

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; 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 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 | | ✓ | ✓ | | |

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|---------------------|---|--|---|--|--|
| 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 | | | | ✓ | |

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|---------------|--|--|--|---|--|
| Slater, Chair | | | | ✓ | |
|---------------|--|--|--|---|--|

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