

**Cecil County Charter Board
Worksession Meeting Minutes**

October 5, 2009

PRESENT: Joyce Bowlsbey, Dan Schneckenburger, Robert Gell, Henry Burden, Harland Graef, Chris Ann Szep, Ed Cole, Barry Montgomery, Executive Office Administrator Vicky Rinkerman, and Consultant Victor Tervalá, Esquire.

ABSENT: Ross Cameron.

OPEN SESSION called to order at 6:00 p.m.

SUMMARY OF DISCUSSION

Approval of Minutes – September 28, 2009 – On motion by Mr. Graph, seconded by Mr. Cole, the minutes of the September 28, 2009 meeting were unanimously approved as presented.

Old Business – Charter draft version 7

Section 407 Vacancy in the Office of the County Executive – Mr. Tervalá clarified that there is no provision to permit a special election to fill a vacancy in the Office of the County Executive. The following options are available to fill a vacancy: (1) the President of the Council shall succeed to the Office of the County Executive for the balance of the unexpired term; (2) the appointment of a political party's top choice, or (3) avoid giving any direction in the event the Council fails to appoint anyone. Discussion ensued regarding the language of the State law.

Note: Most charters in the State leave it silent. If the council is locked politically, they may not make a decision, and this situation occurred in Talbot County where the council did not select a person to fill the vacancy for a year.

ACTION: The Board unanimously agreed to remain silent on the alternatives for filling a vacancy in the County Executive office.

Section 410 Director of Administration – The last sentence was deleted from this section since it is covered in Section 414 Plan of Organization.

ACTION: The Board agreed to the omission of the last sentence.

Section 411 County Attorney – Discussion ensued regarding the ramifications of contracting legal services for the county vs. hiring a full time employee to serve as the county attorney. Hiring a full time legal counsel employee would not guarantee that there would be no need to hire additional legal counsel. The original intent of the section was to keep this area close to the current system. Discussion ensued regarding the current expenditures for legal services provided to the county. A county attorney would manage other lawyers who would need to be hired for special projects.

ACTION: The Board unanimously concurred with Section 411.

Section 414 Plan of Organization – Mr. Tervalá reviewed the language in the section. Discussion ensued regarding "who" determines the executive and operating departments for the county. Discussion ensued regarding adding "strategic plan" to the section. Mr. Tervalá will draft new language that would require a strategic plan for the County. There is legislation that has been enacted that will make counties enforce their Comprehensive Plan, and it will be up to the elected officials to implement the plans that are created. Discussion ensued regarding the

purpose of a strategic plan. In general, without an ordinance, the council has no authority to force an executive to write and follow a strategic plan. A strategic plan should assist the county with being pro-active as opposed to reactive. Discussion ensued regarding comprehensive plan vs. a strategic plan.

Section 504 Preparation of the County Budget – The date was changed from May 1 to April 1 of each year. Currently, the Treasurer’s Office needs the budget by June 1, which would provide a deadline for council approval by May 31. If the council does not pass by this time, then the original budget submitted by the executive is approved. All of the deadlines for budget publication must be met by the county executive. Council would perform their due diligence and would have the authority to decrease or eliminate a budget line item.

Section 509 Borrowing Limitations – Mr. Tervala reviewed the current standards for borrowing and reviewed the data provided by the Treasurer on debt. State law states that it is capped at 6 percent, and the four items listed cannot be included in the calculation. The County’s bond request is “generic” in nature and once granted, the county can use the money at any time. Local debt and bond issues do not require approval from the General Assembly under charter government. Mr. Tervala will check the language with regard to the borrowing ordinance and the bond issue ordinance going to referendum. Discussion ensued regarding how the referendum would affect capital projects.

ACTION: The Board unanimously approved the language as provided by State law.

New Business

Section 510 Transfer of Appropriations – Mr. Tervala reviewed Section 415 (a) of the 1996 charter. The ability to transfer funds provides flexibility to the departments. It would be impractical to expect the county executive to make budget transfers, and the directors would have permission to amend their respective budgets. Discussion ensued regarding the definition of “funds” and how this would affect current accounting practices.

ACTION: The Board unanimously agreed with this section.

Section 415 (b) This section provides that no operational funds would be transferred to capital funds. It would permit council to transfer within the capital budget as long as it is done by ordinance. Discussion ensued on examples that were provided regarding government funds and the accounting practices followed to handle the finances. Currently, funding from the personnel budget cannot be transferred to the operating budget.

ACTION: The Board unanimously agreed with this section.

Section 415 (c) – Discussion ensued regarding the 90 day provision for repayment of loans, and the language in the last sentence of the section.

ACTION: The Board unanimously agreed to remove the 90-day provision and the last sentence of this section.

Note: If a challenge is made, the court can void any section of the charter without voiding the entire charter.

Section 416 Supplementary Appropriations – Mr. Tervala reviewed this section, and stated that all charters have this provision.

ACTION: The Board unanimously agreed to this section.

Section 417 Emergency Appropriations – Mr. Tervalo reviewed this section, and stated that all charters have this provision.

ACTION: The Board unanimously agreed to this section.

Adjournment

ACTION: Motion made by Mr. Schneckenburger, seconded by Ms. Szep to adjourn the meeting at 8:00 p.m.

Next Meeting Date – The Board will meet on Monday, October 26, 2009 at 6:00 p.m. in the Perryville Room in the County Administration Building.

Approved:

Joyce Bowsbey, Chair

Attest:

Vicky Rinkerman
Executive Office Administrator