

The 2021 Wicomico County Charter Review Committee met on Thursday, May 6, 2021 at 6:00 p.m. in the Flanders Room of the Civic Center, Salisbury, Maryland.

Members Present: Mike Dunn, Chair; Robert Benson, Vice Chair; Dallas Baker, Julie Bellamy, Doug Gosnell, Katherine Jones, Sharon Morris, David Plotts, Michelle Chesnik, Anthony Sarbanes, Wayne Strausburg, Mat Tilghman, Philip Tilghman, Blair Todd, and Sonya Whited.

Staff Present: Laura Hurley, Recording Secretary, and Paul Wilber, County Attorney.

On motion by Mr. Phil Tilghman and seconded by Mr. Sarbanes, the Agenda was unanimously approved.

On motion by Mr. Sarbanes and seconded by Ms. Whited, the Minutes from the meeting of April 22, 2021 were unanimously approved.

Update on Compensation Review Commission

Mr. Dunn reminded the Committee that this was discussed at the prior meeting, and Mr. Wilber has done some research and has an update for everyone.

Mr. Wilber said, as required by State law, within 15 days after the beginning of the fourth year of a term is when the Compensation Commission by Resolution can submit their recommendations to the Council. He clarified, if the Compensation Commission convened sometime during the third year, they would have to wait until 15 days after the beginning of the fourth year of the term to present it.

Mr. Dunn said he was a member of the Compensation Commission and one of their recommendations was to change when this was done, but it looks like that recommendation runs counter to State law.

Mr. Phil Tilghman suggested they leave this as is because the idea was to excuse the County Council for having to raise their own salary, so if it has to be in the fourth year, that is when it has to be.

Update on Sheriff's Salary being included in the Compensation Review Commission Report

Mr. Dunn reminded the Committee that they asked Mr. Wilber to look into whether the Compensation Review Commission could add the compensation of the Sheriff to its list of positions it reviews.

Mr. Wilber said the County Council sets the salary of the Sheriff, so if the Council wishes to have the Sheriff's salary looked at by the Compensation Review Commission, that is legally acceptable.

Mr. Dunn said right now the Compensation Review Commission looks at the compensation of the County Executive and County Council, but not the Sheriff's compensation currently.

Mr. Sarbanes suggested leaving this as is.

Section 201:

Mr. Benson said the Committee received a comment regarding redistricting from Dr. Harry Basehart, who was a professor of political science at Salisbury University for many years. He said he sent Dr. Basehart an email asking if he would consider drafting his recommended changes. He said, assuming the Committee does not have a problem with that and assuming Dr. Basehart is willing to do it, he would like to ask Dr. Basehart to provide them with his recommended proposed change to Section 201. Mr. Dunn agreed.

Dr. Jones said she concurs with Mr. Benson, but would also suggest hearing what Dr. Basehart has to say about a few previously discussed topics including having seven districts rather than five districts and two at-large seats, and terms to Office.

Mr. Benson said he may not always agree with Dr. Basehart, but he certainly respects his opinion and thinks it would be of benefit to this Committee to have his thoughts if he is willing to do that.

Mr. Dunn suggested having individual Committee members do research on topics in advance so as not to overwhelm any one member. He clarified, one Committee member could look into how other Counties are handling a particular item, and then that Committee member could report back. He said one area of research would be Personnel, as currently Personnel in Wicomico County lands under the responsibilities of the County Council and they will be discussing that. He then suggested someone could do a simple google search to look up where Personnel falls with other Counties that have a County Executive and a County Council form of government. He said the second area to be researched is language on the duties of the Office of County Executive and, specifically, right now they only have one paragraph that describes the County Executive as the CEO. He said a third area to research is language regarding Charter violations seen by either the County Council or by the County Executive. He said the fourth item for research was discussed at the last meeting, which is having a separate County Council Attorney. He clarified, not an as-needed County Council Attorney, but fulltime as they currently have.

Mr. Dunn said anybody can volunteer now to do that research; otherwise he will circle back at the end of the meeting to find four volunteers to do some of this work in between the meetings.

Mr. Dunn clarified, that was just his list, but there may be other thoughts the group may like to have looked into, and he thinks that can help speed up the process.

Review of Article III. The Legislative Branch

Section 306:

Mr. Dunn said there was a recommendation dealing with removing the word “physically” in light of the pandemic. He clarified, a quorum usually means four people physically present, and it was suggested to remove the word physically. He then asked if any of the Councilmembers in the audience could explain whether they met all virtually or all in-person, or if there was ever a time when some Councilmembers were virtual and some present. Mr. Cannon came to the microphone and said there were times when Councilmembers were on Zoom and there were Councilmembers in the actual Council Chambers. Mr. Dunn asked if that was specific to the pandemic, to which Mr. Cannon responded, yes, so there may need to be a clause saying something about a state of emergency.

Mr. Dunn asked Mr. Wilber’s opinion on the legality of removing the word physically, to which Mr. Wilber responded, they could remove the word and add something about during a state of emergency because otherwise there will be discussion about people participating by phone at all times.

Mr. Benson said he looked at a number of different Counties and did not see any other County with the word physically in its Charter. He said most other Counties basically said they had to have a quorum, but certainly did not have anything about physically being present.

Ms. Bellamy said she did not find anything in Maryland but did find something in Illinois that they came up with in order to permit meetings without the physical presence of a quorum. She said they required

48 hours' notice be given to the public and that the presiding Officer had to state in the meeting why they were meeting that way, such as emergency or pandemic. She said they had to state whether they were virtually or physically present so that they did count towards the quorum. She said all votes were by roll call so people could hear and understand each other, and they also required there be a verbatim record by either audio or video of the meeting, and also that that it be verified they must be able to hear one another and all discussion no matter what in case of technical difficulties.

Mr. Strausburg suggested they do something that provides for the ability to have virtual attendance under exigent circumstances. He said they would have to work on how they define that, whether it be a state of emergency declared by the Governor, but he is a little uncomfortable with going down the road of loosening up physical presence at meetings. He said, going back to the Open Meetings Act, when they have people attending virtually, they can mute themselves and they can have other people in the room, and he thinks that is a slippery slope they do not want to go down.

Mr. Dunn said he thinks this topic needs to be addressed and this last year showed that.

Mr. Mat Tilghman asked if there is a legal definition of "state of emergency," to which Mr. Wilber responded, he believes there is, and they would find that in State law.

Mr. Mat Tilghman made a motion to remove the word "physically" from Section 306 and state "Members established by this Charter must be present to constitute a quorum or virtually present if there is a state of emergency."

Mr. Phil Tilghman said they should actually leave the word "physically" in there and say they must be physically present to constitute a quorum, but then add the rest of the sentence.

Mr. Dunn suggested they add "unless there is a state of emergency in place that prohibits being physically present."

Mr. Baker suggested adding natural disaster as they can have a local tornado touchdown that will not be a state of emergency established by the Governor, but it is something that would affect the building.

Ms. Morris asked if a state of emergency is still declared by the Executive, to which Mr. Wilber responded, he thinks there can be a local emergency and they can have a Statewide emergency.

Mr. Strausburg suggested they come back to this at the next meeting after Mr. Wilber has been able to draft the language.

Mr. Mat Tilghman withdrew his motion.

Section 307:

There was no discussion.

Section 308:

There was no discussion.

Section 309:

There was no discussion.

Section 310:

Mr. Baker said Part A states the Council is limited to 45 calendar days and he does not understand why. He said he thinks they should have as much time as they need to do their job, but he was just wondering if there is a reasoning for the 45 days.

Mr. Dunn clarified, this is talking about the total amount of Legislative days the County Council can meet cannot exceed 45 days in a calendar year. He said, if this had been a problem with any previous Council that identified they need more days, somebody would have come forward and asked for more days.

Dr. Jones asked if they could go back to Section 305, as she has concerns. Ms. Whited said she also wants to look into Section 305 more.

Mr. Dunn said he talked with Mrs. Hurley about keeping a running scorecard of all of the motions made by the Committee so they can go back through all the recommendations to make sure they recall what they are doing and are comfortable with what they have done. He said he thinks they can add Section 305 to the research category. He then suggested Dr. Jones or Ms. Whited volunteer to research that section, and then they can come back to it after the research has been done.

Section 311:

Mr. Baker said there was a comment from Council asking if the Open Meetings Act exceptions should be added to this Section.

Mr. Wilber said paragraph 311-A talks about Council Sessions shall be open to the public, and then there are 14 exceptions that are used for Closed Sessions, so that may be what this is referring to. Mr. Strausburg clarified, those exceptions are a matter of State law. Mr. Dunn explained, the Council can go into Closed Session, but not Closed Legislative Session.

Mrs. Hurley said Council also raised the issue as to whether or not they should be required to notify the County Executive once Legislation is passed. She explained, there was a situation where Legislation had failed, but the Executive's Office assumed it passed and there were some errors made because of that.

Mr. Strausburg clarified, the question is whether there should be an overt notice to the Executive when a Bill does or does not pass. Mr. Dunn asked if that is a function of the Council Administrator, to which Mrs. Hurley responded, not currently. Mr. Benson suggested the Council just adopt that as a procedure as opposed to putting it in the Charter. Mr. Strausburg said it does not really need to be in the Charter.

Mr. Dunn suggested they strongly encourage the Council to notify the Executive of the passage of any Legislation and strongly encourage the Office of the County Executive to pay attention to whether Bills get passed.

Mr. Phil Tilghman said he does not think the public needs to vote on this, to which Mr. Dunn responded, he agrees.

Section 312:

Mr. Dunn said Mr. Wilber was going to get some additional information on bond issues. Mr. Wilber said Ms. Lindsey Radar will be providing them with some revisions to Legislative Sections of the Charter, and he recommends waiting until they have those and then everyone can look at them.

Mr. Sarbanes said, in reference to petitions, he thinks 60 days is too short. He said, if something gets passed and people are not happy with it, that is not enough time. He said he would like to see it go to 90 days, which sends the picture that they have three months to get a petition together.

Mr. Sarbanes made a motion recommending that the timeframe change from within 60 days to within 90 days in Section 312-B, which was seconded by Mr. Plotts.

Mr. Strausburg suggested they check to see if there is anything in State law that precludes them from doing that. Mr. Dunn suggested they act on the motion with the caveat that, if it passes, they make sure that what they are doing is appropriate within State law.

Mr. Benson said, if they are going to change Section 312-B, they have to change Section 311-E and G because they all reference 60 days. He clarified, he is not suggesting they should not do this, but if they are going to change one, they have to change them all. He suggested Mr. Sarbanes amend his motion to state that the 90 days relates to all other Sections that have that time period.

Mr. Strausburg said he is concerned about extending the period of time for Legislation to take affect from 60 to 90 days as that is going to be problematic. Mr. Sarbanes said a petition is very different than Legislation. He said, if they pass the law, it will go into effect in 60 days, but people who might oppose it would then have 90 days to petition.

Mr. Phil Tilghman said there have been several successful petitions in Wicomico County complying with 60 days, so he thinks it is possible, and if someone feels strongly enough about it, they can get the signatures in 60 days. Mr. Sarbanes said, if someone were to complain, it would be easier to say they had three months, but they could say two months was not enough time, and he would like to err toward those who may disagree and give them the chance so they have plenty of time.

Mr. Wilber said he sees a timing issue. He clarified, if it becomes effective after 60 days and the petition comes in at 90 days, there is a period where the law was effective, and then it may not be effective.

Mr. Sarbanes withdrew his motion.

Section 313:

There was no discussion.

Section 314:

Mr. Sarbanes said the subject of how Council interacts with County employees keeps coming up. He said, if he was on the Council and saw a person who runs County Roads and wanted to ask a question, if there is a bad relationship between the Executive and the Council, the Executive could say the Councilmember has no business talking to the employee.

Mr. Dunn said he does not see where it says they cannot have a conversation.

Ms. Whited said one of their handouts says that over the past few years, Department Heads were not allowed to attend Council meetings or discuss certain matters and all communication had to go through the Executive's Office. She suggested perhaps a clear definition of what might be considered acceptable in formal discussions would be necessary.

Mr. Strausburg said, having lived through that, it is a function of the relationship between the Councilmembers and the sitting Executive. He said he certainly believes the Councilmembers should have reasonable access to the Department Heads, and not allowing that is really counterproductive, and it was very unfortunate. He said it put the Department Heads in a very awkward position and caused a great deal of dysfunction that was unnecessary. He said he thinks the effectiveness of any organization has to do with the people who populate that organization, and they had trouble with that.

Mr. Holloway came to the microphone and said this has been an issue, but depends on the relationship between the County Executive and sometimes certain Councilmembers. He said his understanding has always been that Councilmembers can talk to employees and say, for example, there is a pothole, but they cannot tell them to fix the pothole, so they are not in a supervisory position. He said he has always had a good relationship working with Department Heads. He clarified, sometimes it got strained through the Executive's Office a bit, but he thinks it should be made clear that Councilmembers are not to supervise. Mr. Dunn said that is already in there, but Mr. Holloway's point is well taken.

Mr. Benson said he looked at other Counties, and Anne Arundel has a clause saying unless for the purpose of inquiry or information, they cannot interfere, but he does not know whether those few words would clear this issue up and how that would be interpreted. He said Frederick County has a Section that actually says they cannot interfere, but then they have a specific Section that says it shall be the duty of the Executive to provide any information that is requested by the Council in writing for the purpose of introducing or evaluating Legislation or to engage in the review or monitoring of government programs, activities, and policy implementation, but he does not know that they need to go that far.

Ms. Bellamy then talked about situations as a Director where she was approached by a Councilperson with a question, but the perception was that she was divulging economic development information. She said she was told that the Council acts as a Body and the Body needs to have the same information at the same time in order to make decisions equally, and that she was not to communicate directly with only one at a time because of that stipulation. She said because of that, she likes it the way it is.

Mr. Hastings came to the microphone and said, as a Councilmember, he often feels that he is bringing information to the Executive Branch or the Department Heads, but he does not know the best way to tread that line. He said he has always been very cautious of trying not to tell someone what to do, but also to explain what is happening and things to consider. He clarified, he has never felt good about that process, and of course the past Executive was a different situation, but it would be nice if he did not feel like he cannot bring information to the Executive Branch. He clarified, he thinks it is also important to note that if a Councilmember was interfering, there is still no process to address that, so if the Committee could address that, it would be helpful.

Mr. Baker said he has had experience with these issues. He explained, he would get calls in Public Works from Council people and would do his best to answer them because he just wanted to know where the problems were, so that level of communication was never really an issue, at least on the Public Works side. He said there were times, however, that he would be called to give presentations to Council on a more frequent basis than information was readily available. He clarified, they would ask to meet every month to talk about a topic, but he needed more time to address the issue, such as two or three months, before he could report on anything substantially, but the impression was that Council wanted it now. He said sometimes the Executive would step in to help defend the Department Heads against repeatedly being summoned, not from the sense of holding back information, but just in the sense of

giving the Department Heads a chance to do their jobs before coming before Council so they can have an active discussion or report progress. He said he thinks sometimes the time period needed to get the information together was perceived as the Executive not making people available. He clarified, again, this is limited to his Public Works experience, and he cannot speak to other Departments, but the routine calls were never a problem from the Executive side.

There being no further discussion, on motion by Mr. Benson, seconded by Dr. Jones, and unanimously carried, the recommendation was made to amend Section 314-A to delete the word “generally” and insert the words “unless for the purpose of inquiry or information.”

Section 315:

Mr. Dunn said there were reappointments that were a point of heartache recently, so this specifically talks about the initial appointment of someone having to go before the County Council. He then asked which Section talks about reappointments, to which Mr. Baker responded, Section 413. He suggested they discuss this when they get to Section 413 because if they change anything, they will need to come back to 315 to make a change.

Mr. Benson asked for clarification on whether Directors start work immediately after being appointed by the Executive, or is it after the Council votes on the confirmation, to which Mr. Wilber responded, the latter. Mr. Benson said, from the notes the Committee has received, he gathers that did not happen in the last four to eight years.

Mr. Sarbanes asked if that was ignored in the past where people went to work without confirmation, to which Mrs. Hurley responded, they have had Department Heads hired by the former County Executive without Council’s confirmation.

Mr. Benson suggested something stating they cannot take the position until after the County Council confirms them or does not act. He said he does not know why they should need to do that, but if it was a problem, then he guesses they should add that.

Mr. Baker said that is why there needs to be language about what happens when they violate the Charter because this happened and there were no ramifications. Mr. Strausburg said that was the critical issue. He said there has to be teeth in the Charter to deal with willful violations of the provisions of the Charter and right now they do not have that. He said the only remedy they have is to go to court and, from a citizen/taxpayer standpoint, he thinks that is a pretty awful remedy.

Mrs. Hurley said Council brought this up because it has been a problem, so they are looking for clarity. She said the County Executive’s Office interpreted the Charter one way, and Council interpreted it differently, so they need something to clarify exactly the intent of these Charter provisions.

Mrs. Hurley said Section 414 allows the County Executive to do temporary appointments.

Mr. Todd suggested adding to the end of the sentence “and then be hired.” He said that should clarify that they are only going to be hired under that situation and not be hired prior to that.

Mr. Dunn said the County government had some very serious discrepancies relative to interpretations of the Charter that brought the function of County Government to its knees, as they heard from a member of the Executive Branch, and the Council as a Body is literally asking the Committee to provide better, stronger language regarding some of these issues. He said he wants the group to understand, if they do

nothing else correctly as a group but provide some clarity to the language like what has been suggested, they have to land somewhere affirmative to help the government recover.

Dr. Jones made a motion that the final sentence in Part A state “the appointment shall stand approved and employment may commence,” which was seconded by Ms. Bellamy.

Mr. Dunn asked Dr. Jones to hold that motion because he thinks she is addressing if the Council fails to act, and they need to address when the Executive nominates the person and when the job commences. He clarified, the motion is valid, but they are trying to address when the starting point is for the beginning of the job.

Mr. Strausburg said, bear in mind that Section 414 of the Charter gives the Executive the authority to make temporary appointments not to exceed 90 days, so if they are going to change Section 315, they have to add wording indicating that in no way it impacts Section 414.

Mr. Benson suggested changing the motion to add a sentence to the effect of “An initial appointment hereunder shall only be effective after the Council acts to confirm the appointment or fails to act to confirm or reject any appointment.” He said he knows that is a lot of words, but he does not know how to do it without any more clarity.

Mr. Baker suggested it should say that “The appointments shall not receive compensation or benefits until confirmed by the Council” because there were people who were not put forward but got paid. Mr. Strausburg added, they had people who were put forward and rejected, but stayed employed and got paid. Mr. Baker said they need to make it very specific that they are not getting paid and not getting benefits if they are not confirmed by Council. He said, while this takes to heart the struggle they were facing, they still need to look at the big picture to address when there is back and forth between Council and the Executive because, while this was a specific issue over the last several years, the next Executive may find a way to do something in another Section that this Committee is not able to anticipate. He said, ultimately, there has to be a way for these disputes to be resolved. He clarified, he thinks it is great they are addressing this and he agrees completely, but does not want to lose sight that there needs to be teeth in the Charter to deal with willful violations.

Dr. Jones amended her motion to state “The appointment shall stand approved and employment may commence with compensation and benefits unless appointed under Section 414.”

Mr. Mat Tilghman made a motion to state “Subject to confirmation by the County Council, the County Executive may then proceed to hire.”

Mr. Benson made a motion to add a new sentence stating “An initial appointment hereunder should only be effective after the Council acts to confirm the appointment or fails to act to confirm or reject an appointment.” Dr. Jones added “Then employment may commence with compensation and benefits unless appointed under Section 414.”

Mr. Dunn suggested getting a consensus for the language and then have Mr. Wilber work on the language and the Committee will come back to this. He said, for full disclosure, he wants the group to know that he is going to record what he is going to say. He said they are going to attempt to draft some language that takes into consideration the following things:

Mr. Dunn said, from Dr. Jones they have "Employment may commence with compensation and benefits unless appointed under Section 414." He said, from Mr. Benson they have "An initial appointment hereunder shall only be effective if..." He said Mr. Baker suggested the hiring would occur when compensation and benefits kick in.

Mr. Dunn said they want to find language that defines when the person is hired, and to prevent a County Executive from hiring someone and putting them on the payroll, but then the person not be approved by the County Council. He said, moving forward, they want to make sure the language in Section 315 brings some more clarity to how a person is hired, when the person becomes hired, where the Council comes in, and when that person begins to get compensation and benefits, and perhaps as importantly, if violating that and a nonapproved Department Head is on the payroll, what punitive measures could be put in place to correct that.

Mr. Strausburg said he thinks they need to have a Section in the Charter that specifically addresses remedies to willful violations of the Charter by either Branch.

Section 315-B:

There was no discussion.

Article IV – The Executive Branch

Section 401:

There was no discussion.

Section 402:

Mr. Dunn said a suggestion was made asking if a provision should be added to require the County Executive to provide any information that is requested by an individual Councilmember for the purpose of introducing or evaluating Legislation or to engage in the review and monitoring of government programs, activities, and policy implementation. He then suggested a Committee member could research this topic to look into what other Counties have defined as the Executive powers and duties.

Mr. Strausburg said, in the first paragraph of Section 402 it says "The County Executive shall devote his full time to the duties of the Office." He said there was a misstep in the search for a replacement County Executive, and he thinks it needs to be clarified that the County Executive shall have no secondary employment.

Mr. Benson said he does not disagree with that, but in Section 609-B it says all Officers and employees in the Executive and Legislative Branches other than the County Executive, County Council, or County Attorney, who receive salary or compensation paid in whole or in part from County funds shall devote their entire time during the official working hours to the performance of their official duties, so there is already an inconsistency. He said, if they are going to make the County Executive a fulltime position, he or she cannot be exempt under 609-B.

Mr. Dunn said, in the recent appointment process a person who had a fulltime job was appointed and then stepped aside within three days, so the group may wish to address this paragraph and what Mr. Benson mentioned in 609-B.

Dr. Jones suggested there be something in reference to it being fulltime during standard working hours because of how much the County Executive gets paid and may need to work a second job, but there should be a full commitment during normal operating hours. Mr. Strausburg said the issue is that the County Executive's responsibilities are not a 9-5 job, it is 24/7, 365 days a year, but to the point about compensation, that is something that needs to be addressed.

Mr. Dunn explained that when he was on the Compensation Committee three years ago the group suggested to the Council to increase the Executive's salary to \$120,000, which was immediately rejected without serious consideration. He clarified, that is a separate issue.

Mr. Dunn said he thinks the sentence as it stands is sufficient as the last person who attempted to hold the position had other fulltime employment and withdrew three days after accepting the Executive job.

Mr. Mat Tilghman said there could be someone who owns a business and wants to run for County Executive. He said this person could still be receiving compensation for that as part of their return on investment, but they could make the commitment to being the fulltime County Executive, so there are some gray areas.

There being no further discussion, on motion by Mr. Strausburg and seconded by Mr. Baker, the recommendation was made to add "the County Executive shall devote his or her full time to the duties of the Office and not partake in secondary employment." The motion passed with 8 in favor, 3 opposed, and 4 abstentions.

Mr. Todd said at their first meeting they discussed how their votes would proceed and it was his impression that they would only proceed with recommending any changes if they had a consensus and not just a simple majority. He said he went back and looked at the minutes from that first meeting and it was mentioned they were going to come back and touch on that, but he does not think they ever did.

Mr. Dunn said they adopted Robert's Rules of Order, which allows for a simple majority to pass. He said, at the first meeting before they had a Chair and they were having open discussion, his recollection is that, in order to move anything into a question that might end up on a ballot, there was discussion that it would need to be overwhelming consensus. He said then they held their first meeting with a Chair and adopted Robert's Rules of Order, and he took that to mean a simple majority and that each vote would be recorded the way Frederick County did to show how many voted each way, and that is how they have been operating since they took their first formal vote. He reminded the Committee that all the votes are being recorded and they are going to come back to all their votes to review them.

Mr. Dunn again asked the group if anyone would like to volunteer to research the questions about language on the duties of the County Executive, language on Charter violations, the question of the County Council Attorney, and the question of the Internal Auditor.

Public Comments:

Mr. Bob Taylor came to the microphone and said he has a list of a dozen things, but will only hit a few. He said he has a couple of comments regarding Professor Basehart's message and the decision to have him provide a draft of that particular Section to do with redistricting. He said one of Dr. Basehart's theses seems to be that Governor Hogan's Executive Order is pretty good, and he is not here to debate that, but will point out that it is an Executive Order that could be changed tomorrow morning if the Governor wanted to. He said he thinks when they are talking about putting something in the Charter it is

a different ball of wax because it cannot be changed overnight, so that is one point. He said Dr. Basehart indicates in his written message that he feels the redistricting Committee's recommendation should automatically apply, but he thinks that would be unlawful under the Maryland Constitution and Code, so someone might want to point that out to Dr. Basehart. He said, even under Governor Hogan's order, it still goes to the General Assembly and does not automatically become the redistricting procedure.

Mr. Taylor said, as far as composition is concerned, he thinks there could be some change there and has kicked around different ways to do it. He said he looked at the Governor's Executive Order where he specifies specific numbers and political parties. He said another way to do it that would not put a numerical limit in but would nevertheless provide diversity would be to say that no more than 40 percent of the members of the Committee can be from a particular party. He said essentially, they are talking about two parties, and if they used 40 percent, that would be a cap of 80 and then they would have 20 percent who could be independent.

Mr. Taylor said the Committee spent an awful lot of time on the appointment sections, and he thinks they really did not focus directly on what the problem has been. He said the problem primarily relates to former Executive Culver and it was really two different things. He said Mr. Culver appointed some people and never told the Council about it, and the other thing Mr. Culver did not do after he was reelected for his second term was he did not provide any further appointments. He said Mr. Culver turned in a list at one time and then withdrew it, but he did appoint Mr. Strausburg and he believes Mr. Young and they were confirmed. He said he believes he was the one who recommended this, but the Council reappointed everyone who was serving that the Council felt should be reappointed to give them assurance that they would have continued employment, a job, and salary. He said there was one who was not reappointed, but that really was the problem, and there was no real problem of any misunderstanding of the two Sections this Committee has been discussing. He said, in fact, he thinks they are perfectly clear. He said he thinks the law or the Charter requires that somebody be confirmed to be a Department Head, and until they are confirmed, they are not entitled to be a Department Head, period; no money, no authority, nothing, but after they get appointed and confirmed, certainly then they are in. He said he really does not think there would be any question about that in court. He clarified, the change that has been proposed does not hurt to make it crystal clear, so he is not saying not to do it, but he does not think it is really necessary and does not really address what the problem was and why this is a matter before the Committee.

Mrs. Alyssa Hastings came to the microphone and said she wants to thank the Committee for spending so much time thinking about their County's Charter. She said she knows it is thankless work and a lot of hours they are volunteering, but this is what good governance and good democracy looks like, so she thanks them for taking the time to make the County even better in the future.

Mr. Josh Hastings came to the podium and thanked the Committee.

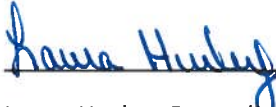
Next Meeting Date and Time:

Mrs. Hurley said the next meeting is going to be May 20 at 6:00 p.m. in this room.

There being no further business, the meeting was adjourned at approximately 8:00 p.m.



Mike Dunn, Chairman



Laura Hurley, Recording Secretary