

**Board of County Commissioners  
Worksession Minutes  
January 17, 2012**

**PRESENT:** Commissioners Mullin, Broomell, Moore, Dunn and Hodge, County Administrator Al Wein, Public Works Director Scott Flanigan and staff, Planning and Zoning Director Eric Sennstrom, Permits and Inspections Director Pat Conway; Parks and Recreation Director Clyde Van Dyke; Human Resources Director Donna Nichols; Budget Manager Craig Whiteford, Executive Office Administrator Vicky Rinkerman, Counsel Norman Wilson, Treasurer Bill Feehley, members of the press, and members of the public.

**NOTE:** Audio recording of this meeting is available on the County website [www.ccgov.org](http://www.ccgov.org).

**Closed Session Meeting – January 10, 2012 – 3:00 p.m.**

The Board convened in closed session on January 10, 2012 3:00 p.m. Motion was made by Commissioner Hodge, seconded by Commissioner Broomell, pursuant to the Maryland Annotated Code State Government 10-508 (a) (7) to consult with counsel to obtain legal advice on a legal matter; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Briefing by special counsel from Miles and Stockbridge via conference call related to the North East PSC matter; Board, staff and special counsel.

**PRESENT AT CLOSED SESSION:** Commissioners Mullin, Broomell, Moore, Dunn and Hodge; County Administrator Al Wein; Human Resources Director Donna Nichols; Emergency Services Director Richard Brooks; Budget Manager Craig Whiteford; Counsel Norman Wilson; and Special Counsel Miles and Stockbridge

Topics of discussion and action taken (if necessary):

Briefing provided by special counsel relative to the status of the North East PSC matter.

The closed session meeting was adjourned at 3:30 p.m.

**Closed Session Meeting – January 12, 2012 – 10:45 a.m.**

The Board convened in closed session on January 12, 2012 10:45 a.m. Motion was made by Commissioner Moore, seconded by Commissioner Broomell, pursuant to Maryland Annotated Code State Government 10-508(a) (1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction, or any other personnel matter that affects one or more specific individuals relative to discussing the appointment and compensation of a Director for the Office of Economic Development. Motion carried unanimously.

**PRESENT AT CLOSED SESSION:** Commissioners Mullin, Broomell, Moore, Dunn and Hodge; and County Administrator Al Wein.

Topics of discussion and action taken (if necessary):

Discussion ensued regarding potential appointments to the Economic Development Director position. The Board decided by consensus and unanimously to direct Human Resources Director Donna Nichols to proceed with filling the position of Director for the Office of Economic Development.

## **OPEN SESSION**

**9:00 a.m.** – President Mullin called the meeting to order.

**Approval of Minutes** – On motion made by Commissioner Broomell, seconded by Commissioner Moore, the Board moved to approve the minutes for the January 10, 2012 Worksession, January 10, 2012 Closed Session, January 10, 2012 Preliminary Operating Budget Public Input, January 12, 2012 Commissioners, and January 12, 2012 Closed Session meetings. Motion carried unanimously.

**Presentation of Proposed "Regulations for Electrical Inspection Agency"** – Charles McCoy, Vice Chair of the Electrical Board advised the Board that they received a draft copy of the proposed regulations.

Discussion ensued regarding:

- . Procedure for reporting inspections;
- . Recommendation relative to retaining one inspection agency; and
- . Complaints relative to inspection agencies

Members of the Board provided their comments relative to the proposed regulations.

Next Steps: County Administrator Wein advised the Board that the proposed regulations would be added to the February 7, 2012 evening meeting agenda for introduction. The public will have the opportunity to address the Board during public comment at the meeting.

**Request to Fill** – Director Nichols reviewed the request to fill for a Paramedic position in Emergency Services; a Equipment Operator in the Roads Division; and an Equipment Operator II at the Landfill.

The Board concurred to authorize the Human Resources Department to proceed with filling the positions as presented.

**Draft RFP 12-20 Two Tiger Boom Mowers or County Approved Equivalent** – Director Flanigan reviewed draft RFP 12-20 for the Board.

The Board concurred to authorize the Public Works Department to proceed with RFP 12-20 as presented.

**Evening Meeting Agenda Review** – County Administrator Wein reviewed the items on the evening meeting agenda.

Director Van Dyke reviewed the lease agreement with Mackie Brothers for the Cherry Hill property. The Board requested the market value of similar leases for comparison purposes.

Director Flanigan reviewed the Public Works agenda items.

Discussion ensued regarding proposed staffing requirements to manage and operate the wastewater utilities.

Director Flanigan recommended and the Board concurred to schedule an informational meeting with the Maryland Center for Environmental Training to review the study.

County Administrator Wein reviewed the appointments to the Susquehanna Workforce Network for consideration by the Board.

Budget Manager Whiteford reviewed the budget amendments.

**Quarterly Revenue Report** – Budget Manager Whiteford reviewed the second quarter revenue report.

**Ethics Financial Disclosure Forms** – County Administrator Wein advised the Board that they received information from Ethics Commission Chair Michael Burns relative to the Ethics Ordinance.

Commissioner Broomell reviewed her concerns and requested action on the following proposed revisions to the Ethics Ordinance:

- . County Department Directors would be required to file the same disclosure form as elected officials because they have discretion over some budget items;
- . Appointed volunteers would be required to file the same disclosure forms as they did in 2011;
- . Ethics Commission members would be required to file the same disclosure forms as the appointed volunteers;
- . All Ethics Commission members would receive a copy of a ethics complaint, and not just the Chair of the Ethics Commission;
- . County contracts with attorneys would include a requirement to file the same disclosure form as elected officials;
- . Ability to enforce a penalty when someone does not file an ethics disclosure form; and
- . Creating a new procedure for follow up when a disclosure form is not filed as required.

Discussion ensued regarding:

- . Delaying revisions until the Ethics Commission has had time to implement the new ordinance; and
- . Need for a new policy to manage disclosure form procedures.

Counsel Wilson advised that the Ethics Commission would report to the Board of County Commissioners. The County's Ethics Ordinance was developed and approved by the State Ethics Board and reflects state regulations.

Discussion continued regarding:

- . Adopting the minimum ethics standards;
- . Due diligence for following up when a disclosure form is not filed; and
- . Ensuring the Ethics Commission functions as an independent body with impartiality and confidentiality.

On motion made by Commissioner Broomell, seconded by Commissioner Dunn, the Board moved to consider amendments to the Ethics Ordinance. Vote: Mullin - Y, Broomell – Y, Moore – N, Dunn – Y, Hodge – N. Motion carried by a vote of 3 in favor and 2 opposed.

Discussion ensued regarding:

- . Request for proposed revisions be provided to the Board in writing; and
- . Relay a charge to the Ethics Commission to consider revisions to the Ordinance

On motion made by Commissioner Hodge, seconded by Commissioner Moore, the Board moved to compile a list of their concerns and forward them to the Ethics Commission for review and recommendation on any proposed revisions to the Ethics Ordinance. Motion carried unanimously.

Discussion ensued regarding:

- . Proposed revisions to the Ethics Ordinance;
- . Seeking a recommendation from the Ethics Commission on the proposed revisions; and
- . Voting procedure on the motion and proposed revisions.

Discussion ensued regarding disclosure form requirements under the old and new Ethics Ordinance.

Commissioner Broomell clarified that she is not opposed to sending the recommendations relative to policy changes to the Ethics Commission; however, she is seeking an up or down vote from the Board on three amendments to the Ethics Ordinance as presented.

President Mullin clarified that any proposed revisions to the Ethics Ordinance requires following protocol, which requires a public hearing.

County Administrator Wein advised the Board that proposed amendments to the Ethics Ordinance must be specified in the public notice advertisement, which must be published two weeks before the public hearing if the Board decides to move in this direction.

Discussion ensued regarding clarification on the previous motions and providing the proposed revisions in writing to the Board of County Commissioners for consideration.

Commissioner Broomell reiterated the proposed revisions to the Ethics Ordinance as follows:

- . County Department Directors would be required to file the same disclosure form as elected officials;
- . Appointed volunteers would be required to file the same disclosure forms as they did 2011, or the short disclosure form; and
- . Ethics Commission members and attorneys under contract with Cecil County Government would be required to file the same disclosure forms as the appointed volunteers, or the short form used in 2011.

The Board concurred that Commissioner Broomell would submit the proposed revisions to the Ethics Ordinance in writing before proceeding with consideration of the amendments.

**Charter Transition Committee Appointments due to resignations** – County Administrator Wein advised that Commissioner Moore and Commissioner Broomell have resigned from the Charter Transition Committee.

The Board concurred to request the Democrat and Republican Central Committee's forward a recommendation for appointment to the Charter Transition Committee.

### **Commissioner Items**

Commissioner Dunn commented on Cecil Night in Annapolis.

Vice President Broomell commented on Cecil Night in Annapolis, Eagle Scout Court of Honor, FOCUS on Cecil Photography contest; and a Black History essay/poster contest.

Commissioner Moore commented on her visit to Texas.

Commissioner Hodge commented on representing Cecil County at the Cecil Soil Conservation District Annual Banquet honoring Bill and Phyllis Kilby; Elk Neck State Park; and a letter from West Cecil Health Center relative to concerns with the new Clinic ordinance.

County Administrator Wein advised that County officials are working with officials from the West Cecil Health Center relative to meeting the regulatory components of the project.

President Mullin commented on Cecil Night in Annapolis and the Martin Luther King, Jr. Celebration at the A.M.E. Church.

### **ADJOURNMENT**

**10:46 AM** – On motion made by Commissioner Moore, seconded by Commissioner Broomell, the Board moved to adjourn the worksession meeting. The meeting was adjourned.

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