

Charter Review Commission Meeting  
Regular Session  
November 1, 2023

The Charter Review Commission for Dorchester County convened in Open Session in Room 110 of the County Office Building at 6:00 p.m. on the 1<sup>st</sup> day of November, 2023.

A roll call of the members was conducted. Present in Room 110 were: William Layton, Chair; Linda Henry; Susan Dukes; George “Phillip” Reed and, Robert Murphy. Also present in Room 110 was Donna F. Lane, Chief of Staff. Glenn Bramble was not present.

REGULAR SESSION

APPROVAL OF MINUTES

The Commission approved the minutes of October 18, 2023.

REVIEW OF SECTIONS OF CURRENT COUNTY CHARTER

Article 4, Section 405, County Manager

The Commission recognized its prior decision to pursue changes Commissioner Henry made to Article 4, Section 405, County Manager, that were proposed by the Dorchester Citizens for Better Government and to utilize the remainder of the language this group proposed. The Commission confirmed this decision and agreed to make additional changes that are struck through/highlighted below.

Section 405

To facilitate the performance of its executive duties, the Council shall appoint a County Manager who shall serve at the pleasure of the Council as long as the applicant is qualified.

The County Manager position requires full time availability to the exclusion of participation in other commercial, business or management activities except as may be approved by the Council. Unless otherwise provided in this Charter or State law, all departments, agencies and offices of the government shall be subject to the direction, supervision and control of the County Manager, to be exercised as provided herein, under the authority of the Council.

Section 405(a)

The County Manager shall not be directed by Council members to take any action that has not been approved by the Council acting as a body, other than to provide information about the County's administration and operations.

Subsection 405(b)

The County Manager shall be appointed by a resolution passed by a majority vote of the entire Council based solely upon the applicant's education and experience in the

accepted competencies and practices of local government management and without regard to the applicant's political affiliation. The appointment shall be contingent upon an employment agreement between the applicant and the County that includes terms customarily found in employment agreements or as otherwise agreed upon by the Council and the applicant.

Subsection 405(c)

The County Manager may be suspended by and removed by the Council pursuant to an initial resolution setting forth the reason(s), which need not constitute cause. The County Manager shall have 10 days after receiving a copy of the signed resolution to request in writing, deliver to the Council's Office or ~~its president or vice president~~ Human Resources Office, a hearing by the Council to occur within not less than 10 days and no more than 20 days after such delivery. The County Manager may request the hearing to be at a public meeting. Following the deadline for such request and the hearing, if requested, the Council may adopt a final resolution removing the County Manager by a majority vote of its entire membership. Unless so removed within 30 days after he or she receives the initial resolution, the County Manager shall continue to serve, and any suspension terminated. If suspended, the County Manager shall receive full salary and other compensation, which shall continue until the effective date of the final resolution if he or she is terminated.

Subsection 405(d)

The County Manager shall:

- (1) Direct, supervise, and coordinate the administrations and functions of all departments, agencies, and offices of the Government, except as may be otherwise provided by law or this Charter;
- (2) Except as may otherwise be provided in the Charter, hire, suspend, and remove all heads of departments, agencies, and offices of the Government, subject to approval by the Council. During a vacancy in any such position, the County Manager may appoint someone to serve on an acting basis with compensation as provided for the position in the County's budget until the position has been filled by Council approval;
- (3) Ensure that all laws and provisions of the Charter, which may be subject to enforcement by the County Manager or by officers who are subject to the County Manager's direction and supervision, are faithfully executed;
- (4) Attend every meeting, including closed meetings of the Council unless excused or excluded by the Council from a meeting to discuss his or her compensation or employment, and participate in discussion but not vote at the meetings;
- (5) Be responsible for the care and custody of Government buildings and all real property of the Government;
- (6) Be responsible for administering the purchasing policies of the Government;
- (7) Present a proposed capital and annual expense budget in a manner and form described in the Charter;

- (8) Fully advise the Council as to the financial condition and future needs of the County and make appropriate recommendations;
- (9) Within 90 days following the end of the fiscal year, provide the Council a complete and detailed report on the finances and administrative activities of the Government for the preceding year. Copies of the report shall be available for distribution to the public;
- (10) At his or her initiative or upon request by the Council make, or cause to be made, studies or investigations that are in the best interests of the County, including but not limited to investigations of the affairs, functions, acts, methods, personnel or efficiency of any department, agency, office, or officer;
- (11) Recommend to the Council County legislation, policy, and regulatory measures or revision or rescission thereof and other action by the Council;
- (12) Appoint, hire, suspend, and remove County personnel, except as otherwise provided by this Charter, and delegate any such function(s) to the head of a department or office that reports to the County Manager regarding personnel in the specific department or office, subject, however to supervision and direction by the County Manager. Neither the Council nor any member thereof shall direct or request any action regarding these functions; Council members shall address those matters and constituent's requests and suggestions solely through the County Manager and not through the County's other personnel, or its contractors or agents;
- (13) Assure that the appointment and hiring of County personnel are based solely upon training, education, and experience relevant to the particular position;
- (14) Appoint an assistant County Manager, subject to approval by the Council of the appointment and compensation for the position, who shall function as the interim County Manager if the County Manager is temporarily unavailable due to disability, absence unauthorized by the Council, or unanticipated circumstances and, in the event of vacancy in the County Manager position until the Council shall have appointed a County Manager or an Acting County Manager; and
- (15) Perform other duties as may be prescribed by law, this Charter, or the Council.
  - (e) In the event of a vacancy in the position of County Manager:
    - (4) As soon as possible the Council shall appoint an Acting County Manager, who shall receive such compensation as approved by the Council and function as the County Manager until the Council has appointed someone to that position or appointed someone else as the Acting County Manager. Unless otherwise required by the Council, an Acting County Manager shall not be subject to the full-time requirement or the qualifications specified in section 406, except United States Citizenship, but a member of the County Council may not be appointed as the Acting County Manager.
    - (5) Promptly and before filling the vacancy, the Council shall conduct a search for a County Manager that includes public notice of extensive scope (such as the International City/County Management Association and the Maryland Association of Counties) and such advertisement as Council deems appropriate,

with a reasonable period for response by prospective appointees. For suggestions and guidance in the recruitment and appointment process, the Council may appoint an advisory committee and may engage professional services for compensation.

- (6) The Council shall fill the vacancy within six months, provided that period may be extended for up to three additional, consecutive months by resolution. If the County Manager position is not filled within six months, the Council must hire and pay for the expenses of a recruitment company to fill the position.

#### Article 4, Section 406, County Manager

The Commission agreed to remove the residency requirement of the County Manager.

#### Petition Language

Section 406. Qualifications of County Manager.

The County Manager must be a United States citizen who has not been a member of the County Council for at least two years. ~~He or she need not be a resident of the County at the time of appointment but must become a resident within six months or such longer period after appointment as the Council may approve and thereafter remain a County resident.~~

#### Article 2, County Council, Section 213. Redistricting

The Commission decided not to pursue the addition of language to state that within 90 days of the Redistricting Commission's presentation of the plan, the County Council has to vote on the plan in open session as this is not a priority to the Commission. The Commission agreed to ask the Council to make this as standard practice.

#### Article 3, Section 303, Legislative Procedure, Part D

The Commission agreed not to pursue addition of language that after a bill is introduced a copy of the bill and notice of the date, time and place of public hearing shall be placed on the County website and bulletin board as this has been the standard practice for over 17.5 years and is not a priority at this time.

#### Article 3, Section 304, Enactment of Legislation, Part D

The Commission agreed to not pursue a change in the "newspaper of general circulation" language so that legal advertisements and notices can be published online as an alternative to being published in a "newspaper of general circulation" because the County Council and other counties are seeking amendment of this State law.

Article 4, Section 409, Review of Administrative Structure

The Commission agreed to pursue an amendment to this Section to state that the Review of Administrative Structure must be completed within the first fiscal year of each new Council.

Current Language in Charter

By the year 2006 and at least every four years thereafter, the Council shall have made an evaluation of the organization, functions, powers, and duties of each department, agency, and office in the executive branch of the Government. This evaluation shall address the efficiency and effectiveness of programs, services and administration.

Article 5, Section 501, Establishment of Position of Director of Finance

The Commission agreed to remove the residency requirement for the Director of Finance.

Current Language in Charter

The County Manager shall, with the approval of the Council, appoint one person, knowledgeable and experienced in financial matters, to serve as the Director of Finance of the County. ~~The Director of Finance must take up and continue residence in the County within six months of appointment.~~

Article 5, Section 504, Preparation of the County Budget

The Commission agreed to change the date the budget must be prepared and presented from May 1st to May 15th.

Current Language in Charter

Not later than May 1 of each year, the Council shall prepare a proposed Budget 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. The proposed budget shall be reproduced and made available to the public.

Article 5, Section 507, Action on the Budget by the Council, Part B

The Commission agreed to change the adoption date of the budget from “no later than” May 31<sup>st</sup> to “no later than” June 15<sup>th</sup>.

Current Language in Charter

(b) The adoption of the Budget shall be by the affirmative vote of not less than three members of the full Council in a law enacted not later than May 31 and to be known as the "Annual Budget and Appropriations Ordinance of

Dorchester County".

Article 6, Section 603, Charter Review Commission, Part C

The Commission, based on a recommendation of the former Charter Review Commission, agreed to ask the Council to adopt a resolution to require that the Council vote on the Charter Review Commission's recommendations in an open meeting, one item at a time within 30 days of the required public hearing.

Current Language in Charter

- (a) The Commission shall make its report to the Council at a public hearing not later than May 1 of the year following its creation.

Article 6, Miscellaneous – Add a new Section 606, Governmental Transparency

The Commission asked Mr. Nelson to prepare a condensed version of the below proposed Section for the Commission's review and consideration at its November 15, 2023 meeting.

Petition Language

606. Governmental Transparency.

To promote broad public knowledge and understanding about its conduct and operations and the informed participation of citizens in its policy and decision-making processes, the County Government shall provide comprehensive public information about its affairs in a timely and convenient manner by these practices supervised by the County Manager for which the Council shall appropriate necessary funding:

- (a) Beginning as promptly as possible, furnish public access by broadcast and other remote means such as the Internet to
  - 1) All public ("open") meetings of the County Council held in legislative or other session, such as hearings and work sessions), both during the meeting ("live") to the greatest practicable extent and, by recording, as soon as possible thereafter;
  - 2) Both reasonably in advance of such meetings and thereafter, together with any additional items submitted during the meeting, the agenda and all documents, including but not limited to staff reports, memoranda, studies, drafts of resolutions and ordinances, and policy and decisional papers submitted to the Council before, during or after the meeting, other than such documents of which, by law, public disclosure is prohibited or may be restricted;

- 3) Promptly upon approval (if required), the minutes of such meetings and the public minutes of meetings held in closed session, which shall also be posted on a bulletin board in a public place or multiple places specified by the Council, together with each resolution passed and bill enacted during the meeting.
- (b) Such other practices as the Council may prescribe.

The Commission agreed to: 1) review the new condensed version of a proposed Section 606, Governmental Transparency, at its November 15, 2023 meeting; 2) seek legal review of all of the changes they have agreed to pursue once a decision is made on this section; and, 3) to request that legal counsel attend the meeting after its review; and, 4) to discuss scheduling future meetings dates at its December 6, 2023 meeting.

ADJOURNMENT

With no further business to discuss, the meeting adjourned.

ATTEST:

  
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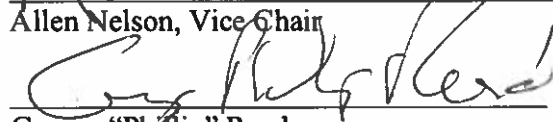
CHARTER REVIEW COMMISSION

  
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William Layton, Chair

  
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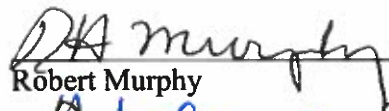
Allen Nelson, Vice Chair

  
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George "Phillip" Reed

  
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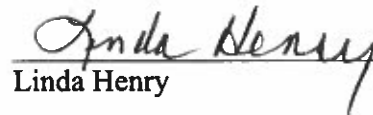
Susan Dukes

  
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Robert Murphy

  
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Glenn Bramble

  
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Linda Henry

Approved the 15th day of November 2023.