

**CHARTER
REVIEW
COMMISSION
REPORT
2022**

Dorchester County Charter Review Commission

Article 2. Section 203a

Amendment/rewording

July 10, 2022

In all functions and deliberations, the Council shall act as a body. No Council member shall communicate with any employee for instruction purposes. All communications with employees, including Department Heads, shall be done through County Manager. No Council member shall direct County Manager without, first, discussing at Council meeting and receiving majority approval. Council shall have no power to create standing committees or to delegate any of its functions and duties to a smaller number of its members than the whole. The Council, may, however, appoint special ad hoc committees for the purpose of inquiry and fact finding.

Dorchester County Charter Review Commission

Article 2 Section 212

July 10, 2022

The County Council may investigate affairs of the County and conduct any Government activity. For this purpose, the Council may subpoena witnesses, administer oaths, take testimony and require the production of evidence.

At the conclusion of the investigation, the Council shall provide a public statement of findings within 30 days at a council meeting, when legally applicable.

Dorchester County Charter Review Commission

Commission reporting: Redistricting Article 2 Section 213

July 10, 2022

213b. By November 15 of the year before the year in which redistricting is to take effect, the Commission shall present to the Council a redistricting plan. The Commission's plan shall be provided to the Council for review and made available to the public, 30 days before scheduled public hearing. The Commission will present their findings at public hearing with time for Council questions and public comments. The Council shall vote on the Commission report within 30 days, at a County Council meeting. If within 90 days after the presentation of the Commission's plan no other plan reestablishing the boundaries of the council districts has been enacted, then the plan, as submitted by the Commission, shall become law.



Dorchester County Charter Review Commission
Section 209 Removal of Council Member Explanation

July 10, 2022

The Commission felt, the removal of a council member is serious enough that it should require more than just a majority. It was felt if the reasons were of a legal nature, the legal system would be involved.

Dorchester County Charter Review Commission
Article 2 Section 209 Removal of Council Members

July 10, 2022

Section 209

A council member may be removed from office by an affirmative vote of no less than 4/5 (super majority) of Council members after a public hearing and a finding of misfeasance, malfeasance or nonfeasance in office or a finding of mental or physical disability that substantially impairs the member's ability to perform the duties of office. The decision of the County Council, may, within 10 days of removal, be appealed to the Circuit Court for the County by petition of the removed council member. Upon filing of the petition, the Court may stay the removal pending the Court's decision. Upon appeal, the Court shall make de novo determinations in fact.

Dorchester County Charter Review Commission

Article 4 Section 404a and b Executive Branch Explanation

July 10 2022

The Commission felt the Council, as the Executive Branch, should not give orders or directions to employees of the County. These communications should all go through the County Manager. If the Council has concerns, they should be voiced to County Manager, who would address with the department head.

Dorchester County Charter Review Commission

Article 4 Executive Branch

July 10, 2022

Article 4 Section 404 (404 first paragraph would become 404a)

404a. The first paragraph as stated in the current Charter

404b. Non-Interference from Executive Branch.

Neither Council or any member thereof shall give orders publicly or privately to any subordinate of the County Manager.

**Dorchester County Charter Review Commission
Article 4 Section 405 (Separate to 405a and 405b)
Hiring and Removal of County Manager**

Explanation.

July 10, 2022

It is recommended that Section 405 be divided 405a for hiring and 405b for termination.

The Commission felt the of County Manager is so important that a contract should be provided to help secure the best person.

We also felt, the termination of the County Manager is so serious that the individual should be provided with performance reviews so he/she has an opportunity to correct any concerns the Council has. It was, also, felt, the termination should require a supermajority vote along with an appeal process.

Dorchester County Charter Review Commission

Section 405 County Manager

July 10, 2022

Section 405: (Make Hiring 405a, removal 405b)

Separate hiring and removal.

405a Hiring. Council shall hire a County Manager with a 2/3 majority vote by its members. The County Manager is to be provided a written employment contract. Except as otherwise provided in this Charter or State law, all departments, agencies and offices of Government shall be subject to the direction and supervision of the County Manager under the authority of the Council.

The County Manager shall:

1. Same as in Charter
2. Except as may otherwise be provided in the Charter, hire, suspend and remove all head of departments, agencies and offices of the government subject to the approval by the Council with a majority vote by the Council.

3-11: Remain the same.

12. The County Manager shall hire/appoint and Assistant County Manager with the approval of the Council. That person shall serve as the Acting County Manager, if for any reason the County Manager is unable to perform the duties of the position

13. Old #12 shall become new #13.

405b Removal of County Manager:

1. In order to remove the County Manager, the Council shall have held regular performance meetings. If the Council has any concerns, they shall be communicated to the County Manager at the performance meeting both verbally and in writing. To terminate the County Manager, the Council shall vote in closed session with a supermajority vote (4/5) and provide the

County Manager with a written assessment of the reasons for termination. Upon termination, the County Manager shall have 10 days to request and appeal to the Council. The appeal can be held in closed session or as a public hearing if requested by the County Manager. Following the procedural deadline, the Council may adopt a final resolution removing the County Manager again with a supermajority vote (4/5). Unless the County Manager is removed by the final resolution within 30 days after the initial notice, the County Manager shall continue to serve. If suspended, the County Manager shall receive full salary and other compensation, which shall continue until the effective date of the termination.

2. Upon vacancy of the County Manager, the Council shall fill the position with a qualified person within 6 months. If not filled within six months, the Council must hire a search firm including providing funding for the process.
3. If County Manager is terminated, the Council will appoint an acting County Manager to serve a period of six months.

Dorchester County Charter Review Commission

**Article 4, Section 406 Qualifications of County Manager Explanation of
Modification**

July 10, 2022

The Commission felt it important to add a 2year period of time between the time a Council member is in office before making application or being appointed to the position of County Manager.

Dorchester County Charter Review Commission

Article 4, Section 406 Qualifications of County Manager

July 10, 2022

The County Manager must be a United States citizen, who has not been a member of the County Council for at least 2 years. At the time of appointment, the County Manager need not be a resident of the County, but must become a resident within six months after employment and remain a County resident until such time as employment is terminated.

Dorchester County Charter Review Commission
Explanation of Article 6 Section 603 Charter Review Report
Explanation of Article 2 Section 213 Redistricting Report
July 10, 2022

The Commission felt, with the work these commissions do for the Council and County, their report should not only be presented in public hearing but should, also, be voted on in an open meeting. The Charter Review Commission report, it was felt the sections recommended for modification should be voted on individually instead of as a whole. The reasoning behind this, the Council may agree with some recommendations and not others.

Dorchester County Charter Review Commission

Commission Reporting: Article 6 Section 603c Charter Review Commission

July 10, 2022

Section 603c:

The Commission shall provide the Council and the public a report with recommendations and explanation 2 weeks prior to scheduled public hearing. At the public hearing, the Commission shall present its findings and recommendations with time for Council questions and public comments. The Council shall vote on the Commission's report at a County Council meeting, one session at a time, within 30 days after the public hearing.

Dorchester County Charter Review Commission

Article 6 Section 606 Governmental Transparency Explanation

July 10, 2022

The Commission felt transparency by our government officials is extremely important. It is, also, important to inform the public of Council actions. It is not always convenient to attend Council meetings so making meetings available through some form of technology is beneficial. The Commission thinks that an agenda published in advance containing as much information as possible would create a more informed community. The Commission, also, felt that published minutes should be available as soon as possible following the Council meeting.

Dorchester County Charter Review Commission

Article 6 Section 606 Governmental Transparency

July 10, 2020

The County Government shall provide comprehensive public information about its affairs in a timely and convenient manner by these practices supervised by the County Manager for which the Council shall appropriate necessary funding:

- a. The Council shall furnish public access by broadcast and other remote means such as the Internet to.
 1. All public (open) meetings of the County Council held in legislative or other, (such as hearings and work sessions) both during the meeting (live) and by recording, as soon as possible thereafter.
 2. Council shall provide detailed agenda with additional documentation other than such documents of which, by law, public disclosure is prohibited or may be restricted.
 3. Upon approval (if required), the minutes shall be posted, including 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.

Dorchester County Charter Review Commission

Ethics Explanation

July 10, 2022

The Commission felt there should be accountability if Council member (s) do not meet requirements found in the Charter.

Dorchester County Charter Review Commission

Ethics

July 10, 2022

Ethics:

We feel Council Members should be held accountable for not complying with requirements of the Charter.