

Charter Review Committee of 2011

February 15, 2012

There being a quorum present, Vice Chairman, M.J. Caldwell called the meeting to order at 6:20 p.m. with the following members in attendance: Allen Brown, Cathy Keim, Christina Rodriguez, Dr. Greg Belcher, John Cannon, L.C. Jones, Mark Kilmer and Orvill Penn.

Excused: Ed Urban, Fran Starkey

Absent: Brad Gillis, William Hall, Katrina Purnell

Resigned: Wayne Strausburg

Representing the County Executive's Office: Wayne Strausburg, Director of Administration and Sharon Morris, Assistant Director of Administration

Assigned Staff: Ed Baker, Matthew Creamer

In attendance: Bob Culver, Joe Holloway

Upon motion from Mr. Brown and second by Mr. Kilmer, the minutes of the January 24, 2012 meeting were unanimously approved as written.

Mr. Creamer informed the committee that upon Mr. Strausburg's resignation, due to his having been appointed and confirmed as Director of Administration for Wicomico County, the County Council unanimously voted to appoint M. J. Caldwell as Chair of the Charter Review Committee of 2011, adding that the County Council had expressed its sincere appreciation to Mr. Strausburg and to Mr. Caldwell. Mr. Caldwell suggested that committee members give thought to electing a new Vice Chair, possibly at the next meeting.

Mr. Caldwell invited the committee's attention to consideration of **Article IV, Section 404, Term of the County Executive**. There ensued a discussion of whether the Charter should include language to place a limit on the number of terms a County Executive could hold office. Mrs.

Keim said she thought the people would be better served by citizen statesmen, who would serve their terms in office and return to private life, rather than persons who become career politicians, reelected to term after term in office. As an historical note, Mr. Caldwell reported that the previous Charter Review Committee had agreed to limit County Council members to serving two consecutive four year terms and that the County Council had subsequently declined to put that question on the ballot by a 4 – 2 vote.

Mrs. Keim made a motion to limit the term the County Executive to no more than two consecutive four year terms.

The motion was seconded by Mr. Jones. In discussion Mrs. Keim added that the motion would assure there would be change after a reasonable amount of time, adding that there can be a considerable amount of power to the state of incumbency, which has to be overcome by challengers to the office. She said the person elected to the office may be a good one, or maybe not, but the Charter should not enable creation of a fiefdom, because the Executive would have too much power and it would be better to have turnover in that office. Mr. Penn questioned why the limit should be two terms, not three, or four? Mrs. Keim said she thought two would be enough and that term limits are often set at two terms for elected executives, governors, and the President. Mr. Caldwell said the motion is really wider, as an executive could serve two terms, sit out a term and run for county executive, again.

Mrs. Keim said that could be discussed. Mr. Kilmer stated general opposition to term limits as they place limitations on voter choices. He said he has concerns about too much power being vested in one person, but he believes those limitations should be part of the charter, not by limiting the number of terms a person can serve. He added that voters should have as much choice as possible, that term limits have been tried at all levels of government and there is no evidence that government works any better when term limits are in place. Mrs. Keim responded that it is fundamental to our system of government that we elect citizen servants, who are elected for a time and then move on. Mr. Kilmer noted that term limits were not imposed on the President until the 1950's. Mrs. Keim countered that name recognition, established coalitions, friends, all become greater impediments to overcome, the longer an executive remains in office.

Mr. Caldwell said he had reviewed the popular arguments for and against term limits. On the side favoring term limits are: voter preference for meritocracy, the weight of seniority, increase competition, citizen servant vs. career politician, increased tendency to vote on principal vs. personal interest, wasteful spending, less empire building. On the side against term limits are: cuts down on voter choices, eliminates good people, lack of accumulated wisdom and experience, slap in the face to voters to know who they are voting for, limit power by the Charter vs. by term limit, increases power of the bureaucracy vs. elected officials.

Mr. Cannon said in local government elected officials are often not experienced in government and have to start from ground zero, with a steep learning curve. He would not want term limits at the local level, as too much training by staff would be needed. Mrs. Keim responded that term limits only narrow the field by one person. Mr. Cannon said that someone might get elected who is really good and Mrs. Keim replied that concern is balanced with someone could be really bad. Mr. Cannon added that if someone were really bad, term limits would not be needed; he could be voted out of office. Mr. Penn said the important question is what would be best for the county. He thinks there can be some form of advantage to an incumbent, like two terms. He can see it both ways and a good one could get back in after serving two terms and sitting out a term and then getting elected again. Mr. Cannon said he doesn't see someone being elected two times to county executive, sitting out four years and then running to get elected another term. He said if an executive could not run again after two terms, he'd not come back. People move on with their lives. Mr. Caldwell noted that Grover Cleveland did. He was the 22nd and the 24th President of the United States and the only President to serve two nonconsecutive terms in office. He added that some counties have term limits for the county executive and some do not. Maryland's Governor can only serve two terms, Virginia's Governor can only serve one four year term. He said 37 states have term limits for Governor and about 20 states have term limits for state legislators. Once put in place, term limits are seldom removed. Mr. Cannon cited the example of Sheriff Mike Lewis, who was elected by a large majority. He is very popular and should be allowed to continue running for Sheriff. Mr. Kilmer noted that term limits limit elected officials' accountability to the public. For example he said, Governor O'Malley is introducing a lot of

very unpopular legislation in his second term and proposes large increases in taxes and fees. He has no worry, because he will not be running for Governor, again. He added, at the county level, Mr. Pollitt could have proposed a property tax increase in the last year of his first term, but he did not. He waited until the next year, after the election. Mr. Caldwell said as a counter argument, if he is not going to run again, an executive can propose whatever he wants.

Bob Culver asked from the audience whether anyone had ever considered having a six year term for county executive. Mr. Creamer mentioned that the state Constitution does not allow county councils or boards of county commissioners to have staggered terms, but he didn't know whether the Constitution treats county executives differently. Mr. Brown said term limits would be an injustice to a county executive because major accomplishments cannot be done overnight. Mr. Caldwell noted that no incumbent executive would be subject to term limit if the Charter was amended to impose term limits while he was in office. Mr. Jones asked whether party affiliation would matter, to which Mr. Caldwell said it would not. Dr. Belcher said the subject could be revisited every ten years, if the Charter is changed. Mr. Kilmer called for the question. **Mr. Caldwell asked for a vote of all who are in favor of the motion that no person shall be eligible for reelection after serving two consecutive terms as county executive. The motion passed on a vote of 5 in favor, 3 opposed, with the Chair abstaining.**

Section 405 Qualifications of the County Executive.

Dr. Belcher recalled that Mr. Kilmer had expressed earlier some concern about the residency requirement. Mr. Jones asked whether the 5 year residency requirement could be subject to challenge. Mr. Baker said it would be unlikely to succeed, as it is a common requirement. Mr. Caldwell stated that generally, he doesn't like higher age requirements for elected office.

Dr. Belcher said 5 years means somebody has been here, knows the people, the community, has a certain amount of skin in the game vs. somebody who just moves here, is placed here, for the purpose of getting elected. Following discussion, **Mr. Kilmer moved to strike "At the time of his election or appointment the candidate shall have attained the age of twenty-five years."** Dr. Belcher seconded the motion. Mr. Kilmer said it would be unlikely that a younger person would get

elected, but he would not be precluded from running for office. Mr. Brown said that such a person could serve in the armed forces of our country, likewise he could run for county executive. Some bright twenty two, or twenty three year old person might come along. Mr. Penn said this change in the language could help set the stage for someone running for office, getting a taste for public office, running again and winning. The current language carries the implication that a person will have had certain life experiences when somewhat older. Mr. Caldwell asked whether anyone wanted an age requirement other than being a registered voter. Dr. Belcher called for the question. **On a vote of 8 for and 1 opposed, the motion passed.**

It was noted that since the vote had been to remove the twenty-five year minimum age requirement the committee would need to also **recommend taking out the requirement that a candidate “shall have been... a qualified voter in the county, or at least five years immediately preceding his election or appointment.” A motion to that effect was made by Mr. Brown, seconded by Dr. Belcher and the motion passed by unanimous vote.**

406 Compensation of the County Executive

Following discussion, there were no recommendations for change of this section.

Section 407 Vacancy in the Office of County Executive

It was suggested that language be added to Section 407 where in the County Council appoints a new County Executive, pertaining to the selection process for nominees from the respective county Central Committees in the same manner as is provided for in the replacement of a County Council member, in the event a vacancy occurs on the County Council, in Section 205 A of the Charter. Mr. Creamer called attention to the time frame provide the County Council in the appointment of a new CountyExecutive. He noted that it is one thing to a County Council member, who is one person among seven. The selection of a person to become County Executive is much more difficult and more time should be afforded this process than the thirty days Section 407 allows. Mrs. Keim referred to Section 402 B of the

Anne Arundel County Charter, which makes a distinction as to when during the term the vacancy in the office of County Executive occurs. There followed discussion and upon conclusion, **Mrs. Keim moved to amend Section 407 to include the language in the Anne Arundel County Charter, Section 402 B at the end of Section 407, as follows:**

If a vacancy occurs during the first 12 months of a term, a new County Executive shall be nominated and elected by the qualified voters of the County at the same time as Members of the House of Representatives of the Congress of the United States are nominated and elected and in the manner provided by law. In the interim until a new County Executive is elected, the vacancy shall be temporarily filled by resolution by a majority vote of the Members of the County Council, within 30 days after the vacancy occurs.

Mrs. Keim called for the question, upon which **the motion was approved by unanimous vote.** There followed **discussion to amend the wording from** Section 402B of the Anne Arundel County Charter to change the time period for the County Council **to appoint a County Executive** under Section 407 of the Wicomico County Charter **from thirty days to forty five** days. **On motion by Mr. Cannon and Seconded by Dr. Belcher, motion was unanimously approved.**

Section 408 Removal of the County Executive from office

Following review of the section there were no recommendations for change.

Section 409 Forfeiture of office by the County Executive

Following review of the section there were no recommendations for change.

Section 410 Temporary absence or disability of the County Executive

Following review of the section there were no recommendations for change.

Section 411 Executive veto

Following review of the section there were no recommendations for change.

Section 412 Director of Administration

Mr. Caldwell suggested that this section may involve discussion and due to the hour it would be a good place to begin the next meeting. With consensus from those present and on motion by Mr. Cannon, seconded by Mr. Jones, the meeting was adjourned at 8:00 p.m. the next meeting will be on Tuesday, February 28, 2012 at 6: p.m. in the Council Chamber.

Matthew Creamer