

The 2021 Wicomico County Charter Review Committee met on Thursday, May 20, 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, Doug Gosnell, Katherine Jones, Sharon Morris, David Plotts, Michelle Chesnik, Anthony Sarbanes, Wayne Strausburg, Mat Tilghman, Philip Tilghman, Blair Todd, and Sonya Whited. Julie Bellamy was absent.

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

**Approval of Agenda:**

**On motion by Mr. Sarbanes and seconded by Ms. Chesnik, the Agenda was unanimously approved.**

**Discussion on New Meeting Site:**

There was discussion about the fact that the Committee will now be able to meet in the Council Chambers in the Government Office Building at 5:00 p.m. on the first and third Thursdays of each month. Mrs. Hurley mentioned that some members will need to share a microphone.

**Discussion on Scorecard:**

Mr. Dunn explained, the scorecard is simply a recap of what the Committee has done. He said, as the Committee continues their work, they will review the recommendations they have made, and he anticipates having a few meetings toward the end of their time together to go back and look at the scorecard. He then asked the Committee to keep an eye on that, and Mrs. Hurley will keep updating it.

**Approval of Minutes from May 6, 2021:**

**On motion by Mr. Phil Tilghman and seconded by Ms. Morris, the Minutes from the meeting of May 6, 2021 were unanimously approved.**

**Update from Mr. Wilber on Section 315:**

Mr. Dunn reminded everyone about their previous discussion regarding the hiring of employees by the previous Executive where the person recommended by the Executive took his or her position before the approval of the County Council. He said Mr. Wilber took the Committee's recommendations and summarized it, and they do not have to take action on this tonight.

Mr. Wilber then read the additional language that would be for Section 315, paragraph A:

*Unless appointed under Section 414, the initial appointment of the Director of Administration, Assistant Director of Administration, Department Heads, and Deputy Directors shall only be effective after the County Council confirms or approves the appointment. The appointment shall receive no compensation or benefits until the County Council approves or confirms the appointment.*

Ms. Chesnik said there is no length of time noted for this to occur. She said she knows the Charter says 45 days, but there is nothing in this statement, to which Mr. Wilber responded, he thinks the 45 days is the time limitation. He clarified, if there is no action, the appointment is considered approved.

Mr. Mat Tilghman asked if this paragraph will be inserted at the end of 315-A, and they are not altering the language in 315-A, to which Mr. Wilber responded, correct.

Mr. Dunn suggested they hold off on making any decisions on this until they have all had a chance to read it and then bring it back at a future meeting.

**Review of Article IV. The Executive Branch:**

**Charter Sections 401-414:**

**Section 402:**

Ms. Chesnik suggested they revisit the discussion on other employment for the County Executive because she thinks they are going to limit themselves by saying whoever is in the position cannot have any other type of employment. She said some people may have rental properties or own a business, and they could possibly lose some very good people who might come forward and want to do this position.

Mr. Sarbanes said Mr. Taylor sent a comment to the Committee suggesting language stating the County Executive shall devote such time as may be required to perform the duties and responsibilities of the Office. He said that might circumvent the problem, as somebody could be elected who comes from a family with property, and they are penalizing them for that.

Dr. Jones said she looked into other County Charters and it is legal to require that they can only have one fulltime position, which she was surprised by, but she agrees they should possibly revisit this. She said she understands there was a recommendation for a pay increase for the County Executive, but it was really discouraging to see what Department Heads and Deputy Directors make and then see what the County Executive makes. She said, if they cannot make a difference by increasing the salary of the County Executive, they should not make it more difficult and say they cannot have another position as long as they fulfill the duties as required.

Mr. Mat Tilghman said he agrees with that because he thinks it is feasible for business people, depending on where they are in their career, to take on a position like this.

Ms. Whited said she does not disagree with what anybody is saying, but the statement leaves a lot to interpretation, and she does not know how to define it better.

Mr. Sarbanes said a concern would be if the person abused this, but he would hate to see a good person not be able to run because they own a business.

Ms. Morris said Section 609 says all Officers or employees in the Executive or Legislative Branches other than the County Executive, members of the County Council, Attorney or Assistant Attorney, if any, who receive a salary or compensation paid in whole or part from County funds shall devote their entire time during the official working hours to the performance of their official duties. She said her interpretation of that is during the normal work time.

Mr. Dunn said, for the purposes of this discussion, normal work time is 8:00 a.m. to 5:00 p.m.

Mr. Todd said, if somebody is in the National Guard, they are certainly compensated for that, and they are certainly expected to spend some time there. He said probably everybody in the National Guard, unless they are fulltime in the National Guard, has another fulltime job.

Mr. Dunn said Governor Hogan has a pretty substantial real estate family business, and there is still income he is earning as a result of that, but clearly Governor Hogan is also the fulltime Governor of the State of Maryland. He said the language in that first paragraph states the County Executive shall devote

his or her full time to the duties of the Office. He then asked if that in and of itself defines for anyone deciding to run for Office that this is a fulltime job? He said it does not add language saying there are no other duties they can do if they have another business. He said it may be sufficient to leave it as is.

Mr. Benson said he thought an issue came up during the process of appointing a replacement County Executive about whether it was a fulltime position. He clarified, he was not involved in that, but it was his impression that, under the current Charter, it is a fulltime position. He said, if they leave the language the way it is, that does not solve the problem if it is interpreted the way they did a year ago.

Mr. Dunn said that is a great point because the person chosen by a majority of the Council to replace the County Executive is a fulltime working cardiologist, so instantly a lot of the community was scratching their heads trying to determine how in the world a fulltime practicing cardiologist could also be the fulltime County Executive, and that person withdrew his name when the community started to react. He said either the County Council looked at this and determined that he could be a fulltime cardiologist and a fulltime County Executive and made a job offer to this person and ignored the language in this paragraph, or they interpreted it in a way that worked for what a majority of the Council wanted to do.

Mr. Benson said Section 609 clearly says the County Executive is exempt, but to him that seems to be somewhat inconsistent with the fulltime language. He said he thinks one of these Sections needs to be changed because it is open to interpretation, so he thinks they should try to clean the language up so it is clear what it means, whichever way they go.

Ms. Chesnik said Section 402 was not something that was asked for from the Council anyway, and she does not see anything where they want to know about the County Executive being fulltime or part-time.

Mr. Todd asked if the current County Executive is also the current County Administrator, to which Mr. Dunn responded, yes. He said they do not currently have a Deputy County Administrator, which there is certainly budgetary money for that, so they have one person right now serving in three jobs – Acting County Executive, County Administrator, and Deputy County Administrator. Mr. Strausburg clarified, what they really have is an Acting County Executive and the other two positions are vacant; that is the reality of it. Mr. Dunn clarified, this is not a reflection on the Acting County Executive personally, but it is a position that is really untenable.

Mr. Benson said he thought Ms. Morris suggested that stating they shall devote their entire time during the official working hours could be used in Section 402, and that makes sense to him.

Mr. Mat Tilghman said, in the event of a crisis, it worries him to say “during normal working hours.” He said, if they have a catastrophic event somewhere in this community, the County Executive is probably going to need to be on the spot and not clock out at 5:00 p.m. Mr. Dunn said, as Mr. Strausburg said at the last meeting, being a County Executive is a 24/7 job, so he thinks Ms. Morris is just attempting to put language in there suggesting that.

Mr. Benson suggested deleting the words “devote his full time” and insert the words “devote their entire time during official working hours to the performance of their official duties.” He said he interprets that as a minimum requirement, not a maximum requirement, and he would assume that anybody who runs for County Executive understands that it is a 24/7 job and they are expected to be there fulltime 8:00 a.m. to 5:00 p.m. every day, but they have a lot more duties than that.

Mr. Mat Tilghman suggested striking the words "other than the County Executive" from Section 609-B. Mr. Dunn suggested saying "including the County Executive" instead of saying "other than."

Mr. Mat Tilghman proposed the following language for Section 609-B:

*Fulltime required: All officers and employees in the Executive or Legislative Branches, including the County Executive, but other than the members of the County Council, the County Attorney and Assistant County Attorney, if any, shall devote their entire time during the official working hours to the performance of their official duties.*

Mr. Benson said the intent of that statement is making the County Executive a fulltime position. He clarified, he is not objecting to that. Mr. Mat Tilghman said maybe incorrectly he assumed that they all agreed that it was a fulltime position. Mr. Benson said he thinks they are trying to suggest the person could have a second business, for example. Mr. Mat Tilghman said he agrees with that, but he is not quite sure how they word it so somebody does not try to slide through. He said the person taking this job needs to understand that this is going to be their primary job. He clarified, that does not mean they cannot talk to their family member about what is going on in the business, but it needs to be a fulltime job and the person should not have a lot of other distractions.

Mr. Sarbanes had concerns that the statement "official working hours" could be interpreted as someone just clocking out at 5:00 p.m. and not respond to an emergency after normal business hours.

Mr. Baker suggested it may help to revise the language so it limits when the secondary employment can take place, and it could say they cannot work for their secondary job during normal business hours.

Ms. Chesnik said she thinks if they want to do it this way they need to hire a County Executive and not have one who is elected, and then they can make any requirements and demands they want to make. Mr. Strausburg said that is not what the citizens voted for. Mr. Dunn clarified, a hired position is called a County Administrator, and Wicomico has a County Executive, which is always elected. Ms. Chesnik said this County apparently ran for many years without an Executive, to which Mr. Dunn responded, until the voters determined they wanted a County Executive form of government. Ms. Chesnik said they still are not giving the voters a chance to say whether or not they still want that form of government, to which Mr. Dunn responded, because this Committee voted in favor of not bringing that back to the ballot. Ms. Chesnik said she thinks a lot of things they are doing here in retrospect are going to come back and bite. Mr. Dunn clarified, that is not the issue at hand right now, the issue at hand right now is fixing the language regarding the fulltime responsibilities of the fulltime County Executive.

Mr. Benson said he thinks what they are discussing is not necessarily how many hours the Executive is going to work, but whether the Executive can have secondary employment or secondary income. He said, if an elected County Executive decided they were going to work from 9:00 a.m. until 5:00 p.m. every day, there is no one who could stop him from doing that, and if he decides he is not getting out of bed at midnight for an emergency, the only people who can address that are the voters. He said, to him, the only issue is whether or not this Committee thinks a person elected to the position of County Executive should be able to have any other income beyond their employment as the Executive.

Mr. Dunn said they discussed how they ended up where they are now with a choice made to appoint a person who had a fulltime position in another field outside of government, and that did not turn out very well, so he looks at it that they are trying to address the secondary employment situation, but he

thinks they are also trying to correct and somehow make it understood that the duties of the County Executive are fulltime primary duties.

Ms. Whited said they need to clarify this because secondary income is very different than having a second career, and it could be as simple as saying they cannot have a second career. She clarified, they can have real estate or a store that someone else manages, but not a second career, and she is not sure how to word that, but that is what needs to be clarified.

Mr. Sarbanes said they could have someone in the Guard who runs for Executive, and they are entitled to four weeks military leave with pay, which is a State law. He said he ran into that when he was in education, and it really irritated a lot of people that he could do that, but it is the law – four weeks with pay, and he was getting military pay at the same time.

**Dr. Jones made a motion to add the County Executive shall devote their entire time during official working hours to the performance of their official duties, which was seconded by Mr. Baker.**

Ms. Whited asked if that wording precludes the person from having a second career, to which Mr. Dunn responded, no; as proposed, it does not preclude that.

Ms. Morris asked if they all agree that the person should be fulltime, to which there was consensus by the Committee that it is a fulltime position.

Ms. Morris asked if the Committee agrees that a person holding a fulltime position can hold a second position, or should they look at language that would exclude that if they are talking about the person's own business, to which Mr. Dunn responded, he thinks that takes them down so many different permutations of how they are defining what other job the person may or may not be able to have. Ms. Morris said she does not know how they define what fulltime hours are for a person who is actually responsible to 100,000 citizens at any given time. Mr. Strausburg said the hours of the Office of the County Executive are 8:00 a.m. until 5:00 p.m. Mr. Dunn said to him, that says that the County Executive's official duty hours are when the office is open.

Mr. Benson said he looked at other Charters and almost every Charter makes the County Executive a fulltime position, so if they go the way they are going, they will be the outlier and not the mainstream. He said Frederick's Charter says the County Executive shall devote their full time to the duties of the Office; the Executive may not participate in any private occupation for compensation, and during the term of Office the Executive may not hold any other office of profit. He clarified, that seems to be the other extreme, and most of the other Charters just seem to say it is a fulltime position.

Mr. Dunn suggested adding a sentence stating that the Office of County Executive is considered a fulltime position.

Mr. Strausburg said he just went to Webster's dictionary and fulltime is an adjective: *Occupying or using the whole of the usual working day or week*. He said he thinks they are trying to wordsmith commonsense, to which Mr. Dunn responded, but commonsense got thrown out the window when a cardiologist was hired to be the County Executive. Mr. Phil Tilghman suggested that maybe the people who voted for the cardiologist assumed he was going to give up his fulltime position, to which Mr. Dunn responded, they cannot assume that. Mr. Phil Tilghman said the language in the Charter now already says the County Executive shall devote his full time to the duties of the Office, so he does not think they need to say a lot more except to clean up Section 609-B to make sure it says the same thing as 402.

Mr. Baker said Dr. Jones' proposed language makes Sections 402 and 609 match. Dr. Jones said it brings more clarity to Section 402. Mr. Dunn said he thinks Mr. Benson suggested that if they go down this road they are potentially making it less clear and not defining it as fulltime, to which Mr. Benson responded, he is saying that every other County that has a County Executive says it is a fulltime position.

Mrs. Hurley said she knows a lot of people who have two fulltime jobs and can work a 3:00 p.m. to 11:00 p.m. shift, go home and sleep for five hours, and then go work an 8:00 a.m. to 5:00 p.m. shift, so it is possible to have two fulltime jobs.

Mr. Joe Holloway came to the microphone and said, in reference to the Council appointing the doctor, he stated he was going to resign from the hospital, and that is why they assumed that.

Ms. Morris asked if there is any consideration for the fact that the Executive is elected by people, not hired. She said the fact that he is elected by the people should mean he gives his full time, and she thinks that is very clear already.

Mr. Strausburg suggested modifying the motion to say the County's official working hours.

Mr. Dunn suggested saying the County Executive shall be a fulltime position, and the County Executive shall devote their entire time during the official County working hours to the performance of their official duties.

**Dr. Jones amended her motion to state the County Executive shall be a fulltime position, and they shall devote their entire time during the official County working hours to the performance of their official duties, which was seconded by Mr. Baker.**

Ms. Chesnik said the Charter basically already states that, to which Mr. Dunn responded, again, they are trying to correct what occurred and make this a little bit stronger. Ms. Chesnik said she thinks they are overcorrecting. She said federal employees are prohibited from devoting time on outside activities during normal working hours. She said she thinks what they have here is strong enough and covers it, and she is not trying to be mean, but they keep going back and saying they hired him and he was going to be a fulltime cardiologist and a fulltime County Executive, and Mr. Holloway just stood up here and told them that he was going to resign from his cardiology position.

Ms. Morris said she does not think this needs to be changed if they are trying to make him fulltime. She said she thinks it already says that. She said maybe they need to consider adding something that specifically references a second employment, but she thinks this already takes care of what they need. She clarified, it was not followed, but it was already there.

Mr. Benson said he thinks if they leave Section 402 the way it is and take the words "County Executive" out of Section 609-B, that fixes the problem. He said right now it says the County Executive is the same as a County Councilman, which means it is not a fulltime job. He said he does not think they need to do anything else. He said the problem is there is inconsistency between the two Sections, and removing County Executive from 609 would take away the inconsistency.

Dr. Jones said she would be happy to withdraw her motion if the majority feels that removing "County Executive" from 609-B is sufficient.

**Mr. Dunn then asked for a vote on the motion on the floor redefining Section 402, to which the motion unanimously failed.**

Mr. Dunn said they will address Section 609 when they get to that Section.

Mr. Strausburg said he wants to circle back to the discussion earlier where they separated a secondary source of income from secondary employment, and he thinks that ought to be addressed in the Charter. He said he does not see any reason why a County Executive cannot have a secondary source of income, and he thinks that clarification may be needed. He clarified, he does not see why they would disqualify a person who wants to be County Executive from holding Office who has an interest in a business. Mr. Baker said it would have to not be during normal business hours. Mr. Strausburg said he thinks secondary employment is different than a secondary source of income. He said someone can have a secondary source of income that is passive income.

Mr. Todd said he believes at the last meeting they said the County Executive shall devote his or her full time to the duties of the Office and not partake in secondary employment, and apparently that passed.

After some discussion, it was confirmed that the Committee discussed this topic and voted on it at the previous meeting.

Mr. Dunn said, at their last meeting they addressed Section 402 and voted by an 8 to 3 margin with 4 abstentions to add that the County Executive shall devote his or her full time to the duties of the Office and not partake in secondary employment. He said he is owning this and apologizes to the Committee. He said they will be keeping score, though they did not keep score very well tonight, but this is why they have a scorecard. He said, when they circle back and look at what they are recommending, they have the opportunity to address it again if need be.

Mr. Dunn said one of the questions the Council asked the Committee to consider is whether a provision should be added to require the County Executive to provide any information that is requested by an individual County Councilmember for the purpose of introducing and evaluating Legislation or to engage in the review and monitoring of government programs, activities, and policy implementation.

Mr. Strausburg said he thinks that is basic of good governance, and he does not see why an Executive would not be forthcoming in bonified communication. He said, if the Council feels it needs to be further clarified, he thinks the group ought to discuss it, but it is good governance. Mr. Baker said he does not understand how this request is different than Section 402-C.

Mr. Holloway came back to the microphone and said he did not submit this question, and it is a good question, but the real question is what they do about it when the information is not provided. He said there has to be some ramification, and the Committee might want to address that.

Mr. Todd said Section 402-C says providing the Council with any information, but this question says if there is information requested by an individual County Councilmember. He suggested that may be the difference, and they may want to add individual Councilmember with information.

Mr. Dunn said he takes it that some of the requests from the Council have not been listened to in the past, and that creates a problem. He said having every individual Councilmember potentially every day ask the County Executive to provide information on various topics would certainly become cumbersome and perhaps overly burdensome, rather than having Council work through the Council President to meet regularly with the County Executive to talk about the issues of the Council. He said he thinks this was likely one of those areas where there were some personality challenges as opposed to it needing to be fixed in the Charter.

Ms. Chesnik said she thinks they need discussion on this, and perhaps the questions could be directed through the Council President, but she thinks the answers or information should be received within a certain timeframe, and, if not, there should be some type of penalty for that.

Mr. Baker said this goes back to the same issue of there needing to be a way to address what happens when the Council and Executive do not agree. He said there needs to be a penalty when either side does not do what the Charter says. He said at some point they need to address this because this has come up several times. He clarified, he is not saying they need to address it right now, just that they have to talk about it at some point.

Mr. Dunn said he and Mr. Wilber have had some conversations about this, and it is not black and white, and is difficult territory. He then asked Mr. Wilber to weigh in on this.

Mr. Wilber said the U.S. Congress has a censure procedure, but one thing he thinks is difficult is how they define what is a minor Charter violation versus a major Charter violation. He said he thinks another puzzle is that they can reprimand people and vote to publicly say they violated the Charter, but does that change behaviors of Elected Officials? He said he does not think they are going to be able to put a mechanism in this Executive-Council form of government where they can remove a Councilperson or an Executive from Office for a Charter violation. He said he thinks that is legally difficult, and that is why they have elections, as they are all elected Officials. He said what to do for Charter violations is a tough nut to crack beyond a censure motion, and how to determine what level of punishment, if there was a super body that could deliver punishment, for a particular violation. He said he does not think they are going to find too much in the way of someone being removed for violating the Charter in other Charters.

Mr. Strausburg said he looked at all the Charters of Executive forms of government in the State of Maryland, and when it comes to punitive actions for violations, it all pivoted on adjudication. He said it occurred to him whether that might be a function of State law because these people are elected by the citizens, so it gets very tricky removing or sanctioning someone who has been elected by the people without a proper adjudication, and that seems consistent in all the Charters he looked at. He said the most egregious, in his opinion, Charter violation they had was when a Department Head was left in place and continued to be paid when they had not been confirmed by the County Council. He said he thinks a remedy for that could be that a continuation of payment to that individual would amount to a misappropriation of funds; however, that still takes them to court, he believes, but he thinks telling an Executive, if they pay this person one more time, that is misappropriation of funds and they will pursue it, that would give an Executive cause for concern.

Mr. Wilber said, according to the Maryland Constitution, if someone commits a felony, they are removed from Office, so if they reach the point where the person has committed a crime and is convicted of a crime that is a felony, they lose their Office.

Dr. Jones said everywhere that says "his" should read "their". Mr. Dunn said there are an extraordinary amount of inconsistencies throughout this Charter, and he thinks wherever there is a he, they can put a their or they and would be covered. He said that is clerical, and they will attempt to fix that.

**Section 403:**

There was no discussion.

**Section 404:**



There was no discussion.

**Section 405:**

Mr. Dunn said there was a question from the Council regarding whether the age requirement that is currently 25 years old should be changed.

Mr. Sarbanes said it should be changed. He said he thought about this and thinks the Executive as a 25 year old person is going to meet with the Governor, the Congressional Delegation and other Legislators throughout the State. He said, at 25 they could be in the House of Representatives, but they are one of 434 other people, and they can go into the Senate at 30, but they are one of 99 others. He said he thinks it ought to be 30 with five years residency because the Executive stands by themselves.

**Mr. Sarbanes made a motion to make the age of the County Executive 30, to which Mr. Gosnell seconded the motion.**

Mrs. Hurley said, if the Committee looks at the scorecard, in 202-A they changed that requirement to make it a minimum age of 25 years matching the language for the qualifications of the County Executive. She said, in looking at the list of questions the Council sent to the Committee, going back to Section 402, she does not believe they discussed whether or not a specific restriction should be added where the County Executive could refuse Department Heads to speak at Council meetings.

Mr. Dunn said, if they make this change, they will need to make a change in Section 202, to which Mr. Baker responded, he does not know if that is necessary. He said, to Mr. Sarbanes' point, there are six other people on the Council, so if there is one 25-year-old, they have six other people to balance it out.

Ms. Chesnik suggested they go back to Section 202-A to take out the matching language for the qualifications for the County Executive.

Mr. Dunn suggested dealing with the current motion on the floor and then going back to deal with Section 202.

**There being no further discussion, on motion by Mr. Sarbanes, seconded by Mr. Gosnell, and unanimously approved, the recommendation was made to make the minimum age requirement of the County Executive 30.**

Mrs. Hurley said there was a question as to whether there should be a restriction added to Section 402 that would prohibit the County Executive from saying a Department Head could not attend a County Council meeting to provide information to the Council.

Mr. Baker said, as a former Department Head, he would not want that in there. He explained, he would not want to get stuck arguing between the Executive saying not to go and the Council saying he has to go, and the Department Heads rely on both Branches to appoint them every four years and they are at-will. He said they talk about having trouble getting people to apply for these positions now, but with this they would really not be able to get people to apply.

Mrs. Hurley said that kind of goes back to not getting the information the Council requested, to which Mr. Dunn responded, which goes back to good governance and establishing appropriate relationships, and he is not sure putting any words in here is going to change people's behavioral problems.

**Section 406:**

Mr. Dunn said he is aware that the Compensation and Allowance Commission submits a report, but the first line of this Section says the County Executive shall receive compensation of not less than \$85,000. He then asked Mr. Wilber if this Committee can change that, to which Mr. Wilber responded, this Committee can make that recommendation if they want, but it rests with the Council. Mr. Dunn said he understands that, but could this Charter Review Committee recommend a change in the compensation of the County Executive, to which Mr. Wilber responded, to him that is the job of the Compensation Committee to make that recommendation. He clarified, this Committee could make the recommendation, and the Council can decide if they wish to do anything about it. Mr. Dunn said he reads this as saying two things, one talking about the Compensation Commission in the second part of Section 406, but the first part says what the minimum salary is.

Ms. Chesnik said, looking at this, \$75,310 is the average County Executive annual salary in Maryland, to which Mr. Dunn responded, that is not true. He said, respectively, he was on that Commission, and that is not even close to being true.

Ms. Morris said she separates the first sentence from the Compensation and Allowance Commission because she was there when they came up with the \$85,000 and it was the charge given to the Charter Committee to come up with the salary. She said, now that they have an Executive, it is the charge of the Compensation and Allowance Commission to determine the salary.

Mr. Phil Tilghman said he thinks, if the salary is limited by Charter, it is within the purview of this Charter Review Committee to review the salary. He said they are recommending Charter changes to the County Council who can put it on the ballot if they want to or refuse to. He said he thinks \$85,000 is much too low to attract people to the job they are talking about, so he thinks it is certainly within their rights, and he would move that they change that to \$120,000.

**Mr. Phil Tilghman made a motion to change the minimum salary of the County Executive of not less than \$120,000, which was seconded by Dr. Jones.**

Mr. Baker asked what the recommendation was of the Compensation and Allowance Commission, to which Mr. Dunn responded, \$120,000.

**Mr. Dunn called for a vote for the motion on the table. Mr. Mr. Phil Tilghman made a motion to change the minimum salary of the County Executive to not less than \$120,000, which was seconded by Dr. Jones. Ms. Chesnik then moved to table making a decision on this. The vote was incomplete as a motion to table was made during the voting.**

Ms. Chesnik asked if they are also going to look at the County Council side and what they receive, to which Mr. Dunn responded, that is not in the Charter. Ms. Morris explained, the Executive's salary was in the creation of this form of government, and that is why it is in the Charter.

Dr. Jones then suggested making the minimum criteria include a college degree, to which Mr. Baker responded, he would actually disagree with that. He explained, he knows a lot of really smart people who do not have a degree, and he knows people who have a degree that is not worth much, so he thinks they should let the voters decide what those qualifications should be because there are a lot of people out there with businesses who do not have degrees.

Mr. Dunn clarified, following Roberts Rules of Order, they were in the process of taking their vote when Ms. Chesnik motioned to table this, and that would need a second, but he will entertain Ms. Chesnik's

motion, to which Ms. Chesnik responded, she wants to entertain looking at these salaries. She explained, she knows what happened when they had the Compensation and Allowance Commission, but she just looked it up and sees salaries that are very different, so she would like to see what the range of salaries are currently before they decide on \$120,000. Mr. Dunn said he thinks the work of the Compensation and Allowance Commission should be easily accessible, to which Mrs. Hurley responded, she can email it to everyone.

Mr. Phil Tilghman suggested that, if they get new information, they can certainly have a motion at the next meeting to reconsider what they just voted on today.

**Public Comments:**

Mr. Bob Taylor came to the podium and said, as far as the salary they were just discussing, he has a couple of points. He said the statement was made that the County Executive is grossly underpaid, and he looked at the Executive salaries recently, and it is true that it is on the low side; however, when looking at the average of the other eight Counties with County Executives, most of them have over 500,000 people and a much higher per capita income, so when they take these things into consideration, the underage is not that great. He recommended, instead of looking at what the Compensation and Allowance Commission did three years ago, they should look at the current salaries because some of them have changed. He suggested they also look at population, the number of County employees, and the per capita income in the area and divide that into the salary and get ratios and compare what those ratios are, and he thinks they will conclude that the County Executive at \$85,000 is not grossly underpaid. He clarified, the position may be somewhat underpaid, and he is not suggesting that it should not be increased somewhat, but it is not that bad.

Mr. Taylor said Mr. Strausburg talked about not being able to find much to sanction a case when the Executive Branch does not provide information, but he suggests they take a look at Howard County. He said he thinks he sent this to the Committee in one of his comments, but Howard County has a Section in their Code that provides for the Council to do inspections of the Executive Branch and allows them to subpoena information. He said, if it is not provided, it calls it a misdemeanor with a penalty of \$1,000 and six months. He said he believes there are some other Counties with something like that.

He said, after Mr. Strausburg retired last summer, they passed three statutes at the end of the Culver reign having to do with some of these things, and one of them has to do with not complying with the law, and of course the Charter is the law. He said, under the Express Powers Act, there is a provision that says there can be removal for violation of the law, and they have used that. He said it is in the Express Powers Act of the Local Government Article, so there are some things that can be done, and in Howard County they have been pretty forceful about it.

Mr. Taylor said, regarding the fulltime matter, he guesses they could call him the instigator and he made the comment during their break that he felt like he came into a fight at a hockey game. He clarified, he thinks it was worth discussing, and he will still make the point that, if they really want to open up the County Executive Office to as many qualified and competent people as possible, do away with the fulltime requirement because it prevents people from taking a job that has to be reelected every four years. He said he does not think they can find any empirical evidence that having a fulltime County Executive has any benefit whatsoever. He clarified, he understands most other Counties in Maryland that have a County Executive are fulltime, and that is partially why he calls his suggestion thinking

outside the box. He said most Counties of their size throughout the United States do not even have a County Executive, so to argue that they somehow need to have a fulltime County Executive and they would be the odd guy out by not doing so is not really the case because most Counties of their size nationwide do not even have one, and of course that is true in Maryland because there are eleven County Executive jurisdictions, which is not a majority.

Mr. Taylor said he listened to Mr. Wilber's suggestion on Section 315-A, and he will have to listen to it again, but he thinks the only initial appointment right now for any of these positions that are listed are the Deputy Directors. He clarified, they decided during the last term that those appointments would be, essentially, permanent appointments, and would not have to be reappointed on the four-year cycle the same as the Director of Administration, Deputy Director of Administration, and Department Heads. He explained, that was to give the Deputy Directors assurance, since they are a little bit lower level, that their positions, essentially, were not subject to that four-year renewal, and he thinks maybe that part of it needs to be tweaked a little bit. He said he will look at the language and he may have some suggestions, but that kind of jumped out to him when Mr. Wilber was presenting that.

Mr. Dunn thanked Mr. Taylor for his comments tonight and the comments he has sent the Committee, but he has a suggestion. He said the last comment Mr. Taylor sent was so long, and he thinks he covered a lot of different topics. He said he knows Mr. Taylor is going to keep doing this, so he suggests just discussing one topic at a time because he thinks that would help the Committee a little bit.

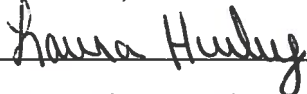
Mr. Dunn said a gentleman by the name of Walter Olsen is on the Governor's Redistricting Commission that is looking into gerrymandering, and he will be in town on June 3 to hear from citizens. He said Mr. Olsen was also the Chair of the Frederick County Charter Review Committee, so he has asked Mr. Olsen to join the Committee at their next meeting to present for half an hour of questions and answers. He said, as they are loosely following what Frederick County did, if anyone has any questions, they can certainly ask. He said Mr. Olsen is a wealth of knowledge, and Dr. Jones had some thoughts on the districting in Wicomico and, though that is not this Committee's charge, there are parts of the Charter that talk about that.

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



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Mike Dunn, Chairman



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Laura Hurley, Recording Secretary