

MINUTES OF THE
2021 - 2022 COMPENSATION REVIEW BOARD
AND CHARTER REVIEW COMMISSION
JANUARY 5, 2022

The following persons were present:

Lupi Q. Grady, Chair
Dennis C. Brownlee
Samuel H. Dean
Camille A. Exum
Stephanie V. Overton Stanard
Glenda R. Wilson
Jacqueline B. Woody

Staff Present:

Robert J. Williams, Jr., Council Administrator
Colette R. Gresham, Associate Council Administrator
Kathleen H. Canning, Legislative Officer
Dinora A. Hernandez, Legislative Officer
Donna J. Brown, Clerk of the Council
Rosalyn E. Pugh, Esq., Consultant
Turkessa Green, Deputy County Auditor
Sharon Savoy Williams, Administrative Staff

Others Present:

Stephen J. McGibbon, Director, Office of Finance
Linda V. Allen, Deputy Director, Office of Finance
Ronald M. Halper, Debt Manager, Office of Finance

INTRODUCTORY REMARKS:

Chair Grady called the meeting to order at 4:00 pm and Ms. Gresham did a roll call of members in attendance. Commissioner Stanard arrived after the meeting was called to order.

APPROVAL OF MINUTES:

The minutes from the December 1st meeting were reviewed and Ms. Gresham informed the Commissioners a revision was needed for clarification on the third page of the minutes, under "Additional Questions/Discussion", in the second sentence. The language should read as follows: "In response to the presentation and Charter recommendation of Robert J. Williams, Jr., Council Administrator, Commissioner

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Brownlee questioned why the Council didn't have certain levels of authority and authorization in purchasing as referenced under Section 508 of the Charter. Commissioner Brownlee suggested the procurement issues and inefficiencies raised by Mr. Williams may be best resolved without a Charter amendment". Commissioner Exum moved for approval with said amendments and Commissioner Dean seconded the approval. The minutes as amended were approved.

CHARTER REVIEW BRIEFINGS: SUMMARY OF DEPARTMENTAL CHARTER
MANDATED DUTIES AND RESPONSIBILITIES AND POTENTIAL CHARTER
AMENDMENTS:

Ms. Gresham informed the Commission that they are continuing their Charter review briefings with a presentation by Stephen McGibbon, Director of the Office of Finance. Also scheduled on the agenda was Tara Jackson, Chief Administrative Officer, but unfortunately due to pressing County matters with the snowstorm and COVID-19 operations she sends her apologies and will need to reschedule to the February 18th meeting. Staff will still provide an overview of Articles IV and V today. Chair Grady mentioned that we have a couple more presentations coming up before meeting as subcommittees. Ms. Gresham informed the Commission we were looking at the month of February to schedule subcommittee meetings and Ms. Dinora Hernandez will be working to help schedule those meetings.

PRESENTATION BY STEPHEN MCGIBBON, DIRECTOR OF THE OFFICE OF
FINANCE:

Mr. McGibbon presented an overview of the Office of Finance mandated duties as described in Article VIII of the Charter. Mr. McGibbon recommended the following Proposed Charter Amendments:

- Section 816 – provide for emergencies that may extend beyond a fiscal year end or over multiple years and to provide for a longer repayment period.
- Section 823 – reference categories/generic classes of capital projects and to allow transfers within categories by the County Executive.
- Section 323 – permit referendum approval for borrowing for specified categories/generic classes of projects.

Chair Grady asked a question about Charter Section 816 regarding Emergency Appropriations and stated that we don't have a way of knowing how much money we're

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going to need. She noted the suggested amendment appears to provide flexibility in extending the time to pay back the appropriation. Mr. McGibbon stated that under the Charter, “Such notes and renewals shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made”. Mr. McGibbon continued saying during the pandemic they received federal aid that allowed a lot of relief to the local jurisdictions in meeting the community needs and had it not been in place that would have been an additional strain on the local jurisdictions. The amendment would allow for full flexibility and prevent us from paying money back that we are not ready to pay back yet.

Ms. Canning provided an overview of Article IV and Article V of the Charter, which deals with the Executive Branch. She highlighted that Section 401 uses the word “he” and “his” throughout the Charter. In Section 406, Compensation, Ms. Canning noted that there are inconsistencies between State and County law and State law was followed, and these inconsistencies date back before the 2017-2018 Charter Review Commission. She recommends the Commission consider the following amendments in three areas to be consistent with State laws and prevent any confusion to the public:

1. To reflect the correct deadline for the transmittal of Compensation Review Board Recommendations. The Charter says February 15th, the State law says 15th day following the beginning of the fourth year of a term. We recommend it to say 15th day following the beginning of the fourth year of a term.
2. Provide that the County Council may only reduce or reject the Compensation Review Board’s Recommendations, not increase. The current Charter language allows the Council to increase which was permitted prior to the State law change.
3. Provide the County Council must make an affirmative legislative act by ordinance to adopt the changes in compensation. You must have an ordinance, a bill to make any changes to the compensation.

Ms. Canning noted that very few sections in Articles IV and V have been revised or amended since the last two Commissions.

ADDITIONAL QUESTIONS/DISCUSSION:

Commissioner Woody had a question about Section 412, Chief Administrative Officer. The language does not say the appointment of the Chief Administrative Officer is subject to confirmation of the County Council. Ms. Gresham informed the Commission that Section 322 requires confirmation by the Council, and it is not necessary in Section

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412. Commissioner Brownlee asked about gender references in the Charter language and why we have not changed it. He noted that the 2017-2018 Charter Review Commission made a recommendation to change gender references. Commissioner Woody agreed with Commissioner Brownlee and supports the Commission making a recommendation this time. Mr. Williams clarified the Council's concern in 2018 when they were addressing Charter amendment recommendations and the number of ballot questions to appear on the ballot which were two Constitutional amendments from the State and nine recommendations from the Charter Review Commission. The Council at that time believed that eleven ballot questions would be a disincentive to the voters to have to go through on the ballot, as a result the Council prioritized and reduced the number of Charter amendments.

Commissioner Dean requested to see the 2017-2018 Charter amendment recommendations that did not make it on the ballot. Mr. Williams informed Commissioner Dean that information was provided in the prior final report Executive Summary, but staff can certainly pull them out and send them separately. Commissioner Brownlee also suggested if the presenters have Charter amendment recommendations that the Commission receive them before the meeting to allow for a more substantive conversation. Ms. Gresham informed Commissioner Brownlee sometimes the challenge is we are not getting the presentations with the recommendations until minutes before the meeting, but we will do our best to get the presentations in advance of the meeting so they can have as much information as possible.

NEXT MEETING:

Ms. Gresham announced the next meeting is Friday, January 21, 2022 at 10:00 am. She informed the Commission they intend to invite Director Butler, Office of Central Services, Director Stokes, Office of Human Resources Management, and County Attorney Weaver to present. She informed the Commission they would also review Article I Names and Rights of the County, Article II Individual Rights, Article X General Provision and Article XI Effect and Amendment of Charter. The February 2nd meeting will need to start a little later. We normally start at 4:00 pm on Wednesdays but will start at 4:30 pm due to other scheduling with the Council and our Go-to-Meeting platform that we are currently using. As requested, the public comment portal is going to put on the Charter Review Commission's web page so that the public can ask questions and give comments. She also announced that the Commission will have a public hearing scheduled for March 2nd. The Commission meeting will be at 5:00 pm that day and then the public hearing will begin at 6:00 pm to give the public an opportunity to join. Staff will send out reminders and create a flyer.

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Commissioner Exum asked if there were any plans to have the Elections Administrator to present. She is interested in the special election for Council District 8 and the costs and number of voters so that the provision can be elevated. If the Elections Administrator is unable to appear, she would like to have her provide some data. Ms. Gresham reminded the Commission that there will be a briefing by Chair Grady of the Compensation Review Board Final Report to the County Council on Tuesday, January 18th at 11:30 am. They are all welcomed to attend. Ms. Gresham also informed the Commission that staff will be working on subcommittee schedules so the subcommittees can start meeting in February. The goal is to have as many presentations and briefings scheduled prior to February as possible so the Commission has that information to deliberate in their respective subcommittees. The final report deadline is April 1st.

ADJOURNMENT:

A motion to adjourn was made by Commissioner Dean, seconded by Commissioner Exum. All members were in favor of adjournment. The meeting was adjourned at 5:09 p.m.