

The 2021 Wicomico County Charter Review Committee met on October 7, 2021 at 5:00 p.m. in Council Chambers, Salisbury, Maryland.

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

Approval of Minutes from September 16, 2021:

On motion by Ms. Sarbanes and seconded by Mr. Benson, the Minutes from the meeting of September 16, 2021 were unanimously approved.

Discussion with Dr. Basehart on Sections 201B & C:

Dr. Basehart said there is not a better time than today to discuss redistricting. He said, after the 2020 census, cities, counties, and states across the nation are redrawing Legislative and Council District lines as required by law. He said redistricting has been a teaching and research interest of his for over 40 years, and he understands its importance to local democracy, but also understands the power politics that too often come with it. He said he will review the existing County Council redistricting procedure, identify what is wrong with the procedure, at least in his opinion, and propose a better way.

Dr. Basehart said redistricting, as established by the County Charter, is in Article II, Section 201b, and even with a quick read, it is obvious that almost complete control is given to the County Council. He said the Council appoints members of a Redistricting Committee, but no criteria exists for selecting members, not even the number of members required to do the job. He said the Committee is not required to seek public input or hold a public hearing, although their meetings are open to the public, and they are required to prepare a plan, make it available to the public, and present it to the Council. He said only the Council, not the Committee, is required to hold a public hearing. He said, after the Council public hearing, the Council has total discretion. He said this is a quote from the Charter - "It may adopt the plan as presented or may make any modifications or amendments to the plan," so the Council has complete control of drawing District lines. He clarified, that is the existing procedure.

Dr. Basehart said he will talk about what is wrong with this procedure, and will paraphrase Governor Hogan. He clarified, Governor Hogan is not talking specifically about Wicomico County, but he says this way of redistricting allows elected representatives to pick their voters, not voters to pick their representatives, and he agrees with that. He said it is frequently heard that the way they do redistricting allows the elected representatives to pick their voters, so to speak, which is literally true, rather than the voters picking their representatives. He said the voters are forced to choose from the districts that elected representatives want to have for themselves, and that is his criticism of the procedure.

Dr. Basehart said he hopes the Committee members will consider changes that move toward fairness, which is difficult to accomplish with redistricting. He clarified, by fairness, he means simply a dictionary definition - fair or impartial treatment, lack of favoritism toward one side or the other. He said he

submitted a three-page revision of the Charter's districting article and a one-page timeline to illustrate how this procedure would work, if they find it worthy, which they might want to look at if they get into more discussions about changing redistricting. He said fundamentally they need a revitalized Redistricting Committee, greater public input, more specific criteria in the actual drawing of the lines, and a consensus approach to final approval, and the following are his suggestions:

Appointment:

Dr. Basehart said the Redistricting Committee he proposes will have nine members, each approved by four votes of the seven-member County Council. He said this actually reflects current procedure except he suggests that nine members be the official size of the Redistricting Committee, which is currently seven. He said the important change is that three members will be registered with the largest political party in the County, three registered with the second largest political party in the County, and three members registered unaffiliated, or more commonly called independent. He said the Chair will be selected by the Committee with approval of six members reflecting a consensus approach.

Public Involvement:

Dr. Basehart said the Committee will be required to hold at least two meetings for public input, one before the actual drawing of lines, and one after the Committee has a draft report and map. He said the draft report and data used to draw the new lines will be uploaded to the County website two weeks before the second meeting.

Criteria for Drawing Lines:

Dr. Basehart said these will be prioritized starting with most important, and first is equality in district population where no district can be 5 percent above or below the average population for all five districts. He clarified, equality is a Supreme Court requirement.

Dr. Basehart said second is that racial minorities will have the opportunity to have candidates of their choice, which is a court requirement.

Dr. Basehart said third is that election chances of an incumbent or candidates of a particular political party cannot be increased or decreased, so that specifically is an anti-partisan gerrymandering criteria.

Dr. Basehart said fourth is that boundaries of municipal governments within the County will be respected as much as they can be. He clarified, this is a lower priority, and it is not always possible.

Dr. Basehart said fifth is that the districts will be required to be contained in a connected geographic area or contiguity.

Final Approval:

Dr. Basehart said approval of the Committee's plan requires at least six votes of the nine members of the Committee including two democrats, two republicans, and two unaffiliated. He said final approval by the County Council requires five votes, not four, of the seven members. He said, if the Council disapproves of the plan, its written objections will be sent to the Committee and the Committee shall make such modifications as it deems appropriate and return the revised plan to the Council. He said the Council then must decide between the original plan and the revised plan, which probably has had some County Council input, but a decision has to be made.

Dr. Basehart said these four suggestions reflect two major changes in the existing procedure. He said, first the Committee will have a much greater role in redistricting than the Council, but the Council will still have some influence through appointment of Committee members and approval of the final redistricting plan, but it will definitely be a revitalized Committee.

Dr. Basehart said second, a consensus, or supermajority, not a simple majority, is required to make decisions. He said, for example, election of the Chair requires approval of six of the nine members of the Committee, and the draft plan requires approval of six of the nine members of the Committee. He said approval by the seven-member Council will need five votes, so there is an effort to bring in a supermajority requirement in the Council's selection of the Committee members and of the actual process so it is more of a consensus process, as now it is not a consensus process.

Dr. Basehart said, in closing, because of timing of the Charter Review and approval of changes, this revision will not be used until 2031. He clarified, it will not be used this year because the lines have to be drawn in the next couple of months, so it will be used after the 2030 census. He said he does not think they have to be concerned about the immediate impact of this type of change, they can take a long-term perspective, he thinks, of the public good.

Mr. Dunn asked if this proposal is something the group is interested in putting forward as it is a big ask of voters, so he is not sure how they could make this recommendation. He clarified, he likes the recommendation, and he is a big fan of what Governor Hogan is attempting to do, but they are talking about something that would happen in 2031 at the earliest. He then suggested perhaps it would be best to put this to the County Executive or County Council directly to let them work through, as this is political in nature. He suggested perhaps a Committee be put forth by the Executive and Council to look into redistricting as opposed to a recommendation from the Charter Review Committee. He said this Committee only gathers every ten years, and this proposal would take ten years to go into effect.

Dr. Basehart responded, one problem he sees is that most redistricting reform does not come from elected representatives, it tends to come from the voters. He then asked Mr. Wilber if voters of Wicomico County can circulate petitions and get a Charter Review proposal on the ballot, to which Mr. Wilber responded, yes. Dr. Basehart said, if it would go to the Council and the Executive, he really cannot see that they would come up with anything because they would have to give up power, and nobody wants to give up power. He clarified, with the right leadership, it could happen, but he feels that, since this is the Charter Review Committee, this is something appropriate for them to recommend.

Mr. John Rankin, alternate member of the Charter Review Committee, came to the podium. He asked if the changes Dr. Basehart described are being considered in other Counties in the State of Maryland, to which Dr. Basehart responded, not that he knows of. He said the only County he read about is Baltimore County, which does it pretty much the way Wicomico County does. He said there are organizations like the League of Women Voters in particular that want to reform the redistricting process, and he is not really familiar with everything they do, but they seem to focus on the State, and he does not know if they have looked at all the Counties or if they have recommendations about the Counties. He clarified, he did not do research to see how other Counties redraw lines.

Mr. Rankin asked, since so much of Dr. Basehart's suggestions are based from a sense of fairness, would that apply to all the other Counties in Maryland, to which Dr. Basehart responded, yes, it certainly would, and he would assume that if the State Legislature wanted to get really involved in County affairs

they might mandate something, which will probably not happen, which is part of the dilemma of changing redistricting procedures.

Mr. Robert Taylor came to the podium and said he knows Dr. Basehart has probably lived here as long as he has, which has been 50 years in his case, and he has probably seen more than one Charter Review Committee. He then asked if he has any specific objections to past Charter Review Committees where they have done something wrong or that Dr. Basehart feels is improper, to which Dr. Basehart responded, no, but he is not certain of recommendations from the past. He clarified, nothing sticks out to him.

Mr. Taylor said his next question is about the criteria Dr. Basehart gave. He said there is equality, the five percent rule, district contiguity, boundaries, the racial minorities issue, which are all required under federal and State law, so Dr. Basehart's suggestion for criteria would not add anything, it would just be what the law is right now. Dr. Basehart responded, however, there are some criteria in the County Charter, and since they are in there now, he thinks it makes sense to reiterate those or expand on them. Mr. Taylor asked if, essentially, everything that is in the Charter now is required by law, to which Dr. Basehart responded, no. He said there is nothing about public input for the Committee, and he thinks that is important. He said the only place there is a chance of public input is when the Council gets ready to adopt it. Mr. Taylor said he understands that, but he was speaking of the criteria.

Mr. Taylor said he did not get all the particulars of what happens when the Committee makes its report and how it is to be approved. He said it goes to the Council, and if they do not agree, then it goes back to the Committee. He clarified, he is not suggesting one way or the other, but he is concerned that might not be lawful because he believes redistricting is a Legislative process and Legislative processes cannot be delegated by the Legislative Body. He clarified, he is just throwing that out there, and he is not saying it is incorrect, but something tells him it is. Dr. Basehart responded, if the Council wants changes in the Committee's plan, they tell them things they do not like about the plan and propose changes. He said the Committee then considers those suggestions and makes changes to try to oblige the Council, and the Council will have to choose between one of the two, either the original or the modified plan from the Committee, so the Council has a choice of two and still has authority. Mr. Taylor said he has not yet read the three-page document, and, frankly, he suggests it be put on the County website so people can see it in its entirety, but he thinks that aspect of it needs to be looked at very closely because he thinks there might be a concern with the way it is proposed that there might be a delegation of the Legislative process, which would not be proper. Dr. Basehart said that is an interesting point, and he is certain that there are States that have given Committees the authority to draw plans, to which Mr. Taylor responded, he is sure Dr. Basehart knows as a political scientist that every State is different, almost like different countries in what they do.

Mr. Phil Tilghman said he read Dr. Basehart's suggestions and he thought it might seem a little unwieldy trying to find independent voters, but it got him thinking about why they have districts. He said, as a result of the lawsuit from the Justice Department, they created five districts mainly so one can be a minority district. He said minorities have tended to move elsewhere and are part of every district, so one way to solve this whole problem is to do away with the districts altogether and then the minority with the highest votes could be seated. He said that is just another way to do it. He said they created the districts for another reason, which is, as the population of the County swarmed in around Salisbury, they did not want to elect a County Council that just had people from the major municipal area. He said he wonders if it is possible for this Charter Review Committee to suggest that the County Government

appoint a review committee to look into possible aspects of this, check with other locations to see how they do it, and go into it deeper than they can here.

Mr. Mat Tilghman said, as he envisions what Dr. Basehart is suggesting, it really would not be any different than what they are doing here. He clarified, they have no Legislative power, they merely, as a group, are going through this Charter and getting down into the minutia and trying to come to a consensus of what they think needs to be changed, and what they think that change ought to look like. He said, once they pass this to the Council, they are done, and the same thing could be done with this where the Council Legislatively would have to make the decision on what this redistricting would look like because they are going to make that final decision. He clarified, he likes what he heard a lot.

Ms. Whited said, as a point of clarification, she thinks the difference is that in the proposal the Council needed to choose between the Committee's plan and the revised plan after they had some feedback, to which Dr. Basehart responded, that is correct. He said, in order to keep from just going back and forth and back and forth, he is just forcing the Council to select one of them. Ms. Whited clarified, she does not disagree with Dr. Basehart's suggestion, she is just stating the difference.

Mr. Sarbanes asked if the current Redistricting Committee is looking at Dr. Basehart's suggestions, to which Dr. Basehart responded, they have a real specific task to come up with a new plan and submit it to the Council. He said he viewed their last meeting, and they have several plans they are looking at. He said one is a minimal change, the other is a balanced population, and another is two percent deviation, which actually, for County government, they really do not have to be that small in deviation, but they are trying to come up with a plan. He said they know there has to be a minority district, but they are looking at how to draw the lines with minimal change. Mr. Sarbanes asked if they could incorporate some of the things Dr. Basehart is talking about, to which Dr. Basehart responded, the criteria states that the districts will be reasonably compact, contiguous, and substantially equal in population, so there are criteria there, but that is all there is, which is why he suggested adding some things.

Ms. Bellamy said, when the Committee was looking at Section 201, one concern was whether to add a district based on the population, and she thinks this census did not change the population significantly, but in 2031 it might. She then asked if Dr. Basehart knows what the tipping point might be, to which Dr. Basehart responded, someone else asked him, so he googled it, and some research on Western Shore Counties had been done, and they were about right about the number of people that are single-member districts, which is around 20,000, so that seemed about the right proportion for their population. He said he will send that to the Committee because at some point they may need another single-member district. He clarified, he is not sure they are there yet, but he can see that coming.

Dr. Jones said this brings her back to day one for the Charter Review Committee when she was hoping they could create a County Council that had more diversity on it, and it was her suggestion to possibly look at having seven districts versus five, and maybe be able to form two minority districts. She then asked if Dr. Basehart has seen any examples of where that has been effective? She said they have two districts that population-wise are equivalent to the other districts, but there is such a great span of territory as well. Dr. Basehart responded, he really would have to think about this a little more, but she is exactly right that, if there were seven single-member districts, he is sure there would be at least one more minority district. He said, if there is the opportunity to draw a minority district with about 60 percent of the population, the courts pretty much rule that they have to do it or they are going to be taken to court. Dr. Jones said that was something to possibly consider rather than having five districts

and two at-large, and with the possibility of forming a second minority district. Dr. Basehart said he has not seen any research on that, and he does not know if there is a trend of fewer Counties in Maryland having only single-member districts, but of course their City Council has only single-member districts.

Mr. Dunn thanked Dr. Basehart for his presentation. He said this is a tall order and he is not sure where the Committee will go with it, but he appreciates his time and they will have some discussion about it. He said, for the record, part of the challenge with Dr. Basehart's plan is, if presented in whole, it would take an extraordinary amount of diligence by the voter, so he is not sure if this recommendation fits here. He said, again, possibly the Charter Review Committee could recommend that the Executive and Council look at redistricting because they recognize both Dr. Jones' and Dr. Basehart's points. He said Dr. Basehart's recommendations would probably add two to three pages to the Charter, and in order to get that approved, every voter would have to check every aspect of what Dr. Basehart is talking about.

Mr. Baker said previous discussion came up about how the Charter was amended to include the Executive Branch and the significant text that went along with that. He said, as he recalls, there was a simple line on the ballot that said they were adding an Executive Branch, and there were advertisements regarding the specific language to address the issue, and it got passed. He said he feels like if the issue is worth taking up, they should not be worried about the amount of text they are suggesting because there is clearly a pathway to amend the Charter with a lot of text. He clarified, he just wants to point out that he does not think they should base it just on the text volume if it is a worthwhile endeavor.

Mr. Benson asked if Dr. Basehart's suggestion could be done in one amendment, or would it be broken into separate parts and presented to the voters, to which Mr. Wilber responded, he thinks the question of what the ballot will look like is key. He said, whatever Charter amendments the Council comes up with, there will be an advertisement in the paper with all the detail, but the question is what the ballot will look like. He said there is an Attorney General opinion that talks about Baltimore County amending theirs with just one sentence when they did a complete rewrite, and he thinks that is a little extreme. He said perhaps breaking the questions down into sections would be the best way to do it, but they have not come up with a definitive answer on that. Mr. Dunn asked if that decision is made by the Committee or the Council, to which Mr. Wilber responded, the Council will ultimately make that decision.

Mr. Benson asked if Mr. Wilber's inclination is that this cannot be done in one question and will have to be broken up into sections, to which Mr. Wilber responded, he thinks so. He said at this moment he is not comfortable with the public deciding to make ballot changes based on what was published in the Daily Times as he does not think that is the way to go.

Mr. Benson said he read through this in some detail and Dr. Basehart's suggestions. He said the suggestion of having nine members and having three of each party is kind of consistent with the conversation this Committee had with regard to if there is a vacancy when there was a suggestion made that there should be a provision to allow an independent, so this is consistent in that regard. He said, to be honest, the only thing he finds that could be controversial is the last provision about approval by the County Council, but he does not know why the Council would object to anything else in here because it provides some detail as to how this is supposed to be done as opposed to what is in the Charter now with no details.

Mr. Benson said a problem he has that he keeps raising is that, as a Committee, they have to decide how many things can be submitted to the County Council that they think are likely to be adopted, and in this

instance the question is whether they can do it in one ballot question or several. He said, if it has to be broken up, he thinks it is highly unlikely that the Council will do that. He said, frankly, in making these decisions, he thinks the Committee needs as much guidance from Mr. Wilber about how he thinks it likely would have to be done. He said he had the privilege of having Dr. Basehart as a professor for a lot of classes, and he thinks this proposal makes sense, which is why he suggested Dr. Basehart come in and make a presentation, but he just does not know whether the Council would adopt the last section. He said the second part of this is how many different ballot questions Mr. Wilber thinks they need as it relates to this one proposal. He said the Council might not be willing to do this in one fell swoop, but he would hope that they might look at it over a number of elections before 2031 and start making these changes.

Ms. Chesnik said one point she wants to bring up is that they have a list of 30 odd items that came from the Council of things they wanted the Committee to look at and respond to, and Section 201 is not on that list at all. She clarified, that is just a comment.

Ms. Whited asked if other Counties have as extensive of a program as what Dr. Basehart suggested, to which Dr. Basehart responded, in doing his research, he tended to look more at Governor Hogan's proposal, and he looked at some other States, but he did not look at other Counties in Maryland. Ms. Whited said she likes his suggestion and thinks it is more than this Charter Review Committee can do, so she likes the suggestion of a Commission because this is one that is worthy of that. She said, with the timing that they have to make these recommendations, hopefully the County will be done with redistricting by then, but it will be fresh on people's minds. She said she thinks it would be good to have people review this while it is fresh on their minds, not just for the County, but with what is going on in the State and nation to look at it more deeply, which is probably deeper than they can look at it here.

Dr. Jones said she would like the opportunity to speak to representatives from the Redistricting Committee to see what their thoughts are on Dr. Basehart's proposal. Mr. Dunn then asked if Dr. Basehart has reached out to make this presentation to the Redistricting Committee to see if they would be willing to entertain it, to which Dr. Basehart responded, no. He said he deliberately avoided mixing this with what they are doing, but certainly their comments on this would be interesting.

Mr. Dunn said they will add this to the next agenda as a discussion item, and he wants the group to consider what they have heard tonight. He said they heard the suggestion of not worrying how long it is if it is the right thing to do, they heard about making a recommendation to have a commission formed, and they heard a recommendation to perhaps adopt this in whole. He said for tonight they will not take any action, but he asks that anyone who has a motion to make regarding any change to redistricting make it at the beginning of the next meeting.

Ms. Bellamy asked, if something on the ballot and has five line items, could the voter approve three but not approve two, to which Mr. Wilber responded, ballot questions are usually presented as yes or no questions. He said they would have one question about redistricting with subparts and the voter would vote yes or no, so it would either go through in toto or it would die. Mr. Benson said he thought they would have to break it up into more than one ballot question, to which Mr. Wilber responded, when looking at changing these different parts of the Charter, he thinks they need to break it down.

Mr. Benson asked if the proposal Dr. Basehart made could be one ballot question, to which Mr. Wilber responded, he thinks so.

Review of Workshop Material:

Ms. Whited was tasked at looking at the Office of the Internal Auditor in Section 305. She said the Committee had talked about the County Executive also needing to approve the appointment of the County Auditor, but no County in Maryland that has an Executive form of government does that. She said Montgomery County has an Inspector General, but that person reports to the Legislative Branch. She suggested they leave this as it stands.

Mrs. Hurley pointed out that on the scoresheet a motion was passed. Ms. Whited said it was to change the language in the first section to add "and the County Executive."

Ms. Whited made a motion to reconsider the change the Committee previously made to Section 305, which was seconded by Mr. Plotts and unanimously approved.

Mr. Benson made a motion to revert back to the language already in the Charter in Section 305, which was seconded by Ms. Whited and unanimously approved.

Ms. Chesnik said her workshop item is a moot point because everyone in this room basically decided they do not want to go to an Administrative form of government from Executive, so it makes no sense for her to go through the differences and why they ended up where they are if the folks here do not want to do anything with it.

Mr. Mat Tilghman and Mr. Dunn workshopped Section 407b and c regarding vacancy in the Office of County Executive. Mr. Mat Tilghman said he went through all of the Maryland County Executive Charters, and it struck him that in a lot of cases they are very similar to the other Counties. He said, for example, Wicomico County's Charter talks about if it happens in the first 12 months, a new Executive will be nominated and elected by qualified voters of the County at the same time that members of the House and Congress of the United States are elected, and he would say that over half of the other Counties had that in their Charter.

Mr. Mat Tilghman said, under Section 407c it says the vacancy shall be permanently filled by the members of the Council. He said the term "shall" versus "may" is a very strong term, so, in his opinion, the Council failed to honor the Charter by not making a choice on a new County Executive.

Mr. Mat Tilghman said he came to the conclusion that their Charter is not that bad, but he thinks the Council should be required to do something as the current Charter is set up. He said, in the interim, the Administrative Director is the Acting Executive, which is where they have ended up now. He clarified, he does not see making any major changes at this particular juncture.

Mr. Dunn said he concluded the same things, but as a result of the vacancy requirement when Mr. Culver passed away, the County Council was tasked with choosing someone within 45 days, and they chose someone, but not any of the people who had applied. He said they ended up appointing the County Administrator as the Acting County Executive for approximately two and a half years, so now as a result of that they have an Acting County Executive who is really doing three jobs – the County Executive job, the Administrator job, and the Assistant Administrator job because they currently do not have an Assistant Administrator. He said Mr. Strausburg is on a bit of a contractual situation with the County where he does some work on behalf of the Office of the Acting County Executive.

Mr. Dunn said he and Mr. Mat Tilghman both agree that the Wicomico County Council failed, and they had Mr. Hastings come to the podium at a previous meeting who also felt that they failed in filling the vacancy within 45 days. He said he is proposing for consideration that if that vacancy occurs with less than three years left in the term, they hold a special election for the Office of County Executive. He said, if the absence occurs within one year of the end of the term, they would consider appointing the County Administrator to fill out the remainder of the term of the Executive. He clarified, what they do now and what most Counties do is appoint someone, and since they have recent history as a guide, that suggests that the County Council ended up appointing the County Administrator to do three jobs for two and a half years, and he thinks that is a bit much, so he is suggesting the possibility of holding a special election.

Ms. Chesnik said she thinks that appointing the County Administrator into that position is wrong no matter when the vacancy occurs. She said that person already has a fulltime job to fulfill, so they really need to go outside of looking at the Administrator and they need to appoint someone like other Counties do, or they need an election.

Mr. Baker said another issue with appointing the Administrator is that, when the vacancy occurs, the current language tries to keep the appointment within the same political party. He said they do not necessarily know the political leanings of the Administrator, and he feels that is not quite fair to the voters, so he agrees with Ms. Chesnik that it should not be the Administrator. He clarified, he agrees with the process of doing a special election for years one through three, and then for year four doing an appointment, but it should be of the same party.

Dr. Jones said she just sees this as a great compromise, and that would have been a great resolution to the problem they encountered. She said Mr. Dunn is recommending that if it is three years there would be a special election, but if it is less than a year, the Council has 45 days to appoint someone to that position. She said that is a nice compromise because the Council will still have the power if it is less than a year to do that, but it then lets the voters of Wicomico County select who they want for three years.

Mr. Sarbanes said this most recent time the County Council had 45 days to appoint someone and they had four applicants, but they picked Mr. Psota. He said he does not have a solution to avoid having that happen again because he thinks it was detrimental to this County.

Mrs. Hurley clarified, the Council did appoint someone, but he withdrew, so they did take action. Ms. Chesnik asked why the Council did not appoint someone the second time, to which Mr. Dunn responded, that is when they chose Mr. Psota. Mr. Baker clarified, Mr. Psota did not apply, to which Mr. Dunn responded, that is correct, they chose him, but the action the Council took was legal. He clarified, they got a legal opinion that they could do this, so they did it.

Mr. Mat Tilghman asked what the timeframe for the special election would be, to which Mr. Dunn responded, if they had to have a special election, that person would be elected for the remainder of the term that the Executive had already been elected to. Ms. Chesnik asked when that election would occur and how hard is it to set up a special election, to which Mr. Wilber responded, he does not know the exact cost of running a special election, but certainly they would have to have enough time for the Board of Elections to set it up, which would probably be six to eight weeks.

Mr. Dunn said, whatever the cost is, they have to look at the cost of having one person having three jobs relative to efficiency of government and performance of government. He said it might be money well spent in order to avoid having one person do three jobs.

Mr. Baker said there are special elections all the time, so it is feasible. He said they cost extra money, but how often do they actually occur? He said logistically it is possible and they are not putting in any type of new procedure, so he does not see the cost, the procedure itself, or timing being an issue because it has been done in the past.

Mr. Mat Tilghman made a motion, which was seconded by Mr. Gosnell, to alter Section 407b and work out a plan for a special election concept wherein a special election would be held if a vacancy occurred in the first three years, and if a vacancy occurred in the fourth year of the term, someone from the same party would be appointed by the County Council.

Ms. Chesnik asked what would happen if there was a vacancy in month 35 of the term? She asked, would they create a special election that would probably not even occur? She said there has to be some thought about this, to which Mr. Dunn responded, if that occurred, the person would campaign and then be sworn in as Executive, and if they wanted to keep that job, they would have to run again. He clarified, the chances of that happening are slim, but that is absolutely a possibility.

Mr. Phil Tilghman said he thinks this whole thing came up because they have an Acting County Executive doing three jobs. He said, if Mr. Strausburg had not been ready to retire, he would have been the logical person and would not have engendered so many objections to becoming the County Executive because he is a known entity as opposed to Mr. Psota. He said that is the scenario, and they are trying to make some sort of Legislative change for something that may or may not happen again.

Mr. Phil Tilghman said the other thing about the Director of Administration is that they have all kinds of qualifications, including educational, and experience as opposed to the person who just wants to run for Executive, so there is some wisdom to choosing that person to fill out that term. He said he would be in favor of leaving it the way it is for those reasons.

Mr. Dunn suggested perhaps Mr. Wilber can wordsmith this and bring it back to the Committee for consideration. Mr. Baker said they are just talking about changing numbers, to which Mr. Dunn responded, but there is still some language to be worked out. Mr. Mat Tilghman said they have to add something in about special election, terms, timeframe, etc. Mr. Dunn said they have not thought this out well enough.

Mr. Mat Tilghman withdrew his motion, and Mr. Gosnell withdrew his second.

Update from County Attorney:

Mr. Wilber said the County's bond counsel, Ms. Lindsay Radar, sent some suggested rewording, which he and Pam Oland, Director of Finance, have looked at, and they like the suggestions Ms. Radar made. He said these recommendations for changes are to try to make the bonding process more flexible and more user friendly, and allows the Executive and Council to use bond proceeds that are perhaps not fully spent on one project and move them over to another project, so it just takes something that is more cumbersome right now and makes it easier for the government to deal with.

Mr. Wilber said he and Mrs. Oland recommend that the Committee forward this recommendation to the Council to see if they are inclined to include it.

There being no further discussion, on motion by Mr. Phil Tilghman and seconded by Ms. Bellamy, it was unanimously approved to send the recommendations from Ms. Lindsey Radar to the County Council.

Mr. Wilber said he was asked whether the age requirement for County Council would be based on when they file a certificate of candidacy, or at the date of the election, and he found that it is not a legal requirement, but looking at the State and other Counties, the trend seems to be the date of the election that is the age breakpoint. He clarified, they can be too young at the time they file their certificate of candidacy as long as they are the correct age on the date of the election.

Mr. Baker said, as far as he is aware, these are the only two places where age is referenced. He then suggested just adding this to the definitions section to say, when age is referenced, it is referring to age at the date of the election.

Ms. Chesnik said she was discussing this with someone and they said that they send people to war at 18, they are allowed to vote at 18, and they can drink at 21, but they cannot represent a district until they are 25.

Mrs. Hurley said she thinks, when someone is going to apply to be an elected official, they are going to look at the Charter Section, not necessarily the definition Section. Mr. Baker suggested putting a footnote. Mr. Dunn said, they are already changing it to say 25 and 30, so they would just be adding the new language.

There being no further discussion, on motion by Mr. Benson, seconded by Mr. Baker, and unanimously approved, the recommendation was made to add the language "at the time of election" to Section 202 and Section 405.

Mr. Wilber said there was a question about power to hold special elections and whether the Council can choose to hold a special election, and it is permissible in the Charter, so it does not have to be an appointment, just like they discussed earlier.

Review of Scorecard:

After reviewing the items on the scorecard, Mr. Dunn said they will have a discussion at the next meeting about prioritizing which of these they want to pass along. He said they can pass along all of the recommendations, or, being pragmatic, they can look at some of the recommendations and try to predict what the Council may do, and try to trim that down.

Ms. Chesnik said they have a list of questions that were asked by the County Council and she feels a lot of them still are not fully addressed, so she thinks they have to go back and address those, to which Mr. Dunn responded, they can address that at the next meeting. Ms. Chesnik said there are 32 items and she wants to be sure that they have done what they have been asked to do.

Public Comments:

Mr. Robert Taylor came to the podium and said he wants to point out a couple of red herrings, one by Mr. Dunn. He said, regarding the appointment of the Acting County Executive holding three positions,

the only reason for the third position of Assistant Administrator is because the Executive Branch has not filled that position, and it has been vacant for a year and a half. He clarified, the Council cannot do that; they can confirm the appointment, but they cannot make it of their own initiative. He said that is also true of the Public Works Director where, again, there has been no appointment, therefore, no confirmation, and the position is not filled. He said that is really a red herring and he thinks they need to stop talking about the Council appointing Mr. Psota to do three jobs. He said, on that same line, the Council did not fail in a legal sense to appoint anyone within 45 days. He said he and Mr. Wilber both looked at that, and he thinks Mr. Wilber will recall and agree that the language is aspirational, not mandatory, so nothing was violated. He said he thinks these things need to be put in context and not used in terms like that, which can easily be taken out of context.

Mr. Taylor said he thinks everything needs to be put on the website - the reports, the work groups, and recommendations. He said it should all be out there so the public can see it and so it will then be an easily accessible permanent record. He said they should publicize what is going on and hold local public meetings. He said, interestingly, that was one thing Dr. Basehart suggested for the Redistricting Committee, and he does not think this group has done that. He clarified, he understands the public can come in and make comments like he is doing, but there has been no effort to reach out to the public. He said he suggests at least three public meetings, not here in Salisbury, but he would have one in Fruitland, one on the east side, and one on the west side.

Mr. Taylor said he knows they went through their scorecard, and that is good procedure, but he would select significant recommendations that they really are serious about. He said there is a lot of stuff in there that, frankly, is fluff. He said he understands it is nice to talk about taking County Commissioner out and say County Council, but he thinks they can live without that as they have done so for roughly 20 years, and it would require a special ballot question, so why do that? He suggested they pick significant items and research them further because the Committee really has not done that. He then suggested they look at what other Counties have done in their Charters. He said Ms. Whited did a great job with what she discussed tonight, which resulted in a change of what this Committee did earlier. He said he thinks there are a lot of things that, if they think about them more seriously or more comprehensively, they may change to either decide to revise them or possibly to drop them. He said he would also reconsider some things. He said someone tonight talked about going to seven districts, and, frankly, he thinks that is a good idea. He said somebody in the public mentioned that as well, and he suggested just having five by doing away with the at-large districts as he does not think they need that because it is a holdover from the past. He said Dr. Basehart did not know, but the trend is away from at-large districts for various reasons, partially legal, and another is just purely political. He then suggested they look at other Legislative Branches. He said there are districts in the State Legislature, and they have State or sub-State districts in the Congress, but they do not have at-large districts in any of those. He said that is the trend and has been for quite awhile to go to just districts and not at-large representation. He said he thinks it really makes for a more balanced political spectrum when they do that because they cannot have it controlled from one central area, which is a problem with a County that has a large central area that has a large percentage of the total population.

Mr. Taylor said he thinks, even if the Committee is not in favor of doing away with the County Executive system, it be put on the ballot for the voters to decide. He said they have now had two Executives for four terms and they have had a chance to see how it operates, and the people he knows and talks to say if it were on the ballot it would be voted down. He said he knows one of the members here has made

the comment that they do not think it has served the County well so far, and this person's solution is to throw more money at it, but his solution is to eliminate it because he does not think it can be fixed in a small County like this by throwing money at it in the long-term.

Mr. Taylor said he would have said this earlier if he knew Dr. Basehart was going to leave, but Dr. Basehart is a political activist. He said Dr. Basehart has been a member of the Democratic Central Committee for quite a while, and at the Democratic Club meeting in March of this year he is quoted in the minutes advocating that democrats in the first district in Congress actively engage members of the General Assembly to consider altering the current district configuration to make it more competitive for democratic candidates. He said a short summary of that is get rid of Andy Harris. He said Dr. Basehart is a political activist, and he thinks that should be noted. He said these schemes they have come up with, including Governor Hogan's, are really a wolf in sheep's clothing. He said they make it look like it is going to be more even and fair with representation, all those buzz words, but really what it does is allow the party that dominates in a particular area to dominate. He said, incidentally, when asked, Dr. Basehart did not have any complaints about any of their redistricting commissions since he has been here as a political science prophet at Salisbury University. He said, if it is not broke, do not fix it, and it really does not need to be fixed. He said he would much rather have each of the Councilmembers choosing someone they think is competent and is going to do a good job, and not leave it to some kind of a group-think decision, where obviously it is going to go one way or the other depending on the party in power.

Mr. Benson said he has a question regarding if the Committee revisited the issue of going from five districts and two at-large to seven districts, and that got put on the ballot in the next election. He then asked, since there is redistricting now and that will not be done for another ten years, how would they do that, to which Mr. Taylor responded, they would not be able to do it for the election coming up next year, and they would have to keep it like it is. He said it could be done four years from now.

Mr. Taylor said, on the redistricting change generally, Dr. Basehart was correct that it would not take effect until ten years, so there is really no need to do anything in next year's election because the Council can change the Charter every two years, not every ten years. He clarified, Redistricting Committees are on a ten-year sequence, but the Council can change the Charter in every general election, and, frankly, there is really no reason to do it much earlier than 2030 for a number of reasons. He said they have legal parameters, which can change, and there are going to be a whole slew of redistricting suits this year, as there are already a lot, and it changes. He said in two or three years some of them will probably be up at the Supreme Court and they will be changing some of those things.

There was no further discussion.



Mike Dunn, Chairman



Laura Hurley, Recording Secretary