

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

Spreadsheet Item 36 was tabled

Spreadsheet Item 37 – Prevent the county executive or any member of the county council from promoting or assisting any business entity named in a lawsuit against Frederick County.

Mr. Mathias cautioned that this item could have unintended consequences. It was decided that conflict of interest is covered under the Ethics Commission therefore, this item will not be moved to workshop.

Motion to move to workshop:

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

Spreadsheet Item 37 will not be moved to workshop

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).

Assistant County Attorney Bryon Black gave information on other Maryland county charters that include a penalty if the county executive holds outside employment for compensation. Anne Arundel, Baltimore, Cecil, Harford, Howard, Montgomery, Prince George's and Wicomico counties all state in their charters that the county executive must devote full time to their office. Wicomico, Prince George's, Howard, Harford, Cecil, and Baltimore counties do not provide a penalty. Anne Arundel is the only county that states that if the county executive does not follow this rule, the office may be declared vacant by an ordinance by the affirmative vote of five county council members.

Motion to move to workshop:

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

Spreadsheet Item 38 will be moved to workshop

Discussion on New Budget Housekeeping Charter Proposal Package to Move Forward

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.

Motion to move to workshop:

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

Spreadsheet Item 39 will be moved to workshop

Discussion on Status of Current Pending Charter Proposals:

1. Spreadsheet Items 8, 20, 21, and 27 – Commissioner Miller – Final Vote Wednesday, December 11, 2019
2. Spreadsheet Item 16 – Commissioner Olson – Final Vote Wednesday, December 11, 2019
3. Spreadsheet Item 9 – Commissioner Diggs – Final Vote Wednesday, December 11, 2019
4. Spreadsheet Item 2, 15, and 17 - Vice Chairperson Daniels – Wednesday, December 11, 2019
5. Spreadsheet Items 13 and 14 – Commissioner Diggs – Wednesday, December 11, 2019
6. Spreadsheet Items 23, 24, 25, 26, and 39 – Commissioners Jarosinski and Diggs – Thursday, December 19, 2019
7. Spreadsheet Item 5 – Commissioner Miller - Thursday, December 19, 2019

Discussion on Extending Meeting Time and Additional Meetings:

There was a consensus to start the December 11, 2019 and December 19, 2019 meetings at 6:00 pm.

Future Agenda Items:

Wednesday, December 11, 2019, 6:00 pm

I. Vote on Charter Proposals

Floor Manager - Commissioner Miller

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

Floor Manager - Commissioner Walter Olson

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

Floor Manager - Commissioner Diggs

- f) 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.

Floor Manager - Vice Chairperson Daniels

- g) Spreadsheet Item 2 – Article 2, Section 203 – Council to act as a body
- h) 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.
- i) 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)).

Floor Manager - Commissioner Dylan Diggs

- j) 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.
- k) 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.

Floor Manager – None was discussed

- l) 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.
- m) 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).

2. Discussion on the final Charter Review Commission Report process

Thursday, December 19, 2019, 6:00 pm

1. Vote on Charter Proposals

Floor Managers - Commissioner Lisa Jarosinski and Commissioner Dylan Diggs

- a) Spreadsheet Item 23 – Article 5, Section 503 - Require the county executive to provide mandatory weekly budget progress reports beginning January 1 of each year.
- b) 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.
- c) 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).
- d) Spreadsheet Item 26 – Article 5, Section 506(d) - Extend time for the county council to act on the budget resolution.
- e) 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 - Commissioner Miller

- f) 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

Discussion on the process of creating the final Charter Review Commission Report:

Chairperson Slater asked the Commissioners to read and be familiar with the charter review commission reports from Baltimore, Prince George’s, Harford, Howard, and Montgomery counties. He recommended using the Baltimore County report as a template however, he would like Commissioners to be ready to discuss the creation of the final report during the December 11, 2019 meeting.

Public Comments:

Chairperson Slater stated ground rules for public comment.

The following people gave public comments:

Richard Kaplowitz, Crestwood Village 7056 Catalpa Road, Frederick

James Grose, Myersville, President of Frederick County Conservative Club

The topics included: Spreadsheet Item 9, the redistricting commission, the next Democratic Party debate is on December 19th, the recall of an elected official, the appointment of the Charter Review Commission members and Ethics Commission members, the county executive appointments, checks and balances of power of the county executive and county council.

Commission Member Comments:

Commission Member comments were provided.

Adjournment:

By unanimous consent of the Commission members, the meeting adjourned at 9:30 pm.

Stephen Slater, Chairperson
Charter Review Commission

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

MINUTES

FREDERICK COUNTY CHARTER REVIEW COMMISSION

Thursday, December 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 6:00 pm

Pledge of Allegiance

Approval of December 11, 2019 Meeting Minutes:

Motion to approve the December 11, 2019

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

Workshop and Vote on Charter Proposals:

Floor Manager - Vice Chairperson John 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.

The current Charter language is below:

703. Charter Review Commission (a) A Charter Review Commission shall be appointed by the Council no later than six months following the installation of newly elected council members after the election of 2018. A Charter Review Commission may be appointed at such other times as the Council, in its discretion, may determine but at least once every 10 years beginning in 2018. The Charter Review Commission shall be composed of seven registered voters of the County, including at least one member from each Council District established pursuant to Section 204 of this Charter. No person shall be eligible for appointment to the Commission who holds elective office. The chair of the Commission shall be elected from and by the members of the Commission.

Motion was made to take no action on Spreadsheet Item 31.

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

Spreadsheet Item 31 – A vote was taken to take no action, therefore this matter did not move forward.

Floor Manager – Commissioner Walter Olson

Spreadsheet Item 38 – Add penalty for the county executive not devoting full time to the county executive job functions as specified in Article 4, 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 current Charter language is below:

405. Qualifications of the County Executive (b) The Executive shall devote full-time to the duties of the office. The Executive may not participate in any private occupation for compensation. During the term of office, the Executive may not hold any other office of profit.

407. Forfeiture of Office by the Executive An Executive shall immediately forfeit office and the office shall be deemed vacant upon: (1) the Executive ceasing to be a citizen of the United States or a registered voter of the County; (2) the Executive being convicted of or pleading guilty to a felony or a crime involving moral turpitude; (3) the Executive being granted probation before judgment for a felony or a crime involving moral turpitude; or (4) acceptance by a court of a plea of nolo contendere for a felony or a crime involving moral turpitude.

Motion to set aside Spreadsheet Item 38, adding language for a penalty for the county executive for not devoting full time to the county executive job functions as specified in Article 4, Section 405(b) and to declare the county executive office vacant after the county council resolution stating the county executive is in violation (adding paragraph (5) to Section 407), for the next charter review commission to address.

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

Spreadsheet Item 38 – Language added for a penalty for the county executive for not devoting full time to the county executive job functions as specified in Article 4, Section 405(b) and to declare the county executive office vacant after the county council resolution stating the county executive is in violation (adding paragraph (5) to Section 407) was set aside for the next charter review commission to address.

Floor Managers - Commissioner Lisa Jarosinski and Commissioner Dylan 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.

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.

Motion was made to take no action on Spreadsheet Item 23.

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

Spreadsheet Item 23 – A vote was taken to take no action, therefore this matter did not move forward.

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

The current Charter language is below:

503. Preparation of the County Budget (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.

Motion was made to take no action on Spreadsheet Item 24.

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

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

Spreadsheet Item 24 – A vote was taken to take no action, therefore this matter did not move forward.

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

The current Charter language is below:

506. Action on the Budget by the Council (d) The adoption of the Budget shall be by the affirmative vote of not less than four members of the Council in a law enacted not later than May 31, which shall be known as the "Annual Budget and Appropriations Ordinance of Frederick County." If the Council fails to adopt the Budget by May 31 pursuant to this subsection, the proposed Budget as submitted by the Executive shall become law.

Motion was made to take no action on Spreadsheet Item 26.

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

Spreadsheet Item 26 – A vote was taken to take no action, therefore this matter did not move forward.

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).

The current Charter language is below:

506. Action on the Budget by the Council (a) After a public hearing, the Council may decrease or delete any items in the Budget, except those required by State law, by provisions for debt service on obligations then outstanding or for estimated cash deficits. The Council shall have no power to change the form of the Budget as submitted by the Executive, to alter revenue estimates, or to increase any expenditure recommended by the Executive, unless expressly provided in State law and except to correct mathematical errors. (b) Except as provided in subsection (c) of this section, any change in the proposed Budget to decrease or delete an item in the Budget made pursuant to subsection (a) of this section shall constitute a change of substance requiring that a public hearing be held following the posting of a fair summary of the change plus the date, time and place of the public hearing. This notice must be posted on the County website at least two days in advance of the public hearing. (c) A decrease or deletion of one or more items in the Budget may not constitute a change of substance in the proposed Budget if the decrease or deletion constitutes less than a one percent change in the total Budget or less than a fifty percent decrease in any one line item in the Budget. (d) The adoption of the Budget shall be by the affirmative vote of not less than four members of the Council in a law enacted not later than May 31, which shall be known as the "Annual Budget and Appropriations Ordinance of Frederick

County.” If the Council fails to adopt the Budget by May 31 pursuant to this subsection, the proposed Budget as submitted by the Executive shall become law. (Res. 16-17, 7-19-2016)

Motion was made to take no action on Spreadsheet Item 25.

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

Spreadsheet Item 25 – A vote was taken to take no action, therefore this matter did not move forward.

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

Motion to table until the January 16, 2020 meeting.

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

Spreadsheet Item 39 – Changing budget provisions in Article 5, Sections 503, 509, and 513 (Also, Article 1, Section 104) to make clear distinctions between Operating Budget, Capital Budget, and Capital Improvement Plan (CIP) and specifying “divisions” to more accurately reflect structure of County government, etc. was tabled to January 16, 2020.

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)

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 was made to take no action on Spreadsheet Item 15.

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

Spreadsheet Item 15 – A vote was taken to take no action, therefore this matter did not move forward.

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.

By consent, the discussion on Spreadsheet Item 5, Article 2, Section 205(c) will be continued during the next meeting on January 16, 2020.

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

By consent, the discussion on the final Charter Review Commission Report will be will be continued during the next meeting on January 16, 2020.

Future Agenda Items:

1. 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.
2. 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.
3. Discussion on the Draft of the Final Charter Review Commission Report.
4. The next meeting will be held Thursday, January 16, 2020, at 6:00 pm.

Public Comments:

The following people gave public comments:

Richard Kaplowitz, Crestwood Village 7056 Catalpa Road, Frederick

Topics included: teachers as members of the county council, council staff (subject matter expert), county budget, charter review commission.

Commission Member Comments:

Commission Member comments were provided.

Adjournment:

By unanimous consent of the Commission members, the meeting adjourned at 9:00 pm.

Stephen Slater, Chairperson
Charter Review Commission

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

MINUTES

FREDERICK COUNTY CHARTER REVIEW COMMISSION

Thursday, January 30, 2020

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

Call to Order: Stephen Slater, Chairperson, called the meeting to order at 7:00 pm

Pledge of Allegiance

Approval of January 16, 2020 Meeting Minutes:

Motion to approve the January 16, 2020

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

Public Hearing on the Draft Charter Review Commission Report:

The following people gave public comments:

Richard Kaplowitz, Crestwood Village 7056 Catalpa Road, Frederick

Topics included: Appreciation to the Commission for their dedication to the task of reviewing and proposing changes to the Charter, Appreciation that his proposal for an additional stipend for the council president in a percentage amount will be going forward to the County Council.

Discussion on the Draft Charter Review Commission Report:

Chairperson Stephen Slater asked if the Members had any comments on the language of the current draft of the final report. He stated that the order of the recommendations in the report are in the order they appear in the Charter. The date of the final vote and the vote are included in the report.

Commissioner Lisa Jarosinski asked that, "*The Commission heard no opposition to this proposal and it passed by unanimous vote,*" at the end of Recommendation 7, be added to the end of Recommendation 8.

Commissioner April Miller brought up discussion on Spreadsheet Item # 13 Non-Interference (Article 2, Section 212 (b)). She would like the motion that was not passed to be included in more detail in the Proposals Not Recommended section of the report. Commissioner Miller will work with Commissioner Olson on the wording and submit it to Chairperson Slater and Lee Redmond.

Chairperson Stephen Slater asked if the Members had any comments on the format of the current draft of the final report. All members approved of the format.

Chairperson Slater asked if there were any changes that needed to be made to the transmittal/cover letter for the final report. After a brief discussion the following motion was made.

Motion to adopt the transmittal letter as written by Chairperson Stephen Slater to be included in the final Charter Review Commission Report.

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

The transmittal/cover letter as written by Chairperson Slater will be included in the final Charter Review Commission Report.

Future Agenda Items:

Written public comments about the DRAFT Charter Review Commission Final Report will be accepted until midnight on Monday, February 3, 2020.

- Review and Discussion of Written Public Comments Received
- Discussion and Vote on the Final Charter Review Commission Report

The next meeting will be held Thursday, February 6, 2020, at 6:00 pm.

Commission Member Comments:

Commission Member comments were provided.

Adjournment:

By unanimous consent of the Commission members, the meeting adjourned at 7:34 pm.

 Stephen Slater, Chairperson
 Charter Review Commission

MINUTES

FREDERICK COUNTY CHARTER REVIEW COMMISSION

Thursday, February 6, 2020

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

Call to Order: John Daniels, Vice Chairperson, called the meeting to order at 6:00 pm

Pledge of Allegiance

Vice Chairperson John Daniels stated that Chairperson Stephen Slater could not attend the meeting due to illness.

Approval of January 30, 2020 Meeting Minutes:

A motion was made to approve the January 30, 2020 minutes.

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

The January 30, 2020 minutes were approved.

Review and Discussion of Written Public Comments Received:

No additional public comments were received.

Discussion and Vote on the Final Charter Review Commission Report:

Motion to adopt the Charter Review Commission Report and submit it to the County Council.

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

The final Charter Review Commission Report will be presented to the County Council.

Commissioner April Miller arrived at 6:04 pm

Since Commissioner Miller arrived after the vote on the final report was taken, County Attorney John Mathias made a suggestion to the Commission that it could allow Commissioner Miller to submit her vote if no member objected. The Commission agreed to allow Commissioner Miller to submit her vote. Commissioner Miller voted against the report.

Future Agenda Items:

No other meetings will be held. The Commission will attend and present the Charter Review Commission Report to the County Council at their meeting on Tuesday, March 10, 2020, at 5:30 pm at Winchester Hall in the First Floor Hearing Room.

Public Comment:

The following people gave public comments:

Richard Kaplowitz, Crestwood Village 7056 Catalpa Road, Frederick
 Topics included: praise to the commission for a job well done, questions on Charter language directed to County Attorney John Mathias (Mr. Mathias answered that the language in the report from the Charter Review Commission was only a recommendation to the County Council. If the Council votes to send a recommendation to referendum, the County Attorney's Office will draft the proposed language for the ballot. Mr. Kaplowitz asked if the public will be able to review the Charter language for the ballot. Mr. Mathias answered that process has not been done in the past. Mr. Kaplowitz would like for that to happen.)

Final Commission Member Comments:

Commissioner April Miller: Commissioner Miller gave her reasons for voting against the Charter Review Commission Report. She felt that the report was well

written, however, there were a few items in which she felt the Commission fell short of their goal.

One of the items she was asked to review was the balance of power between the county executive and the county council. Commissioner Miller felt that the report should have included more opportunities for the council to be stronger. She hoped that as the council deliberates on the items that the Commission has proposed, the council will learn about the power they do have and how to execute that power to make a stronger government.

Another item was allowing the voters to have more of a voice in county government. She felt this goal was not achieved.

On the topic of allowing for increased salaries and benefits, Commissioner Miller felt that an increase of responsibilities should have been included in the Charter recommendations.

Commissioner Miller relayed that it was a hard decision to vote against the final report. There were many aspects of the report she agreed with but there were also many that she did not.

Commissioner Walter Olson: Commissioner Olson felt that the Charter itself was not functioning badly but it had not yet been tested in certain ways. He wanted to make sure that changes would not be made unless he was confident that they were changes for the good.

Commissioner Olson agreed with Commissioner Miller that one of his main focuses was to try to balance the power between the county executive and the county council. During all the interviews, Commissioner Olson realized that the task would not be as easy as he thought because of the many unintended consequences.

Another aspect Commissioner Olson had not considered was the county council as a part-time citizen legislature. He felt that this model will work for many years to come until Frederick County has a much larger population. In the meantime, Frederick County had the flaws and the advantages of the citizen council. In the compressed amount of time that the council has, they do not have the amount of oversight as they would like. During the charter review process, the Commission looked at different ways of enhancing the council's staff power, procedural power, or the reports that they received. In each case there was a cost factor without improvement of the caliber of decisions.

In the beginning, Commissioner Olson was confident that the Commission could make stronger changes than the resulting proposals in the final report. Not every proposal he supported made it to the final recommendations. Overall, however, Commissioner Olson supported the final report.

Commissioner Dylan Diggs: Commissioner Diggs agreed with Commissioner Olson and Commissioner Miller. There were some parts of the final report he liked and some parts that he didn't like. Overall he voted for it because the report is a step forward toward making the county government a little more balanced.

The Commission had many constructive discussions. Commissioner Diggs felt that it was very important to have a separation of power as well as a balance of power between the county executive and the county council.

Two big steps that the Commission did take were proposals for the council to have more subpoena power, transparency and improving the non-interference clause. Commissioner Diggs said he will be happy if these proposals move forward.

As a result of the Charter Review Commission, Commissioner Diggs had found that no matter how government institutions were structured, it was the people who make up those institutions that were most important. Those people need to have the basic democratic principles of humility, prudence, attentiveness, and believe in engagement.

Commissioner Paul Gilligan: Commissioner Gilligan stated that he voted for the final report because the Commission was successful with the initial charge. That charge was to adjust the items that were necessary to smooth out a few problematic areas without doing any damage. He felt that the process was very open and transparent. Chairperson Stephen Slater did a great job leading the meetings and created charts that kept the Commission on task. Commissioner Gilligan believes that the Commission created a great report to send off to the council.

Commissioner Lisa Jarosinski: Commissioner Jarosinski concurred with what the other commissioners had said about creating a good final report. The Commission looked at the proposals carefully and slowly, a few small changes were suggested but the Charter was not rewritten. She believed that the changes that had been suggested will not create more problems.

Commissioner Jarosinski stated that she appreciated the comradery of the Commission with their willingness to be heard and to listen. She appreciated being able to serve and to participate.

Vice Chairperson John Daniels: Vice Chairperson Daniels thanked Council Executive Assistant Lee Redmond for her administrative support to the Charter Review Commission.

Vice Chairperson Daniels stated that it was a privilege to be on the Charter Review Commission. He believed that non-combative communication resulted in a better document. The Commission had demonstrated that it worked. Agreeing strongly with Commissioner Gilligan, Vice Chairperson Daniels said it was difficult to pull back on some of the changes that he thought should have been proposed for the Charter. However, compromises were made to create a good final report.

Vice Chairman Daniels added his thanks to County Attorney Mathias and Chief Administrative Officer Rick Harcum for assisting the Commission.

Adjournment:

By unanimous consent of the Commission members, the final meeting of the Charter Review Commission adjourned at 6:24 pm.