

Charter Review Commission Meeting
Regular Session
January 3, 2024

The Charter Review Commission for Dorchester County convened in Open Session in Room 110 of the County Office Building at 6:01 p.m. on the 3rd day of January, 2024. A roll call of the members was conducted. Present in Room 110 were: William Layton, Chair; Linda Henry; Susan Dukes; George “Phillip” Reed, Glenn Bramble and, Robert Murphy. Also present in Room 110 was Donna F. Lane, Chief of Staff.

REGULAR SESSION

APPROVAL OF MINUTES

The Commission approved the minutes of December 13, 2023.

DISCUSSION-RECOMMENDATIONS FOR PROPOSED AMENDMENTS TO CURRENT COUNTY CHARTER

Summary of Changes

The Charter Review Commission discussed the following changes to their Recommendations to the County Council for proposed amendments to the current County Charter.

Change Requested:

Add language that would solidify the difference between the responsibilities of the County Council and the County Manager. We would like to emphasize:

- County Manager is the only one allowed to direct employees
- When position is vacant, search must start immediately
- If position is not filled timely, alternative search measures must be employed.
- County Manager must be available full time.
- County Manager cannot take direction from individual council members without majority Council approval
- Only the County Manager can hire and fire county employees

Change Rationale:

We have, in the past, seen the individual County Council members take actions that should be the sole responsibility of the County Manager. We propose new language to try and clarify and cement these responsibilities to prevent conflicts of interest. Conflicting managerial responsibility

Recommended Charter Language:

Section 405

To facilitate the performance of its executive duties, the Council shall appoint a **qualified** 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 upon the applicant's education and experience in the accepted competencies and practices of 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, delivered to the Council's Office or 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 find qualified applicants.

Change Requested:

Change the requirements of the County Manager to remove the residency requirement

Change Rationale:

It is important that the County Council hires the most qualified candidate for this position. We do not see the need to require a County Manager to live inside the county. They can live outside the county, but a reasonable distance away, and still serve their job efficiently. It should be up to the County Council to make the determination of what is a reasonable distance away.

Recommended Charter 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.~~

Change Requested:

Change the Administrative Review to require it be done in the first fiscal year of each new Council

Change Rationale:

The Administrative Review is currently required to be done every 4 years. It could be done any time within a four year period. We believe it would be most effective to do the review at the beginning of a County Council term, as the council members can potentially change every four years. It makes the most sense to do a review when the sitting council has time to work on the recommendations and make changes before it potentially changes again.

Recommended Charter Language:

Article 4, Section 409, Review of Administrative Structure

By the year 2006 and at least every four years thereafter, **within the first fiscal year of each new Council**, 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.

George mission statement – some Dept heads. Job requirements of County roads – does the County have that - . Allen what is the financial condition of county, lawsuits against them. George how make evaluation of each Dept. if each Department has a description. Glenn had agency come in and went through every Dept and came back with effectiveness, pros and cons, under or over staffed. Donna Dept Head job descriptions state duties. Glenn description of Dept county manager shall pass onto Council. Linda documented, in writing done– Donna county managers may do that, she is not aware of whether they do or not.

Change Requested:

Change the requirements of the County Director of Finance to remove the residency requirement

Change Rationale:

We do not see the need to require a County Director of Finance to live inside the county. They can live outside the county, but a reasonable distance away, and still serve their job efficiently. It

should be up to the County Council to make the determination of what is a reasonable distance away.

Recommended Charter Language:

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

New sentence per this meeting - It is important that the County Council hires the most qualified candidate for this position. 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.~~ (already marked out-part of prior Commission approval.

Change Requested:

Change the due date for the proposed County budget

Pursuant to a question from Mr. Bramble, Ms. Lane said additional time is necessary to ensure that mandated funding requirements are included in the budget as they are often provided to the County after budget adoption. Mr. Murphy noted that it also provides them the opportunity to obtain information on salary increases being proposed by other counties.

Change Rationale:

An extra two weeks gives needed time for full comparison and vetting of all budget items

Recommended Charter Language:

Article 5, Section 504, Preparation of the County Budget

Not later than May 15th 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.

Change Requested:

Change the adoption date for the County budget

Change Rationale:

With a change to the presentation of the proposed budget, you would need to also push back the adoption date of the new budget.

Recommended Charter Language:

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

(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 June 15 and to be known as the "Annual Budget and Appropriations Ordinance of Dorchester County".

Change Requested:

Add language to Section 606 to increase ensure transparency and to ensure that the most effective means are used to disseminate meeting information

Change Rationale:

Streaming of meetings has been very effective and we want to make sure that that continues in the future. We also want to insure access to documents from Council meetings.

Recommended Charter Language:

Article 6, Miscellaneous Provisions, Add Section 606, Governmental Transparency.

606. Governmental Transparency.

(a) Furnish public access:

- 1) By broadcast and other remote means such as the Internet to all public meetings, legislative meetings and other public sessions of the County Council.
- 2) Provide public access to any documents, upon request, including items submitted during the meeting, the agenda and all documents, as permitted by law, reasonably in advance of such meetings and thereafter.
- 3) Promptly upon approval (if required), the minutes of such meetings and the summary of Closed Sessions shall 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.

Change Requested:

Add language to the County Charter to limit a County Council member to 3 four year terms (for a total of 12 years) beginning with the 2026 Council.

Change Rationale:

Term limits would allow new ideas and new representation to continually be injected into the board.

Recommended Charter Language:

Article 2, Section 206, Term of Office

(b) No person shall be eligible to serve more than three consecutive terms on the County Council. A person who has been elected to the County Council three times or who has been elected to the County Council twice and has been appointed to fill a Council vacancy and served two or more years of that term shall be ineligible to be a candidate for the County Council

OTHER

The Commission Members: 1) approved the proposed changes for submission to the County Council; 2) agreed that Ms. Lane will distribute the revised Recommendation to them via email for review prior to submission; and, 3) to cancel the January 17, 2024 meeting. In response to Mr. Reed's inquiry, Ms. Lane explained that if the Council agreed to pursue amendments resolutions will be drafted by Charles MacLeod, Legal Counsel.

A discussion ensued regarding dates to present the Recommendation to the County Council. As part of this discussion, Mr. Lane provided the deadlines for Charter Amendments referenced below:

Monday, July 1, 2024 "Deadline for petition sponsor to submit to the appropriate local board a request for advance determination on the sufficiency of a charter amendment petition format".

Monday, July 29, 2024 "Deadline for petition sponsor to file with local government authority a charter amendment petition".

Friday, August 2, 2024 "Deadline for County Attorney or Baltimore City Solicitor to certify to State Board of Elections each question to be voted on in the county or part of the county".

ADJOURNMENT

With no further business to discuss, the meeting adjourned.

ATTEST:



CHARTER REVIEW COMMISSION



William Layton, Chair

Allen Nelson, Vice Chair

Approved by Email - attached
George "Phillip" Reed

Susan Dukes

Susan Dukes

Robert Murphy

Approved by Email - attached

Glenn Bramble

Approved - see attached signature

Linda Henry

Approved the ___ day of June, 2024

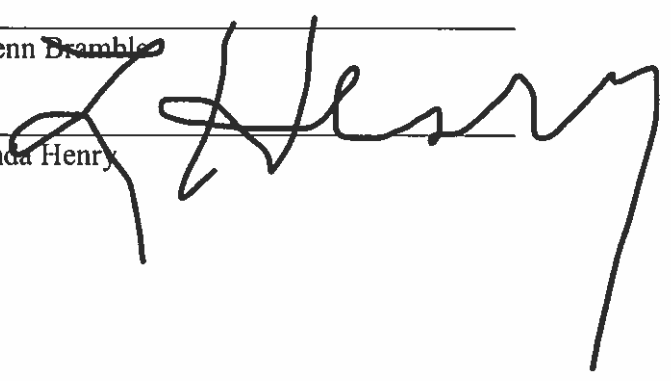
Susan Dukes

Robert Murphy

Glenn Bramble

Linda Henry

Approved the ___ day of June, 2024

A handwritten signature in black ink, appearing to be a stylized 'S' or 'D'.A large, stylized handwritten signature in black ink, possibly reading 'Linda Henry'.

Re: [EXTERNAL]Re: For Review and Approval-January 3 2024 Charter Review
Commission Minutes

Donna Lane <Council Office> <dlane@docogonet.com>

Tue 7/2/2024 12:23 PM

To:George Reed <gpreed52@hotmail.com>

Thanks!

From: George Reed <gpreed52@hotmail.com>

Sent: Tuesday, July 2, 2024 12:21 PM

To: Donna Lane <Council Office> <dlane@docogonet.com>; Allen Nelson <Oanelson8@yahoo.com>;
chiefframurphy@comcast.net <chiefframurphy@comcast.net>; Glenn Bramble <egg harbor2@gmail.com>; LINDA
HENRY <Lw798@aol.com>; susanbdukes@yahoo.com <susanbdukes@yahoo.com>; william@laytonschance.com
<william@laytonschance.com>

Subject: [EXTERNAL]Re: For Review and Approval-January 3 2024 Charter Review Commission Minutes

**** EXTERNAL Email - Open With Caution!!! ****

This email originated from outside of Dorchester County.

**Do not click links OR open attachments unless you recognize the sender and know the
content is safe!**

I approve. Phil Reed 443-521-0100

From: Donna Lane <Council Office> <dlane@docogonet.com>

Sent: Monday, July 1, 2024 8:43 AM

To: Allen Nelson <Oanelson8@yahoo.com>; chiefframurphy@comcast.net <chiefframurphy@comcast.net>; Glenn
Bramble <egg harbor2@gmail.com>; gpreed52@hotmail.com <gpreed52@hotmail.com>; LINDA HENRY
<Lw798@aol.com>; susanbdukes@yahoo.com <susanbdukes@yahoo.com>; william@laytonschance.com
<william@laytonschance.com>

Subject: For Review and Approval-January 3 2024 Charter Review Commission Minutes

Good morning.

Attached please find the last set of minutes for your approval. Mr. Layton has reviewed them.

Thank you.

Donna

Donna F. Lane
Clerk to Council
Public Information Act Representative
ACC/PAB Administrator

Dorchester County
Room 108, 501 Court Lane
Cambridge, MD 21613
(410) 228-1700 ext. 1173 (office)
(443) 521-9561 (cell)

[EXTERNAL]Re: For Review and Approval-January 3 2024 Charter Review Commission Minutes

Glenn Bramble <eggharbor2@gmail.com>

Mon 7/1/2024 5:22 PM

To: Donna Lane <Council Office> <dlane@docogonet.com>

**** EXTERNAL Email - Open With Caution!!! ****

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I approve. Thanks, Glenn

On Mon, Jul 1, 2024, 8:43 AM Donna Lane <Council Office> <dlane@docogonet.com> wrote:

Good morning.

Attached please find the last set of minutes for your approval. Mr. Layton has reviewed them.

Thank you.

Donna

**Donna F. Lane
Clerk to Council
Public Information Act Representative
ACC/PAB Administrator**

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