

The 2021 Wicomico County Charter Review Committee met on Thursday, July 15, 2021 at 5:00 p.m. in Council Chambers, Government Office Building, 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, Blair Todd, and Sonya Whited. Philip Tilghman was absent.

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

**Approval of Agenda:**

**On motion by Mr. Sarbanes and seconded by Mr. Mat Tilghman, the agenda was unanimously approved.**

**Approval of Minutes from July 1, 2021:**

**On motion by Ms. Whited and seconded by Mr. Plotts, the Minutes from the meeting of July 1, 2021 were unanimously approved.**

**Section 507 – Department of Law**

Mr. Dunn said Mr. Wilber prepared a clean Section 507 and sent it to the Committee by email. He clarified, they do not need to take any action because they made the recommendations at the last meeting, Mr. Wilber just cleaned up the language.

Ms. Chesnik said, at the last meeting they started a discussion about having a separate attorney to handle Planning and Zoning, but they never finished that discussion.

Mr. Strausburg said he would posit that the County Attorney handles all County legal issues, and he does not see the need for any County Department to have their own attorney.

Ms. Chesnik then asked Mr. Wilber if he has staff on hand who can handle the Planning and Zoning issues that occur, to which Mr. Wilber responded, they are covering all of that now.

Mr. Strausburg said he thinks, however, if this were to be considered, he does not think it belongs in the Charter, he thinks the creation of new positions occur in the budget cycle itself. He explained, the Department of Planning and Zoning could come to the Executive and say they really think they need their own attorney, and if they convince the Executive that it would be appropriate, then the Executive in a document called Position Control requests that the Council approves a new position in Position Control and then appropriate the funds for that position. He clarified, he thinks this can be addressed, but it can be addressed through the budget process as opposed to in the Charter.

Mrs. Hurley said she thinks this Charter Section actually has a provision about Departments not being able to hire their own attorney unless they go through Mr. Wilber, so that is important to note as well.

Mr. Dunn concluded, if and when the Planning and Zoning Department determined they needed an attorney, they might first approach Mr. Wilber, and then Mr. Wilber might then advise the Executive, and that is the process.

There was no further discussion.

**Section 508 – Citizen Advisory Boards**

Mr. Todd said the Council suggested adding County Council after County Executive so that they can also appoint Citizen Advisory Boards.

**Ms. Chesnik made a motion to add the County Council to give them the ability to create advisory boards as needed, which was seconded by Dr. Jones.**

Ms. Chesnik said she just thinks this is something the Council sees that they need, and this would make it very feasible for them to be able to do that.

Mr. Strausburg said he thinks they have to be careful here and he is not comfortable with the idea of the Council creating an advisory board to opine on the operations of County Executive Departments, as that is not their role.

Ms. Chesnik clarified, she is not talking about having these boards critique the County Executive's Departments. She said the Council already does that in their own way since the Council has control of the budget, so she cannot see them doing a Citizen Advisory Board for the County Executive.

Ms. Chesnik said, by the same token, they are saying the County Executive can create these to look at County Administrative policies and programs, so why would they cut the legs off the Council if they have not cut them off the County Executive, to which Mr. Strausburg responded, because the County Executive is charged with the operation of all County Departments, the County Council is not.

Ms. Whited said this Section refers to administrative policies and programs, so she was going to ask if that is something the Legislative Branch should be involved in. Mr. Strausburg clarified, the County Executive cannot create these advisory boards without Council approval.

Mr. Strausburg said the County has so many advisory boards, but he certainly does not have an issue with the Councilmembers identifying community issues they feel should be addressed, and he thinks they ought to have that authority, and he thinks they should have that authority without the consent of the Executive. He said, if they see an issue in the community, certainly he is all for the Council creating a taskforce or advisory committee that would address community issues. He clarified, his concern is he does not want this to be a backdoor into interfering with the operation of Executive Departments.

Mr. Benson said this Section says they can appoint a board to assist in the consideration of County Administrative policies and programs. He then asked what County Administrative policies and programs entails, to which Mr. Wilber responded, he thinks Mr. Strausburg is referring to the word administrative being the province of the Executive.

Mr. Todd said, if they were thinking of including the County Council then they would have to add Legislative wording in here that would apply to them.

Ms. Whited said Article V is Administrative Organization, so she believes it should stay as it is.

Mr. Benson said it seems to him that this relates to the County Executive and not to appointing boards to consider community issues. He said, if the Council wants to appoint boards, there may need to be a Section added somewhere else, to which Mr. Strausburg responded, that is exactly what he was thinking. He said he does not want to see the Council's ability to do that curtail, but he thinks it gets a little messy when they imbed it in Section 508, so maybe they should create a separate Section that addresses County Council Citizen Advisory Boards because he thinks it would be helpful.

**There being no further discussion, on motion by Ms. Chesnik and seconded by Dr. Jones, the recommendation to add the County Council to give them the ability to create Citizen Advisory Boards failed unanimously.**

**Article VI – Administrative Organization**

**Section 601: Personnel System**

**Section 601-A:**

Mr. Strausburg explained, there was a ballot question in 2016 and the County Council took it upon themselves to take charge of the County Personnel Manual. He said it is five years later and they have no work product whatsoever, so he thinks this should be amended. He said the Personnel system falls under the purview of the Executive who runs the County Departments, and he thinks this was a very poorly thought out amendment. He said the County Personnel Manual should fall under the auspices of the County Executive subject to the approval of the County Council. He clarified, the County Council does not operate the Departments and it has been five years and they have no work product.

Mrs. Hurley said it is her understanding that this provision was added because of the battle between the Council and the Executive at that time. She said, according to Council, things were not getting done through the Executive, and with the way it was written previously, the Executive had to make the recommendation to the Council in order to make a change. She said, because the Executive was not doing that, the Council wanted to have the authority to do it on their own.

Mr. Strausburg explained, the Council then put a workgroup together with Ms. Morris, Mr. Matt Creamer, and Mr. Ed Baker. He said this group actually did a complete rewrite on the County Personnel Manual and they had several Council Work Sessions on it, as he recalls, and then it just died on the vine. He said then the incumbent Human Resources Director wrote her own Personnel Manual redraft, which was not well done. He said they are now at a juncture where he believes they are engaging Kevin Karpinski, who handles municipal and County personnel matters for their insurer, LGIT, and they are going to try to get a decent comprehensive rewrite of the County Personnel Manual that the Executive and the Council can collaborate on and hopefully have a work product they can adopt.

Ms. Whited asked if this all falls under the Executive Branch but then the Council adopts it, to which Mr. Strausburg responded, yes, it would be the same process as Legislation. He said the Executive will probably put it forward, and the Council will then have Work Sessions and they will try to come to some resolution where they produce an updated Personnel Manual that is relevant in the 21<sup>st</sup> century. He clarified, their Personnel Manual is ancient and so many things have changed that are not addressed that, if they do not kill this sometime soon, they are going to have something occur that will be untold.

Ms. Whited said Section 601-A is an example of some of the things they are trying to avoid where they address a personality or a specific point in time, as that is not what the Charter is for. She clarified, she understands it was voted on and amended in 2016, but that is what they are trying to avoid, addressing specific people or this Council, but what is best for the County.

Mr. Benson said basically what he understands Mr. Strausburg to be saying is the way it was prior to this amendment is the way it should go back to when it said the County Executive may prepare a system of personnel rules to administer the personnel system, etc. He said that got deleted, and essentially the

Council was placed in that position. Mr. Strausburg clarified, he is not sure it should say “may” because he thinks it is incumbent upon an Executive to do that from time to time.

Mr. Strausburg said Mrs. Hurley is absolutely right that this was an outgrowth of the war between the County Council and the former Executive driven totally by personality differences.

Mr. Benson suggested they take the language that was in the Charter before but change the word from “may” to “shall” and maybe say how often it is supposed to be done, to which Mr. Strausburg added, and update from time to time as necessary. Mr. Benson said, if it previously had mandatory language and a time period, maybe it would have been satisfied, so if they are going to make that change, maybe they should use the prior language but make it mandatory. He clarified, he does not know how often it should be revisited.

Ms. Chesnik asked if they are actually literally saying that the County Executive would prepare the Personnel Manual because she thinks that is well out of his realm, to which Mr. Strausburg responded, the Executive would oversee the preparations.

Mr. Dunn said this is a classic example that is a bit unfair for this Committee to have to consider, and he agrees that this is one of those back and forth things that happened between the Council and the Executive and the result was a change in the law and who was in charge of the personnel system; however, their recommendations go before the County Council and it seems highly unlikely to him that the County Council, which likes this system and put forth a Charter amendment for the voters to consider, would then say they want to go back to having the County Executive in charge.

Ms. Chesnik said the Personnel Department falls under the Executive, not the Council, to which Mr. Dunn responded, not according to this, and that is the point.

Ms. Whited said she thinks they should still point this out, whether it is changed or not. She said it definitely does not compute when the Department of Human Resources clearly falls under the Administrative Organization, so pointing that out definitely needs to be shared.

Mr. Dunn clarified, he is not suggesting they do not recommend a change, he is saying it is probably not going to happen. He said he thinks it is smarter to make recommended changes and then revisit all the recommendations and rank them. He said he thinks Ms. Whited’s suggestion is spot on that they should point this out, but he thinks the best course of action to say they think this is wrong is by taking a vote to return it to the old way, if that is the way the group thinks. He said they will rank the recommendations in the end, but they know that the Council will not or cannot put forth everything they recommend.

Mr. Strausburg said he will go back to his point. He said it has been five years and they still do not have an updated Personnel Manual. He said it is broken and it is this Committee’s job, in his opinion, to recommend fixes for things that are broken.

Ms. Morris said they need to suggest rewriting this back to what it was because the employees are managed by the Administration, not by Legislation, which is what the Council does. She said the only part of the Council’s process is the budget, so putting this back under the Administration puts it back where it needs to be, in her purview.

**Ms. Morris made a motion that the Personnel System revert back to the language that gave it the authority under the Administration, which was seconded by Ms. Bellamy.**

Mr. Benson suggested being more specific and changing the word "may" to "shall" and add language that says at least every four years, or more often as needed.

**Ms. Morris restated her motion for more clarity to state the County Executive shall prepare a system of personnel rules to administer the personnel system or propose revisions, amendments, or modifications to the existing system.**

Mr. Benson said they still need to put back in the old language regarding the County Council that was taken out.

Mr. Baker said he agrees with Mr. Benson's suggestion of a time limit and how often this needs to be addressed, to which Mr. Strausburg responded, he thinks it should be reviewed during the budget cycle every year.

Mr. Dunn said it is the job of the HR Director to recommend how often this needs to be reviewed, so why would they need to define that in the Charter? He said they do not tell the other Departments that they need to look at the roads every year. He said he just thinks it is the HR Director's job to keep up with changes in the law. Ms. Chesnik asked if that is currently occurring, to which Mr. Strausburg responded, yes, they meet with their HR Director on a fairly regular basis. Ms. Chesnik clarified, but the manual does not get updated, to which Mr. Strausburg responded, the manual is a work in progress right now. He said, to Mr. Dunn's point, they can cover the timeliness of reviews by imbedding in the HR Director's job description that no less than annually there shall be a comprehensive review of the County's personnel policy, to which Mr. Dunn responded, that can be left up to the County Executive.

Mr. Benson said the genesis of this change in 2016 was because the County Executive was not doing it, and his point is there needs to be a minimum requirement of how often it is done.

Mr. Strausburg clarified, he likes the word shall, but the former Executive did undertake a rewriting of the Personnel Manual and it was unacceptable to the County Council, and he believes rightly so. He said, again, this is an outgrowth of personalities. Mr. Benson said, under the old language, the Council could modify, reject, or return it for revision, so he assumes they returned it for revision, to which Mr. Strausburg responded, yes, and here they are five years later without an updated Personnel Manual.

Mr. Dunn asked Ms. Morris to withdraw or restate her motion. He said he thinks the motion they have in front of them is a little unclear, so maybe it could revert to the language from 2016. He clarified, he is not clear what they are voting on, and he is not sure the motion on the table is clear enough.

**There being no further discussion, Ms. Morris modified her motion - Section 601-A would read the County Executive shall prepare a system of personnel rules to administer the personnel system to propose revisions, amendments, or modifications to the existing system; the County Council shall establish by law a personnel system as described in this Section; the County Executive may submit changes, modifications, or revisions to the personnel system to the County Council, which shall have the force of law upon adoption by the Council. This motion was seconded by Mr. Strausburg and unanimously approved.**

Mr. Benson then suggested Mr. Wilber prepare something in writing so the Committee can see the language. There was no further discussion.

**Section 601-B:**

Mr. Mat Tilghman said the Council asked if this means that changes to benefits programs must be approved by Council, and his thought is, even if the benefits do not change but they go up, there needs to be a discussion.

Ms. Chesnik said the version she is looking at says over the last few years there have been several changes to the benefits program, particularly the 457b plan, which were not approved by the Council. She said the Council asks if this was an oversight, or should clarification be added to this Section.

Mrs. Hurley said there are actually a couple of questions from Council on this Section, one being the benefits program and the other being the pay and classification plan as it relates to adding new positions. She said, in B where it says a classification and pay plan for all County positions, that is to be included as part of the personnel system. She explained, the classification and pay plan is a listing of all positions in the County plus all the paygrades, and historically, that document was submitted with the budget as supplemental information along with any changes. She said, when the in-house Legal Department was established, there was an internal policy stating that any changes to the pay and classification plan would have to be done by Legislation separate from the budget, which worked well until the former County Executive just decided to add a position to the pay and classification plan without Council's approval. She said, when it was questioned, she was told it was just put in there for historical purposes planning-wise, but it was never approved by Council. She said eventually a person was put into that position, again, without Council's knowledge or permission.

Mrs. Hurley said the question is whether there should be clarification on exactly how that classification plan is approved. She said, again, it used to be approved through the budget, but there were concerns that the County was not being transparent or that things were hidden in the budget, so the in-house Legal Department said they would do it by separate Legislation because that is very transparent with a public hearing. She said, in this past budget session, their Internal Auditor recommended attaching an exhibit to the budget Bill, which is posted on the County's website and was transparent. She said she thinks that process worked fine this past budget session and she thinks the separate Legislation from the budget is also a good idea, but she thinks there has to be approval by Legislative Bill, and the Charter does not state that.

Mr. Strausburg asked if it can be done by Resolution because the concern about doing it through a Legislative Bill is, if a need arises during the year where they need to add a position for whatever reason, a Legislative Bill takes 60 days and they might not have 60 days. Mrs. Hurley said, if the funding is going up, that impacts the budget. Mr. Wilber said the funding could be by done by a Bill, but the position could be done by Resolution. He said they might have those two items needed to make it happen, or if the funding is there, then a Resolution, which is an Act approved by the Council, would suffice.

Mrs. Hurley said she really likes the idea that the Internal Auditor recommended because, when it is done by Legislative Bill, that Bill specifically says effective July 1 because it is the beginning of a fiscal year. Mr. Dunn asked if that would have to be done in Section 601-A, to which Mrs. Hurley responded, yes. Mr. Dunn said they would have to modify what they just modified.

Mr. Strausburg said he totally agrees with Mrs. Hurley that what transpired in the past should not be allowed to be repeated and the County Council has to have oversight on paid positions and titles. He

said perhaps Mrs. Hurley and Mr. Wilber could draft something for the Committee to consider at the next meeting because this is very important and has caused a lot of problems.

Mr. Dunn explained, the County Executive recommended someone to be the Director of Finance and submitted that person to the Council for approval. He said the Council did not approve that person to be the Director of Finance, so instead of submitting a new person, the County Executive created a brand new position titled Budget Officer, which was outside the scope of any position that existed. Mr. Strausburg said it was then renamed Chief Financial Officer, to which Mr. Dunn added, none of which were in the classification and pay plan. He said part of their challenge is to fix this, and this is one of those egregious examples of going outside the bounds of what the Charter calls for. He said he would be curious if any member of the County Council ever brought this egregious action and set it at this table for the benefit of the public. He said he would certainly hope that a member of the County Council would see something egregious and call foul, and he does not know whether they did or not, but they can correct some of this so these things do not happen again, as unimaginable as that is.

Mr. Baker said, as he understands it, there were some positions and salaries on the County Council staff that were not in line with other equivalent positions within the actual Departmental staff, which created some headache. He said the way it is structured now, the Council sets their own budget and their staff dollars and there is zero oversight over that budget, whereas when the Executive submits the budget, the Council approves it. He said that, to him, causes concern.

Mrs. Hurley said, going back to benefits, the way the Charter is currently written it appears that all benefits have to be approved by the County Council. She then explained a situation where there was a change to the 457 plan without Council approval, which upset a lot of people.

Mr. Strausburg said, to provide some context, the federal law required the 457 plan to be bid out. He said he was not on the review panel, but the vendor selected was deemed to have the most responsive bid, and the old vendor was not continuing to offer a 4 percent fixed return. He said the issue they ran into is that communication to employees and to Council was nonexistent and employees were not informed of the change, and most of the retirees at the time were in the fixed 4 percent return bracket. He said, had they been advised that this change was going to take place, they could have rolled their 457 into a different plan that might have been quite a bit more competitive than the plan they got rolled into, so it was a horrendous lack of communication.

Mr. Dunn asked if this is a Charter review issue or a bad management issue, to which Mr. Strausburg responded, it was horrendous management, but he will side with the Council in saying that any change in compensation packages, be it direct or indirect, should be proposed to the Council and adopted and/or modified by the Council. He said the Council approves the annual budget and appropriates the funds to pay people, so if they are going to make a change in benefits, it should be deliberated upon by Council and either modified, rejected, or approved.

Mr. Strausburg said they can clarify in this Section that benefits includes mandated and voluntary benefits because that would provide the clarity.

Ms. Morris said she thinks this rule is very clear, it is just what do they do when the rule is not followed.

There was no further discussion.

**Section 601-C:**

There was no discussion.

**Section 601.1 – Collective Bargaining:**

There was no discussion.

**Section 602 - Appointments, Promotions and Actions:**

There was no discussion.

**Section 603 – County Personnel Board:**

Ms. Chesnik asked if there are term limits, to which Mr. Wilber responded, no. Ms. Chesnik said she questions why they do not have term limits on here, to which Mr. Baker responded, for the same reason they do not have limits on terms for the Executive or the Council. He said, if they are going to do it on one, they should do it on all, and he is in favor of it.

It was then clarified that the Personnel Board is a volunteer position, not an elected position. Mr. Dunn said Ms. Chesnik raises a good point and there are usually term limits for various boards.

Ms. Morris said she serves on this Board and one of the reasons there is no term limit is because they meet as needed and it is mostly grievances that the Personnel Board hears, so there is continuity of knowledge that way.

There was no further discussion.

**Section 604 – Powers and Duties of the Personnel Board:**

There was no discussion.

**Section 605 – Prohibition Against Conflict of Interest:**

Mr. Baker said he would like to add a Section under B1 for another letter D that says that no immediate relative of the Executive or Council can be employed by the County.

Mr. Dunn then asked Mr. Wilber what the nepotism rules are in the State of Maryland and whether the County be any different. He clarified, he is not saying this does not have merit, but are they within their purview to go down this road, to which Mr. Wilber responded, he will have to check into that as he does not know off the top of his head.

Mr. Baker said, looking to the past, this issue came up when the Executive had two children working for the County. He said he believes the Ethics Board said it was okay, but it was not okay with people who worked for the County, and he feels it should be addressed. He said, regardless of direct supervision or not, it creates a lot of tension and morale issues that he feels need to be addressed by saying, if they are a political leader, their immediate family should not be working in the Body of Government.

Mr. Benson said he thought that was where Mr. Baker was coming from and he understands the basis for it; however, if someone wants to run for County Council and their spouse is a teacher, does that mean that person cannot run for County Council and/or their spouse has to quit, or would they say the Board of Education is separate? He said then there is also the Sheriff's Office, so would that employee have to quit in order for the person to run for Executive or Council? He clarified, he understands what Mr. Baker is saying, but he is not sure how they address that because, while he understands they do not



want the County Executive to hire their entire family to work for the County after they are elected, he does not want to be in a situation where somebody cannot run for County Council or Executive because their spouse happens to already be an employee and has been for 20 years. He said he knows there have been Councilmembers in the past whose spouses were teachers.

Mr. Baker made a motion to add a letter d. under Section 605.B.1 that says no member of the Executive or County Council's immediate family may be employed by the Wicomico County Government, with the exception of the School Board. Mr. Strausburg pointed out they would have to add the Sheriff because that is an elected position, as well as the States Attorney.

**Mr. Baker restated his motion to add a letter d. under Section 605.B.1 that says no member of the Executive or County Council's immediate family may be employed by the Wicomico County Government. There was no second, so the motion failed.**

There was no further discussion.

**Section 606 – Prohibition Against Appearing as Attorney in Litigation:**

There was no discussion.

**Section 607 – Prohibition Against Political Activities:**

Mr. Dunn read, "Nor shall any officer or employee participate in any political activities or electioneering while in the course of their employment with the County." He then asked if a Councilmember attending a political party crab bake is electioneering while in the course of their employment with the County? He clarified, they are there in the course of their employment engaging in political activities, which is not a criticism because that goes with the territory, so he is just asking if anybody else has an issue with this.

Mr. Todd asked, how would they run for reelection while being employed? Mr. Dunn said, to be clear, the County Councilmembers draw a paycheck from the County, as does the County Executive, so they are "employed by the County."

Mr. Benson said the sentence Mr. Dunn is referring to talks about officer or employee, so he does not think it applies to the Council or Executive, it applies to the employees employed by the County. Mr. Dunn clarified, he was not sure whether the elected officials are considered officers of the County.

Mr. Gosnell said he reads this as the County Executive cannot tell an employee to campaign for him during his working hours, but if it is 10:00 p.m. he can do what he wants. He clarified, that is how he reads this, to which Mr. Strausburg responded, that is the intention.

Mr. Dunn said, since he reads it one way and Mr. Gosnell reads it another way, maybe Mr. Wilber can do a cursory look to see if a Councilmember is an officer of the County, and then they can move on.

Mr. Benson asked if this precludes a County employee running for Council in Sharptown, for example, to which Mr. Gosnell responded, they would have to campaign during their off hours, not while they are working.

There was no further discussion.

**Section 608 – Prohibition Against Rendering Personal Services:**

There was no discussion.

**Section 609 – Prohibition Against Additional Compensation:**

**Section 609.A:**

Mr. Sarbanes said the way he reads this someone who has retired from the County cannot run for Office. He said there are people who do that, but this says it cannot be done, if he is reading it right.

Mrs. Hurley said this question actually came up when they were filling the District 2 seat. She explained, the State Central Committee is responsible for submitting nominees, and they actually asked if it included pension payments. Mr. Strausburg said the pension payments do not come from the County, they come from the fiduciary who manages the pension funds, so it is really not compensation. Mrs. Hurley asked if it is being managed on behalf of the County, to which Mr. Strausburg responded, it is being managed by contract, but it is not compensation from the County.

Mr. Dunn clarified, the Council asked us to look into this, so the question is whether the word compensation includes pension payments and can a former County employee serve as a Councilmember if they are receiving pension payments. Mr. Strausburg said the pension benefit is fixed from the point in time they retire.

Mr. Dunn asked what the response to the Central Committee's question was, to which Mrs. Hurley responded, she sent the request to Mr. Bob Taylor, who was their legal representative at the time, who said he did not represent the State Central Committee so he would not provide a direct answer, so she did not really get a response.

Mr. Todd said he was reading the wording and it says expenses or compensation from the County for performance of public duties, but if they are retired they are not performing public duty, so they are not being compensated for a public duty.

Ms. Whited said she googled this, and pension plans are a form of deferred compensation, so she does not know if there is something that needs to clarify the fact they are not talking about pensions.

Ms. Chesnik said they cannot clarify everything in this Charter because it all becomes items for referendum on the ballot and she does not even know if 95 percent of the people would understand what they were voting for, to which Ms. Whited responded, she understands that, but she is going back to what Mr. Dunn said before. She clarified, she does not disagree with Ms. Chesnik, but she believes it is something to note because the question came up.

Ms. Morris said, from the public's perception, if someone retires from the County they are getting a pension, and taxpayer dollars still fund that pension, so if they run for Office they are getting a second check from the same pot. She said the money that is deferred is still taxpayer dollars and OPEB was funded, and then someone is managing that money, but ultimately, the money came from the same pot. She said she does not know that they need to do anything here, but that is her explanation.

Mr. Dunn said this has not been a problem other than the Central Committee wanting some clarification, which it sounds like they did not get. He said he is okay with leaving 609.A as is.

**Section 609.B:**

Mr. Strausburg said there has been issue with this. He clarified, they have had highly paid employees who left this building in the middle of the work day to go teach at Salisbury University between the hours of 8:00 a.m. and 5:00 p.m. He said he called the Department Head, but they were not available because they were at Salisbury University getting paid to teach while they were being paid by the County. Mr. Dunn asked if this is an ongoing problem, or was it a one-off, to which Mr. Strausburg responded, he does not know.

Mr. Mat Tilghman said, in his mind, if that was going on, that is wrong and he does not know how they would fix that, but it should be a personnel/human resources issue. Mr. Gosnell said the Supervisor would be the one to take care of that, to which Mrs. Hurley responded, the Supervisor was the County Executive. Mr. Strausburg added, the Supervisor in one case was the County Executive, but the Supervisor in the other case was the County Council.

There was then discussion about the Committee addressing this at a previous meeting. After some further discussion, Ms. Morris said the language discussed previously was "the County Executive shall devote his or her full time to the duties of the Office and not partake in secondary employment."

Mr. Benson said the problem he has with this Section is that he thinks it directly conflicts with Section 402 as it relates to the County Executive. He said, in Section 402 it says the County Executive shall be fulltime, but in Section 609.B it says the County Executive is exempt from that, so he thinks those two things are in direct conflict, and he does not think saying "during normal working hours" takes care of that problem. He said this issue came up when there was a recent appointment made as to whether the person could work fulltime or not. He clarified, he does not think this applies to anybody else, but for the County Executive, that is a direct conflict.

**Ms. Whited made a motion to recommend in Section 609.B that they remove "other than the County Executive." Mr. Strausburg seconded the motion.**

Mr. Benson clarified, the purpose of removing this is because this Committee believes that the County Executive position is a fulltime position for the County.

Mr. Strausburg said, going back to the discussion on Section 402, he recalls there was quite a bit of concern about a potential County Executive having a secondary source of income, and he does not have any objection to that at all, but he does not think they should have a secondary job, and he thinks they said they were going to come back and clarify that.

**There being no further discussion, on motion by Ms. Whited and seconded by Mr. Strausburg, the recommendation was made to remove the words "other than the County Executive" from Section 609.B. Ms. Chesnik abstained.**

Mrs. Hurley said she has a concern that actually involves Mr. Wilber because it says fulltime required during their official working hours, and Mr. Wilber actually represents other clients besides the County during the official working hours. She clarified, Mr. Wilber does not devote his fulltime duties to the County, he represents other clients. She said, the way this is worded it sounds like he is supposed to be fulltime to Wicomico County, to which Mr. Strausburg responded, the differentiation there is that Mr. Wilber does not draw a salary, he bills by the hour.

Mr. Benson said he does not read it that way because all they did was remove the County Executive, and the County Attorney is still exempted from that.

There was no further discussion.

**Section 610 – Corrupt Practices:**

There was no discussion.

**Section 611 – Penalties:**

Mr. Mat Tilghman said he has a note asking if the wording is sufficient, to which Ms. Chesnik responded, that goes back to what Ms. Bellamy researched.

Mr. Mat Tilghman said it says the County Council shall by public local laws provide appropriate penalties for enforcement of this Article, so that would preclude what Ms. Bellamy researched about Maryland Code or law. Mr. Strausburg said that takes them to court because they have a right to defend themselves.

Mr. Benson said, if he is not mistaken, there is a Section in the County Code that talks about conflicts that is actually mandated by the State and has penalties in it.

There was no further discussion.

**Discussion on Workshopping:** Mr. Dunn said they are making good progress, so he would like to propose to the group that they skip the August 5 meeting to allow those with workshop assignments to dedicate some time to that. He clarified, it does not mean they are going to present their workshopping conclusions on August 19, but it will give this Committee a break from the public session to allow the workshopping folks to do some of their assignments. He said he proposes they reconvene as a group on August 19 and will begin with Section 402 to try to clear that up.

**Public Comments:**

There were no public comments.

There was no further discussion.



Mike Dunn, Chairman



Laura Hurley, Recording Secretary