

# 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.

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Stephen Slater, Chairperson  
Charter Review Commission