

MINUTES
ST. MARY'S COUNTY METROPOLITAN COMMISSION
SPECIAL MEETING
NOVEMBER 9, 2016

Chairman Barthelme convened the special meeting of the St. Mary's County Metropolitan Commission at 12:01 p.m. In addition to Chairman Barthelme, in attendance were Commissioners Russell, Carey, Mummaugh, Thompson, Willing and Oliver (On behalf of Captain Scott Starkey, USN, Commanding Officer, NAS Patuxent River). MetCom staff in attendance included Ichniowski, Harding, & Comeau-Stanley. Others in attendance included Chris Beaver (*MetCom Legal Counsel*) and Jason Babcock (*The Enterprise*).

Commissioner Barthelme welcomed everyone to the special meeting.

Commissioner Willing moved to approve the Agenda. Commissioner Russell seconded the motion. Motion carried 5-0. Following a request by Commissioner Willing, Chairman Barthelme advised that the Executive Session matters would be discussed first.

EXECUTIVE SESSION

Chairman Barthelme called for a motion to go into Executive Session. **Commissioner Russell moved to go into Executive Session to discuss Potential Litigation and Personnel Matters. Commissioner Willing seconded the motion. Motion carried 5-0.**

Commissioners proceeded into executive session at 12:02 p.m.

The special meeting reconvened into regular session at 12:58 p.m.*

Commissioner Mummaugh moved to direct counsel to proceed, as discussed in Executive Session. Commissioner Thompson seconded the motion. Motion carried 3-1. Commissioner Willing opposed the motion.

Commissioner Carey moved to grant the Executive Director the authority to appoint an Interim Chief Engineer, as discussed in Executive Session. Commissioner Thompson seconded the motion. Motion carried 4-0.

CHAPTER 113 PROPOSED REVISIONS

Mr. Ichniowski initiated discussion on the Chapter 113 Revisions, proposed by the Commissioners of St. Mary's County at the recent Joint Meeting conducted on November 1, which they plan to present to the Delegation of St. Mary's County on December 6.

Mr. Ichniowski summarized the proposed revisions to **Section 113-1. – Commission; appointment; tenure; staff** and **Section 113-30. – Additional Requirements of Commission.** (*Included as Attachment A to these minutes*). Mr. Ichniowski solicited feedback from the Board members on the proposed revisions and some discussion ensued amongst the Board members, Mr. Ichniowski and Mr. Beaver.

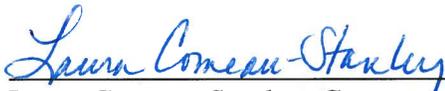
Mr. Beaver performed a more detailed text review of each proposed revision, which lead to extensive discussion amongst the group on the intent of each revision, as well as what seems to be beneficial, detrimental or simply unnecessary. Board members raised concerns over the proposed removal off the non-voting NAS Patuxent River representative from Board, the removal of appointed Board members for cause, and the approval of the operating budget, noting that overall, the recommended changes appear to remove the autonomy and independence of the organization, which is a separate body and not a County Government entity.

Following the discussion, Mr. Beaver advised that more clarity is needed from the Commissioners of St. Mary's County on many of the proposed revisions, which he intends to obtain in a near future meeting with the County Attorney. In closing, Mr. Beaver noted that he would provide Board members with an update following that meeting.

STATUS OF EXECUTIVE DIRECTOR RECRUITMENT

Mr. Ichniowski noted that of the qualified applicants, five (5) were selected for interviews and of that group, there are two (2) currently scheduled for interviews, while the three (3) others have indicated that they are no longer interested.

There being no further business, **Commissioner Mummaugh moved to adjourn the meeting at 2:00 p.m. Commissioner Thompson seconded the motion. Motion carried 4-0.**



Laura Comeau-Stanley, Corporate Secretary

** Commissioner Russell departed the meeting at 12:50 p.m.*

Sec. 113-1. - Commission; appointment; tenure; staff.

A. For the purpose of carrying out the provisions of this chapter, the sanitary districts created are under the jurisdiction of the **St. Mary's County Metropolitan Commission** ~~consisting of seven (7) voting members and one (1) nonvoting member.~~ Each voting member of the Commission shall be appointed by the ~~Board of County Commissioners of St. Mary's County~~ as follows: one (1) member from each of the first, third, sixth, seventh and eighth districts, one (1) member from the second and ninth election districts and one (1) member from the fourth and fifth election districts. Each ~~voting~~ member shall reside in the election district ~~he the member~~ represents, be a resident taxpayer of the County and be a qualified voter. ~~The voting members of the Commission shall be appointed and Members shall serve at least one (1) a three-year term and shall serve until their successors are appointed and have qualified. The nonvoting member of the commission shall be the commanding officer of the Patuxent River Naval Air Station or a designated representative of the commanding officer. The nonvoting member shall represent the interests of the United States Navy with respect to the water and sewer services provided by the Commission to the Patuxent River Naval Air Station and the Webster Field Annex. The nonvoting member shall serve until the succeeding commanding officer is appointed. If the commanding officer designates a representative, the representative shall serve at the pleasure of the commanding officer and may be replaced at any time. Those persons serving as members of the Commission immediately prior to June 1, 1976, shall continue to serve in their respective positions until the expiration of their terms. As the term of each voting member expires, his successor shall be appointed by the Board of County Commissioners of St. Mary's County. Except for a nonvoting member, any~~ A vacancy in the membership of the Commission, ~~whether by death, resignation or removal,~~ shall be filled by appointment by the ~~Board of County Commissioners of St. Mary's County~~ for the unexpired term.

B. ~~Representative of Board of County Commissioners as liaison with Commission.~~^(b) A member of the Commission may be removed by the Commissioners of St. Mary's County in the discretion of the Commissioners of St. Mary's County.

C. Officers and personnel. The Commission shall elect one (1) of its members as Chairman and one (1) of its members as Vice Chairman, who shall serve in the absence or disability of the Chairman. The Commission shall appoint, discharge at pleasure and fix the compensation of a Director, ~~a Secretary, a Treasurer, a General Counsel, a Chief Financial Officer,~~ and a Chief Engineer and employ engineering, legal, clerical and other personnel ~~and help~~ which the Commission deems necessary to carry out the provisions of this chapter. ~~The Commission may appoint, discharge at pleasure and fix the compensation of.~~ Senior Administrators shall be contractual at will employees. Employment contracts may include reasonable compensation and benefits in the event of involuntary separation. The Director may not serve concurrently as the Director and as General Counsel to the Commission. The Director shall be the immediate supervisor of the General Counsel, the Chief Financial Officer, and the Chief Engineer, and shall otherwise designate the immediate supervisors of all employees of the Commission.

D. The annual compensation of each ~~voting~~ member of the ~~St. Mary's County Metropolitan~~ Commission shall be determined by the ~~Board of County~~ Commissioners of St. Mary's County. The annual compensation shall be payable quarterly, or more frequently as may be prescribed by the ~~Board of County~~ Commissioners of St. Mary's County. ~~A nonvoting member may not receive compensation.~~

E. ~~The Treasurer appointed by the Commission shall be the collector of all charges and assessments made by the Commission and shall receive and account for all moneys which shall be due and payable to the Commission from any source. The Commission may appoint the same person Secretary and Treasurer, in which case the official title of that person shall be Secretary Treasurer. The Commission may appoint also a Deputy Treasurer to act in the absence of the Treasurer. All moneys deposited shall be protected by a depository bond or by other securities approved by the Commission. The Treasurer and any Deputy Treasurer appointed by the Commission shall give bond to the State of Maryland, the Commission and the Board of County Commissioners of St. Mary's County to the amount of twenty five thousand dollars (\$25,000.00) or a greater amount that the County Commissioners prescribe, with a good and sufficient surety, to be approved by the County Commissioners. The bond shall provide, in a form approved by the Maryland Insurance Administration and the County Attorney, that if the individual giving the bond shall well and faithfully execute that individual's office and account to the Commission for all moneys received on behalf of the Commission without fraud or delay, the required bond obligation shall be null and void, but shall otherwise remain in full force and effect. The bond, when approved, shall be recorded in the Office of the Clerk of the Circuit Court for St. Mary's County. The person so appointed, before entering upon the duties of his office, shall take an oath before the Clerk of the Circuit Court for the County, in form similar to that taken by Collectors of Taxes, except for the title of the office. The Commission may pay the premiums on all bonds. All checks issued by the Commission shall be countersigned by the Chairman or other member of the Commission authorized by the Commission to sign checks in place of the Chairman. The Commission shall publish annually a statement of its revenue and expenditures in a newspaper published in the County.~~

F. *Audits.* An audit of the official financial affairs of the Commission shall be performed annually by a certified public accounting firm in the State appointed by the ~~Board of County~~ Commissioners of St. Mary's County. ~~The Commission shall recommend a qualified accounting firm to the Board of County Commissioners on or before June 1 of each year.~~ The audit shall be submitted to the ~~Board of County~~ Commissioners of St. Mary's County on or before November 1 of each year. The costs of the audit shall be paid by the Commission.

Sec. 113-30. - ~~[Additional requirements of Commission.]~~

Notwithstanding any provision of this chapter:

A. The Commission shall adopt ~~or approve~~, with the prior approval of the ~~County~~ Commissioners of St. Mary's County, an annual operating budget, facilities plans, a 5-year Capital Improvement Plan, and an annual Capital Budget; ~~and~~.

B. ~~The County Commissioners shall amend annually the St. Mary's County Water and Sewer Plan by incorporating into it the~~ The Commission's 5-year Capital Improvement Plan, when approved by the Commissioners of St. Mary's County and the Maryland Department of the Environment, and adopted by the Commission, shall constitute an amendment of the St. Mary's County Comprehensive Water and Sewer Plan without further action by the Commissioners of St. Mary's County.