

The 2021 Wicomico County Charter Review Committee met on September 16, 2021 at 5:00 p.m. in Council Chambers, Salisbury, Maryland.

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

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

Approval of Agenda:

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

Approval of Minutes from September 2, 2021:

On motion by Ms. Sarbanes and seconded by Mr. Strausburg, the Minutes from the meeting of September 2, 2021 were approved. As Mr. Benson and Mr. Mat Tilghman were not present at the last meeting, they abstained from voting.

Proposed Charter Amendments by Bond Counsel:

Mr. Wilber said Ms. Lindsey Rader is bond counsel for Wicomico County, which is a very specialized area and her memo is quite technical. He said he would like to get a little more familiarity with her memo, but his overall view is that Ms. Rader is making recommendations that hopefully will make the County's bonding process smoother, easier, and more mailable than what they have right now. He clarified, he would prefer to go into this more at the next meeting.

Mr. Dunn said Mr. Wilber is going to ask Ms. Rader for some shortened language, and then they will bring that version of recommendations forward at the meeting on October 7.

Mr. Strausburg suggested Mr. Wilber and Ms. Rader put together some sort of a practical synopsis of the practical implications of what she is proposing because this stuff is really in the weeds. Mr. Dunn clarified, not just the recommendations, but some verbiage. Mr. Wilber said he can make that happen.

Ms. Chesnik asked if this is really something that the Charter Review Committee should be trying to tweak and put referendums out for, or is it something that should be worked out by the Council, the Executive, and Ms. Rader. Mr. Dunn responded, this is in the Charter, so they got Ms. Rader's advice, but he would certainly entertain that question among the Committee.

Mr. Benson said, as everybody already said, this is fairly technical material, and he is not sure he is even going to fully understand it after they are done. He said, as a practical matter, if bond counsel and the County Attorney recommend it, then he is probably going to agree that whatever change they want ought to be made in the Charter. He then asked if all the bond changes can be put in one question, or are they going to have to divide it up into six questions? He said part of what they are going to talk about is starting to rank things, and if they are going to have to do six separate changes, he is probably not going to want to touch it. He said, if the Council wants to deal with it, they can, but he does not necessarily want to use that to the exclusion of other things he thinks are important in the Charter.

Mr. Wilber said he thinks that is an issue that goes for everything they are doing here. He clarified, when the recommendations go to the Council, they will decide which changes they wish to make, and if they

are going to be extensive, how to present that to the voters so it is understandable and passes legal muster. He said he thinks there is a way to do it, but it is going to be winnowing down. He said, to answer the question, if they want to just leave this for the Council to look at with Ms. Rader's recommendations, he could see that because is it going to be one of the high-ranking items.

Mr. Mat Tilghman asked if it is required in State law that this has to be in the Charter in this detail? He asked if they can make it simple and general and then allow the Council, Executive, and the bond attorney to tweak it as things change, to which Mr. Strausburg responded, when they issue bonds, the Finance Director and County Attorney have to provide an opinion that the bond Legislation language is in conformity with the County Charter. Mr. Wilber added, the bonding language typically is in the Charter and is a legal issue.

Ms. Chesnik said there were changes made in 2008 in Section 313-B and C, so there have been changes made.

Councilman John Cannon came to the microphone and said he thinks they hit the nail right on the head. He said he thinks something that is cut and dry, black and white, without question, should be sent straight to Mr. Wilber to take to the Council. He said he thinks what the Committee is going to be good at and has shown they are good at is giving the Council some sort of interpretation or unique perspective, and that is what their role is, and what the County citizens might see. He said it is something separate from what the Councilmembers might think, and that way it is independently done and objectively handled.

Mr. Cannon said, regarding the multitude of changes, Mr. Sarbanes was the last President in the Council form of Government. He said he assumes that with the new Charter an entire new Charter had to be voted on, and he is wondering if they might be able to take the multitude of changes required here and figure out a way to consolidate it for one vote, similar to what was done with the Charter. He clarified, that could be completely out of line, but he is just curious. Mr. Sarbanes said that Charter went on the ballot in 2004 and then started in 2006. He said there was a Committee that went through the Charter and then actually that Council had Work Sessions looking through the entire Charter with the County Attorney, and they felt they had a document that would work, and then it went on the 2004 ballot and was voted in. Mr. Cannon said he knows they did not put the entire Charter on the ballot, so how did the public legally and fairly know what they were voting on, to which Mr. Sarbanes responded, as he remembers it, it was yes or no on Charter form of Government, and that was it.

Councilman Joe Holloway came to the microphone and said, to Mr. Cannon's point, he understands what he is saying, and when they get too many questions on a ballot it gets confusing and people just start checking off the marks or do not vote at all. He said the other thing they have found is that it seems like every year they find things in the Charter that do not apply to the Executive form of Government, so no matter what they change, they are going to find things they forgot or did not cover.

Mr. Strausburg said the credit markets have changed dramatically since 2008. He said there are a lot more requirements, and if anyone has taken out a loan in the past 12 months, they have had to sign about a dozen documents having to do with COVID. He said a lot of the technical changes that Ms. Rader is suggesting arise from just the natural evolution of the credit market and what lenders are looking for in terms of a bond Bill. He said it is really dry technical stuff, but very necessary.

Ms. Bellamy said she has worked with bonding before, and she read through this and thinks the recommendations are valuable and correct. She said, if they can only pick one out of the six, she would really like to push for making the 30-year term to 40 because USDA works on 40 years at wonderful rates, so they certainly do not want to go into water and sewer infrastructure projects being constrained by the Charter at 30 years when they will allow 40 routinely and have done so for ages.

Mr. Wilber said, going to the larger question of how to present this, they are going to make a recommendation and Council will decide what is on the ballot. He said Baltimore City had a complete revamp of their Charter, but they did it with one sentence on the ballot, which he thinks is a little extreme, but the courts have looked heavily at the advertisement that was done to give public notice to back up a short ballot question. He concluded, they will work on that as a legal matter, but ultimately it will be up to the Council to decide.

Mr. Dunn asked Mr. Wilber to look at Ms. Rader's recommendations and pair it down to four or five items and if they can legally get all the bond questions rolled into one package. He said Mr. Wilber will provide the practical synopsis of what Ms. Rader is telling them, and then the group will do their best to determine whether they are going to take this on or ask the Council to take it on.

Ms. Morris said, when the initial Charter form of government question was placed on the ballot, the question was to the form of government, not anything else, and it read:

A comprehensive revision of the Charter of Wicomico County establishing a system of Government in an elected County Executive who would have Executive functions and an elected County Council, which has Legislative functions.

Review of Workshop Material:

Mr. Dunn said they have worked through the Charter with a few caveats because they have a few workshop items that are still out there. He said he and Mr. Mat Tilghman are working on Sections 407B and C, and Ms. Whited is working on a question regarding the audit. He said Dr. Harry Basehart from Salisbury University approached the Committee early on to talk about redistricting, and Mr. Benson has been working with him, and he will be here on October 7. He said right now on the 7th they have Ms. Rader, Section 407B and C, a workshop report from Ms. Whited, and a workshop report from Dr. Basehart, so those are four things they will be looking at on October 7. Ms. Chesnik added, she is working on a workshop item as well.

Review of Scorecard:

Mr. Dunn said they made a decision to keep a running scorecard of what changes they have made, and it is posted for the public on the Wicomico County website under the Charter Review Committee tab. He said he spoke with Mr. Benson earlier today and they are going to do this the same way they worked through the Charter sequentially. He clarified, because they still have some things to address, they are not prioritizing tonight. He said he wants everybody to just concentrate on the work they have done and the motions put forth, and they will review them to see if they still are where they were. He clarified, this is just bringing it back to the table for review, and everything is open for discussion again.

Mr. Dunn said the first real thing that this group made a motion on relative to the Charter was to address reviewing the Charter as it pertains to the Executive and Council form of Government, and they voted unanimously to keep the County Executive form of Government.

Mr. Dunn said they added a table of contents to the Charter.

Mr. Benson asked Mr. Wilber if they need to amend the Charter to add a table of contents, to which Mr. Wilber responded, he thinks that is more clerical. Mr. Benson clarified, he agrees that it is a good idea, but he just wonders if they have to put it on the ballot for the voters vote on it, to which Mr. Wilber responded, he does not think so. Mr. Benson said it was the consensus of this Committee to have a table of contents, and he is hopeful that they do not need to amend the Charter to do that.

Mr. Dunn said the next item is Section 201 having to do with the five councilmanic districts and two at-large members as written in the current Charter.

Mr. Dunn said 202A is a residency requirement for the Council that they must live in Wicomico County for two years and within the district for one year, and a minimum age of 25 years to run for Office.

There was then discussion about whether they need to be 25 on the day they file versus by the day of the election. Mr. Dunn said, to run for President, they have to be 35, and he always took that to mean that they had to be 35 to file. Mr. Baker said he is sure that is defined somewhere in the law, so maybe they do not have to define it if it is already defined somewhere.

Ms. Whited asked whether the change they are making would change the candidate having to be a qualified voter. Mr. Strausburg said he views this as additional qualifications, not a replacement. Mr. Dunn said, in order to run, someone has to be a qualified voter. Ms. Chesnik suggested they have Mr. Wilber put the language together for them. Mr. Todd suggested adding another letter with the residency requirement since they are just adding this as a qualification to run for Office.

Mr. Wilber suggested making the new paragraph B and then push everything else down.

Mr. Dunn said Section 202D has to do with Charter violations that had moral fortitude, felony and Charter violations. He said they are going to include felony with moral turpitude, so they would forfeit their time in Office if they are convicted of a crime involving a felony with moral turpitude.

Mr. Benson said Section 409 says the County Executive shall immediately forfeit Office if he ceases to be a qualified voter of the County, or if convicted of a felony or crime involving moral turpitude, but he thinks this is supposed to say felony. He said they can have a crime with moral turpitude that is not a felony, but not all felonies involve moral turpitude, so he thinks they did this to make it consistent with this Section of the Charter.

Mr. Dunn said the next item has to do with Section 102. He said they were going to use the Local Governing Body definition to insert the language from Anne Arundel Section 1014, but there was a motion to table. He said this Section is Exercise of Powers, and under the Local Governing Body definition, Ms. Bellamy has language from Anne Arundel County.

Ms. Bellamy then read: *Whenever State or Federal Law confers a power or duty on the County by language that refers to "the Local Governing Body," or by similar language, any action required of the County shall be taken by the County Executive and then referred to the County Council for confirmation.*

Mr. Dunn asked which Section this would go in because he does not think they have this definition in Article I.

Mr. Strausburg asked why they felt they needed to change this, to which Mr. Baker responded, it was on the list from the Council asking to add a new Section to define Local Governing Body.

Mr. Dunn asked if this means that anything the Executive does has to go before the Council? He said he does not mind the first part of what that said, but the last part gives him pause because he is wondering if it, in effect, says that anything the Executive does has to come before the Council.

Mr. Baker suggested they add this to the definitions and rules in Article XI because that seems to be the best place to define it.

Mr. Wilber said, in State and federal law, there is reference to Local Governing Body, and he thinks this clarifies that, so when it says that, it is going to be Executive and Council.

Ms. Morris agreed that it can go in definitions and not on the ballot.

On motion by Mr. Baker and seconded by Ms. Bellamy, it was recommended to define Local Governing Body in the definitions and rules section of Article XI.

Ms. Morris said the Executive receives it first anyway, and technically, as the head of local government, he would make that decision and then Council would also be the ones to confirm it if it was Legislative.

There being no further discussion, on motion by Mr. Baker and seconded by Ms. Bellamy, it was unanimously recommended to define Local Governing Body in the definitions and rules section of Article XI.

Mr. Dunn said, in Section 204B.1, they voted to change when the Compensation and Allowance Commission is established to make it 15 days after the beginning of the first year of the term of each Council, if that complies with State law. Mr. Wilber said it seems to him there was an impediment to that and it had to be done the way it is in the Charter. Mr. Dunn said, if they cannot do this, they can strike this recommendation, but they will get back to this after Mr. Wilber confirms they cannot do this.

Mr. Dunn said the Committee struck Section 206 from the Charter, which was the special election to fill Council vacancies. Ms. Chesnik suggested they make sure they can legally do that and that it is not a State requirement.

Mr. Dunn said, if they are striking Section 206, they have to make changes to 205. He said, once Mr. Wilber determines if they can legally strike Section 206, they will come back and revisit this.

Ms. Whited said, according to the minutes, Mr. Wilber already looked up Section 204B, and they cannot do this. Mr. Dunn then advised everyone to cross 204B off on their scorecard.

Mr. Dunn said, in Section 205, the group agreed to add unaffiliated to this Section.

Ms. Bellamy said, as she remembers it, on 205A and B, the last sentence says "unless there is a special election." She said her theory was, if they are striking 206, then they are striking the last two sentences in 205A and B and finishing the paragraph with the language they came up with.

There was then some discussion about whether certain sections should be bulleted. Mrs. Hurley said the publisher likes to keep it consistent throughout the Charter, so she is not sure how the publisher would feel about that.

Mr. Dunn said the group recommended to change the language in Section 305F to add “and the County Executive” and eliminate the last line in Section F that says “All actions of the County Council pursuant to this Section shall be exempt from the Executive veto.” Mr. Dunn said this was not a unanimous vote.

Mr. Benson said he sent out a memo after they voted on this that the Internal Auditor is supposed to be completely independent of what they audit, and they audit the Departments of the County Executive. He said, if they look at the recommendations, they cannot have the County Executive be a part of the approval process for the Internal Auditor because that is who is being audited. He said, with all due respect, it is a mistake to change this. He said the Council is supposed to have this and it is the way they oversee the Executive Branch. He clarified, he understands the theory behind putting it in and trying to make it fair, but the reality is that the purpose of the Internal Auditor is to audit the Executive Branch. He then requested they look at this further, and said the auditing standards are clear that this is something the County Executive should have no authority over.

Mr. Strausburg said, to be pragmatic, he does not see the point in putting something forward that the Council is not going to adopt and accept, so he suggests they rethink this. He said he thinks they want to put forward things that rise to the level of importance that will be seriously considered by the Council, and he does not think this will be. Mr. Dunn said he agrees with that.

Ms. Whited said she is workshopping this subject, and still has not completed the work, but can present it at the next meeting.

Mr. Dunn clarified, Ms. Whited is still workshopping this, and they will still hear her report at the next meeting to reconsider this vote.

There being no further discussion, on motion by Mr. Phil Tilghman and seconded by Mr. Strausburg, the motion to reconsider the previous action taken on Section 305F was approved. Ms. Chesnik opposed.

Mr. Dunn said Section 314A has to do with the Council not interfering with the Executive Branch. He said the Committee recommended to delete the word “generally” and insert the words “unless for the purpose of inquiry or information, neither the County Council nor any of its members shall.” He said that passed unanimously.

Mr. Dunn said the next item has to do with secondary employment and/or fulltime employment of the County Executive, and the Committee recommended adding to the first paragraph. He said the current sentence says “The County Executive shall devote his fulltime to the duties of the Office,” and the Committee recommended it say “The County Executive shall devote his or her fulltime to the duties of the Office and not partake in secondary employment.” He said that passed with 8 in favor, 3 opposed, and 4 abstained, so this obviously had a lot of discussion. He said he thinks they were all in agreement that an Executive who has a family business is still allowed to gather income from that family business, but they were concerned that an Executive may not work from 8:00 a.m. until 5:00 p.m. because they had to go to that family business every day, so that is the spirit of where they were, but looking at this again, he is not sure if this language covers what they are attempting to do.

Ms. Chesnik said, if someone is the Executive, they are here at night if they are needed, they are here in the morning if they are needed, and they are needed on the weekend. She said, however, if they have a family business and they are not working as the Executive on a Sunday, is Mr. Dunn saying they cannot

work in that family business? She said saying they cannot partake of secondary employment is a sticky wicket, and they do not want to discourage someone who could be highly qualified from running for Office and coming into this position because they have a family business that is primarily run by other people. Mr. Dunn responded, he thinks they have not quite nailed this language properly. Ms. Chesnik suggested saying it is their primary and foremost employment, and that it precedes any other type of business they have.

Mr. Holloway came back to the microphone. He said, if they get an Executive who likes to fish or play golf and does not show up to work, how would they control that?

Ms. Chesnik asked how much control they want to place over a human being? She said they are electing somebody into the Office who is an adult and should have enough sense to know that this is his primary position and should be dedicated to that position.

Mr. Dunn said maybe they should stick with what it currently says, which is "The County Executive, who shall be the Chief Executive Officer of the County, and who shall faithfully execute the laws, shall devote his full time to the duties of the Office."

Mr. Benson said Mr. Strausburg made the original motion, so maybe he should explain what his thoughts were, to which Mr. Strausburg responded, he has come full circle on this and, quite frankly, following up on what Ms. Chesnik said, they have to give their citizens credit for having some common sense. He said hopefully candidates who would run for this Office would have the good common sense to know what the current language in the Charter means. He said he put this forward, and he would be happy to take it off the table because he does not think it is necessary.

Mr. Sarbanes said they could have someone who is a National Guardsman or Reservist. He said the law in Maryland going back to 1940 says that a person is entitled to four weeks military leave with pay and they get paid from their employer. He said they could have somebody who has been in the military and then gets out, but gets elected to government and stays in the Guard or Reserves. He said he fell into that and he would hate to see that happen to somebody because there are a lot of good people who fall into that predicament, so he thinks they have to be careful. He said that Guardsman might be away for a few weeks, and he hopes there are other people who can make decisions, but they need to be careful.

Mr. Dunn said, as they all know, Mayor Day just recently was deployed to serve their country for about a year, and handed over the powers of Office.

Mr. Strausburg made a motion to rescind his original motion, which was seconded by Mr. Sarbanes.

Mr. Benson said, in reading this Section, in conjunction with 609B, which talks about fulltime requirement, there was a consensus during the discussion of 609B that the County Executive is a full-time position and they decided to remove the words "other than County Executive" so that it was clear that it was going to be a full-time position. He said this Section says "shall devote their full time during the official working hours," which he thinks addresses Ms. Chesnik's point. He said he thinks adopting the motion to rescind is the correct thing to do.

Ms. Whited said she feels like this may have been a response to some things that happened recently. She clarified, if someone is a full-time surgeon, or has a major job, the Charter does not have to govern that, but they should not be elected or appointed, but just use common sense.

There being no further discussion, on motion by Mr. Strausburg and seconded by Mr. Sarbanes, it was unanimously agreed to revert back to the original language in this Charter Section.

Mr. Dunn said, in Section 405 they voted to make the age of the County Executive 30.

Mr. Dunn said Section 406 has to do with the compensation of the Executive, which is currently \$85,000, and they agreed to set the salary at a minimum of \$120,000, which passed with 12 in favor and 1 opposed.

Mr. Strausburg said the Charter says that the compensation shall be not less than \$85,000, so the Council already has the wherewithal to change the salary of an Executive if they so choose. He said, if they put this forward, he thinks the chances of Council putting this on the ballot are not good. Mr. Dunn said he does not disagree with that.

Mr. Dunn said, when they make recommendations to the Council, he is hoping everybody on this Body comes forward. He said, having been a member of the Compensation Committee, when they made the presentation and those salary changes were unanimous by the Committee, they were summarily dismissed by the Council. He said he does not want anything this Committee does to be summarily dismissed. He clarified, he hears what Mr. Strausburg is saying, and he is not so sure what the voters would say about the Executive's salary being \$120,000, but the Compensation Review Committee overwhelmingly felt that it was appropriate.

Mr. Phil Tilghman said a lot of what their discussion has revolved around with this Charter review was how to have someone conduct the Office of County Executive in a competent way in a leadership position and forward thinking. He said he thinks why he voted for this was to put a compensation for that job commensurate to what they hope will serve the County well, but he does not think they have been well served by the County Executive form of government, frankly. He said they voted to keep that form of government, but he thinks they can improve on it quite a bit, and one way is to perhaps pay something to attract somebody who will really do the job well.

Mr. Benson said he thinks the overwhelming consensus of the Committee was that they wanted to make it clear that they thought the County Executive should be a full-time position, at least under 609B. He said he assumes that part of the reason for wanting to increase this is because it is supposed to be full-time, and the salary ought to be commensurate with a full-time position. He said the County Executive probably ought to make at least as much money as the Department Heads who are under him.

Ms. Chesnik said, if they are going to raise the salary, are they going to raise the bar on education and background? She said that is her only concern, and she thinks that is a really important thing. She said they are putting somebody in a position who has a lot of assistants under him, but if someone is going to step in and be paid more, should there be more of an educational requirement?

Mr. Benson responded, he thinks they discussed that, but he thinks there are an awful lot of people who do not necessarily have a "formal education" who are extremely successful and extremely smart, so he does not know that having a formal education makes someone a good leader or a good County Executive. He said the voters have to choose who they are going to elect, and he does not know how they could put an education component into it.

Mr. Sarbanes asked what Department Heads make, to which Mr. Strausburg responded, it depends on the Department, but most of them make more than \$85,000.

Mr. Strausburg said he has mixed feelings about this because he thinks the compensation as it currently stands is not adequate enough to attract the kind of people they want to attract, but, on the other hand, the Charter does not establish that level of compensation, it simply establishes a minimum. He said what makes him uncomfortable with this is that he just has a nagging feeling that they are usurping County Council authority, and that bothers him. He said they have a process in place now where the Compensation and Allowance Committee comes forward with recommendations for the Council to act upon, and he is uncomfortable with short-circuiting that process. Ms. Chesnik said she agrees.

Ms. Chesnik suggested they leave this as is but say the Council will pay a minimum, but somehow the pay shall commensurate with experience, to which Mr. Dunn responded, again, that is getting into the purview of the Compensation Review Committee.

Ms. Whited said she understands this is a minimum and they do not want to go through this whole thing because that is what the Compensation Committee is for; however, this is the minimum from ten years ago. She said, even if it is not \$120,000 they should probably look to see what inflation was, to which Mr. Strausburg responded, he did that and it was \$115,000.

Chairperson Comments:

Mr. Dunn said he really wants to impress upon everyone that they are in the homestretch. He said, once they get through this, the next meeting will be really workshop-driven and finishing that work. He said he is hopeful that they might be within three meetings, perhaps four, of concluding their work, which would be pretty good. He said they have 407B and C being workshopped by Mr. Benson and Mr. Strausburg, they have Ms. Whited doing some work on the Auditor, and Dr. Basehart will be doing a presentation on Sections 201B and C. He said Ms. Chesnik has a workshop on Resolution 131-2012.

Mrs. Hurley said the next meeting will be on October 7, 2021, and then October 21, 2021.

Public Comments:

Mr. Bob Taylor came to the podium and said he was going to say they have to stop meeting like this, but he would say there is a little further to go than the homestretch. He said he would say they are maybe in the far turn hitting a header. He said he thinks more meetings are needed.

Mr. Taylor said a number of people have told him that they cannot understand what is happening, and he does not think it is entirely the Committee's fault. He said the broadcast and news media around here is pathetic, and that is part of the problem.

Mr. Taylor apologized for not being there during their discussion on the comments from Ms. Rader, but he read through them after he got them this afternoon from Mrs. Hurley, and he does not disagree with anything she says. He said, in fact, he thinks she makes good points, but he thinks a broader point to be made is that these are very technical matters and he thinks they also are part of the overall budget process that she is not commenting on. He said she is looking primarily at the bond part, and it would be wise to have a complete review of that. He said, as far as it being technical, it is a strong idea for Mr. Wilber to work with Ms. Rader, but, if he were on this Committee, he would just suggest to the Council that they work with Ms. Rader and Mr. Wilber and develop whatever they develop. Mr. Dunn clarified, while Mr. Taylor was not here, that was exactly what the Committee discussed.

Mr. Taylor said, on Anne Arundel County Charter 1014, he thinks they should take a close look at that language, to which Mr. Dunn responded, they did. Mr. Taylor clarified, he thinks maybe in a little bit more detail. He said, for example, there may be directives from the State or federal government that provide more definition to what they mean by Local Governing Body in a particular mandate, so there could be a problem there, and there might be a conflict. He said there might also be a conflict with the Maryland Legislation, particularly the Express Powers Act, which uses that term for some things in certain contexts. He said, just because Anne Arundel did something does not mean that it is gospel.

Mr. Taylor said, on the salary review timing, he has an opinion he did a couple of years ago for the Council, and Mrs. Hurley probably has that. He said he will not get into that opinion, but the special election section in Section 206 was put in the Charter by referendum in 2016. He said this gets back into the issue of the tax cap and County Executive being put in the Charter by referendum and that they should not do anything about it, which is not, in his view, good policy, but that has been expressed by this Committee. He said, as far as whether there should be a special election provision or not, it does not really turn his turnips – he does not care, but he would point out that it was done just five years ago. He said that was done because for many years certain Counties did have special elections, and it was challenged 20 years ago when it went to the Maryland Court of Appeals, which, as he recalls, ruled that there is a provision in the Maryland constitution that made it illegal to have special elections. He said he thinks the next year the General Assembly had a Statewide referendum, and they amended the Maryland Constitution to change that, and this provision was put in by the Council by referendum shortly thereafter, so that is the story of why it is that way. He said he thinks before the Committee does anything on that, they ought to look at what the reasoning was five or six years ago when the change was made because they did not have to make the change, it did not have to be done, it was not the directive from the State, the directive was that they could do it, so they decided to do it, and it was passed by referendum to do it.

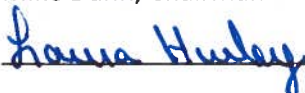
Mr. Taylor said the use of bullets is not a good idea. He said, if they want to section things off, use letters or numbers because that is much easier to reference and that is the way codes and statutes are written.

Mr. Taylor said he totally agrees with Mr. Strausburg on the County Executive compensation that this is not the bailiwick of this Committee. He said there is a separate process for that, and it should be left that way. He said Mr. Strausburg mentioned the Anne Arundel County Charter, and he suggests they look at other Counties, which are also very low. He said Howard County is about \$18,000 in the Charter, but the County Executive makes \$200,000, so there is no need to do anything in the Charter at all, and that is really not in the bailiwick of this Committee because they have a separate compensation review group for that.

There was no further discussion.



Mike Dunn, Chairman



Laura Hurley, Recording Secretary