

## **Open Work Sessions**

**March 21, 2017**

**Legislative Bill – 2017-03**

**An Act to amend the Wicomico County Code, Chapter A233, titled “Rules of Legislative Procedure,” Rule V, title “Consideration of bills,” to include a process for the distribution of legislative bills adopted by the County Council.**

Mr. Paul Wilber, County Attorney came before Council. Mr. Cannon said he appreciates the initiative of Mr. Kilmer, he saw a void, and that is what Council is going to address. Mr. Kilmer said as Mr. Wilber pointed out, there needs to be a larger discussion about Legislative Procedure. He said the Code is a remnant of the 1960's. He said they are trying to figure out a way that works for the Legislative Branch, the Executive Branch, and the County Attorney. Mr. Kilmer said they are trying to figure out a more reasonable way of handling the way bills pass, or if they do not pass, and things like that. Mr. Kilmer said, Mr. Wilber suggested a work group be put together. Mr. Kilmer said that may be a good way to go about it to look at those issues. Mr. Wilber said himself, Mr. Ed Baker, Laura Hurley, Wayne Strausburg, maybe those people could be a workgroup. Mr. Dodd suggested Mr. Marc Kilmer be part of the workgroup. Mr. Wilber said it comes to all of Council, and it comes to the Executive. Mr. Kilmer said, what happened a while ago indicated that once a bill passes and the procedure for when the bill did not pass, seemed half hoc, as it was not a real good procedure. Mr. Kilmer said he thought Mr. Roscoe Leslie had suggested they need to figure out something new. Mr. Kilmer said even in terms of who compiles the bills at the end of the year. He said he thinks right now the Council Administrator does it for codification on-line, but that seems like a remnant of the old system too. He said there should be a more logical way of doing it. He thought the County Attorney should have more responsibility for compiling legislation, maybe the County Attorney should be the one that sends out the notifications. He said maybe they need to change the County Charter if the County Attorney should be the one that provides the public copies of the legislation. He said have this all centralized with the County Attorney, but that would be up for discussion. Mr. Kilmer continued, the Council used to be the one and only, and now it is divided, and he said he does not think it is a good fit for the Council to be the one that finalizes the bills. He said they just need a system that works for everybody. Mr. Cannon said he thinks the Council Administrator has to take an important role in this process, but he thinks the final authority needs to come down to either the County Attorney or Wayne Strausburg, in dealing directly with the employees to make sure the information is passed on accordingly. Mr. Cannon said he thinks that is what they are trying to do here. Mr. Wilber said, yes, something that works for everybody. He thinks at the end of the day once a bill is Enrolled, it is a matter of an email blast.

Mr. Kilmer said he also thought it was a wider issue of who collects the legislation for the yearly codification. He said once a year everything is compiled and then codified on-line. He said he thought there was a company that does that. Mr. Wilber clarified, yes, there is a company that takes the end of the year results and puts it in the Code. Mr. Kilmer said he was not even aware of that happening until he talked with Mr. Roscoe Leslie a few weeks ago. He said figuring out, who is the final authority for what passes, or what does not pass, there is an issue there too. Mr. Wayne Strausburg brought up about notification if something does not pass. Those sort of issues too, are important. Mr. Wilber said the rule is dated at this point, once it works through the Council, and through the Executive, if it is all approved, whatever route it takes, if it reaches the approval, then it comes back and it is Enrolled in the Council's Journal. Mr. Wilber said, by this rule that is in the Code, that is the end of the line for legislation. He said that is the point when the email blast should occur. Mr. Kilmer said maybe we need to look at what other counties do. This having a Council Journal today, compared to what it was 40 years ago is different. Mr. Wilber said absolutely. Mr. Kilmer said, the County does not have all of the physical papers it had years ago, it is much more email and things like that. Mr. Kilmer said, what works for us today, if it should still be with Council, or should it be with the County Attorney again, or the Executive's Office, whatever works, whatever makes communication better. He said he did not know where, but obviously there was a breakdown, and we need to figure out some sort of way so that does not happen again, so that we have a better process, we can all work together and we all know the process. Mr. Wilber said, yes, it is about communication. He said, if it is alright with Council, Ed Baker, Laura Hurley, Wayne Strausburg, will try to revise this rule about legislative procedure and bring it up to the 21<sup>st</sup> Century to include a way to achieve that email blast at the end of the day. Mr. Matt Holloway asked if they want to put a time frame on this or get it finished by a certain time. He said he knows it is a busy time for the Executive Branch right now. Mr. Strausburg suggested 30 days. Mr. Kilmer clarified 30 days and back to Council. Mr. Kilmer said he would be okay with 30 days. He then asked if they thought part of the review would be to look at what other counties do? Mr. Hall said, yes, and he agreed with Mr. Wilber's assessment in that it really is a communication issue at the end of the line. Mr. Cannon said they will schedule another work session 30 days from now. With that in mind, the bill introduced will not pass. Mr. Kilmer said they can extend it. Mr. Cannon said, yes, they can extend it, so he will make a note. Mrs. Laura Hurley said the drop dead date is April 22<sup>nd</sup> on the legislative bill, but Council can extend it. Mr. Matt Holloway said he is just afraid if they go down the route of making all of these changes, they are going to have to amend the bill to death to try and fit it all in there. Mr. Kilmer said they could do a substitute amendment, basically substitute it all out. Mr. Matt Holloway said okay. Mr. Kilmer said he is fine with that, as long as they can have something that works for everybody, that is our goal here. Mr. Kilmer said you are right it would be

completely amended. Mr. Cannon said in Section E where it references that the Council Administrator shall transmit a copy to the Department Heads and the County Attorney. He said he does not think it is the responsibility of the Council Administrator to be sending any direct communications to the Department Heads, even if it is for informative purposes only. He said he thinks the process needs to still come from the Executive Branch. Mr. Cannon asked what Mr. Wilber's opinion is, to which Mr. Wilber responded that the end of the process is the Enrollment, which the current process is done by the Council Administrator. Mr. Wilber said it would seem to him that the Enrollment part of the process would be the email blast time. Mr. Kilmer asked if the Enrollment process should be with the Council Administrator or should that be with the County Attorney, he said that is something to discuss. He said the County Attorney holds a kind of unique position in County Government, where the County Attorney is in the Executive Branch, but also the Council does have some role. The County Attorney does answer to the Council too somewhat under the Charter. The County Attorney is more of a neutral department than the other departments, so it might make sense for the County Attorney to have that sort of role. He said he did not know the internal workings. Mrs. Hurley said when she was working in the Department of Law, they actually did the Enrollment in the Law Department. Mr. Cannon said what brought this about was when the legislative bill that recently came to the table, just simply died, and no one understood the communication process. This bill in itself does not address that type of situation. He said he thinks there needs to be something established in this bill that addresses those types of circumstances as well, more so than anything. Mr. Joe Holloway said some kind of notification that a bill does not pass, such as an email blast that goes out. Mr. Cannon asked if the bill is stamped as denied. Mr. Wilber said you are thinking of the Approval and the Disapproval, or No Action. Mr. Cannon said No Action seems the one to get lost. Mr. Kilmer said he is on the County website right now, and it seems hard to find the Section. It talks about the status of legislative bills and maybe that section could be clarified, that if the Council lets something die that it is noted clearly on there. Mr. Kilmer said, the public should know what is pending before the Council, what has died, and what has passed. Mr. Kilmer said that could be clearer for the public, and then Council could use that too on their end, and that might be a way to go about it. Mr. Wilber said he thinks as it stands now, the Legislative Bills and Resolutions have a status noted beside them. Mrs. Hurley said, yes, they do. Mr. Kilmer said that section is not the clearest of sections, it is hard to find if you are on the Council, you have to know where it is, and maybe that should be more prominent, and, if it is, the Elected Officials could use it. It could be more useful to the elected officials also. Mr. Wilber said to the public and to the County staff too, to which Mr. Kilmer said, yes. Mr. Joe Holloway said it is very important that the public know, and it is even more important that the staff knows so that they know how to act, or not to act on something.

Mr. Wilber said the workgroup will proceed. Mr. Cannon said Council will need to pay close attention to what the deadlines are so it can make the extensions when necessary. Mrs. Hurley said, yes, staff will monitor the deadlines.


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John T. Cannon, President

  
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Larry W. Dodd, Vice President, District 3

  
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Ernest F. Davis, District 1

  
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Marc Kilmer, District 2

  
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John B. Hall, District 4

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Joe Holloway, District 5

  
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Matt Holloway, At-Large

  
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Laura Hurley, Council Administrator