

**Open Work Session**  
**Process for Filling a Vacancy on the Board of Education**  
**October 1, 2019**

Mr. Cannon said Council was fortunate to hear from Mrs. Smith, as well as President Ashanti on this topic earlier in the meeting, so the topic is open for discussion for Council today.

Mr. Holloway said, basically, what Council heard from Mr. Brumbley was that they could not get people to show up, so that is why they addressed this. He clarified, he does not know that they addressed it as doing away with the Commission, particularly, but that was discussed. He then asked what Mr. Brumbley's position was on doing away with the Commission because he cannot really remember, to which Mr. McCain responded, Mr. Brumbley kind of arbitrarily said maybe they should have less people. He said, to address that a little bit, they had a situation where the Commission was supposed to recommend two people to Council, but there were only two people who applied. He said, as a result of that, in some ways it is probably a little unfair to even judge this process this time because what motivation is there for the Commission to meet when they are not having to decide between people. He said, if they had four candidates, that would be a different story because they would have to narrow it down to two. Mr. Holloway said the members should still go to the meetings, to which Mr. McCain responded, he is not disagreeing with that, and he agrees with Mr. Holloway 100 percent, but his point is the motivation factor was, obviously, quite limited. He said when someone volunteers or is appointed to a position they should certainly take the importance of that seriously, and they should show up. Mr. Holloway said the next time they should say, if they do not show up, they will get appointed to the Board of Education. Mr. McCain clarified, the Commission's job to narrow down the candidates was, unfortunately, kind of mooted by the fact that there were only two candidates, and he is saying all of this from the standpoint of what Council discussed at the last meeting. He said he is all about simpler is typically better, and maybe having less people on the Commission, but he has concerns if they start making changes. He explained, when they change things like that, there are unforeseen consequences that result. He said a lot of thought went into creating this Commission back in 2016, and creating the representation that is on it. He said, if they start trying to change that, it is a concern because of the significance of having people from the business community, the significance of having people represented who have children with disabilities, and so forth, because it is a varied Commission. He said he is concerned that just because they had this one experience with it whether that justifies Council now going to the State and trying to make some significant changes when, as he said, there could be circumstances that are very unintended that could result from that. He said, in hindsight, looking back at their last Work Session, going through the material again, and listening to the comments, personally, he is not so sure they should want to change it at this point because the reality is that it was not necessarily tested this time given the fact they only had two candidates.

Mr. Dodd said he feels the same way Mr. McCain does that it really has not been tested, and he hopes and prays that nobody else passes away and they have to form this Commission, but they have a lot of bugs to work out. He said he thinks there is a diverse community that is involved in this Commission, but it is a lot of people to get together, which is an issue itself, but they need more discussion on this.

Mr. Cannon said this is a bit irregular, but if Ms. Joan Smith and Mrs. Mary Ashanti would like to make any comments, they can come forward if they like. He said he does not want to put either of them on the spot, and they do not have to say anything at all, but this is a Work Session, and they are both here. Mrs. Ashanti and Ms. Smith then came before Council. Mr. Holloway asked if they were on the

Commission, to which Ms. Smith responded, yes, she was. Mrs. Ashanti said the NAACP was supposed to have a spot on the Commission, but she thinks communication was poor. She said it is easy to say they are going to have a Commission and get some names together, but whoever is the President or Chair of that Commission must have leadership skills.

Mrs. Acle said the two things that really stuck out to her when she was reviewing the positions on the Board were representation of minorities, and the child with a disability and special education needed to be affiliated with a nonprofit, so that is very conflicting on monetary sides, so she would like to see that wording changed. She said she does not know if there is a different means of communication that would be more conducive to everyone, but she is big on Zoom meetings because not everyone can sit down at a table and have discussions, so sometimes they have to figure out what the needs are of that Commission. Mr. Cannon said that is a good point, and Mr. McCain had a very valid point as well.

Mr. Cannon said he also got the impression that there were problems as far as budgeting is concerned because they did not have a budget, and whether they ended up putting that responsibility on the Board of Education, to which Mrs. Acle responded, yes.

Mr. Cannon asked what the issue was with the Public Hearings, and if they found it somewhat onerous whereas, as he understands, the time allowed for advertising and for the Public Hearings created such an extended period of time where they had to give public notice that it almost got beyond the deadline. He then asked if that is correct, to which Ms. Smith responded, in part. She clarified, as far as advertising and putting out the press releases, they did not have a budget, but she is not so convinced they need to have a budget. She said she trusts there is enough community interest and involvement that they could put out the press releases and, as she said, WMDT covered it, and WBOC covered it, and she saw the strip go across the bottom of the screen. She said a colleague said they saw her on TV and heard about replacing the School Board member who passed, so she knows the message was out there, and she does not know how well it was heard, of course, but it was put out. Mrs. Ashanti said she thinks some of the concerns are, and she will just speak for this County, that they cannot expect the minority community to get all of this information from those two TV stations. She said they have to be willing to put it on other stations. She said there is WDIH, and the Haitian community has theirs, and if it is for the public, it is free, but someone has to be willing to see that and do that. She said not everyone looks at those other stations with having Direct TV or Dish, so they have to have other ways, and there is PAC 14, so they have to do better with including people, and making sure that people know information. Ms. Smith said, with regard to the Haitian community, she reached out to Mr. Lee, who actually brought a member of the Haitian community to one of the public meetings. Mr. Cannon said Mr. Lee is a mover, and he gets stuff done. Ms. Smith said she would have liked to have had the names, addresses, and emails of all of their members. She said she knows that some of their member's emails changed during the course of time from when they were first named until now, and the same is true of telephone numbers, but an address maybe would not have changed quite as easily, and getting in touch with members was difficult.

Mr. Cannon said, as everyone is talking, he is realizing that the Commission probably never had a post-appointment revisit to evaluate what their successes were, and what their failures were, to which Ms. Smith responded, that is correct. Mr. Cannon suggested having that, and said he does not know whether Council can help with that through Work Sessions with Council because it is a large Commission. He then asked if they think it would be possible for that Commission to try to get together to get a really good sense, whether they have 14 attend or whether they only have 6, somehow to define if this were to happen next week, to which Ms. Smith responded, she would be happy to do that. She said she has always offered the WCEA Office on Old Ocean City Road as a place they could hold meetings, which was

another issue for some of the hearings where there was a concern about finding a place to hold them. She said Council was gracious enough to lend this venue for that purpose the second go around. She said she would also like to say that the first time the Commission met to nominate members for Mr. Willey's position, Mr. Ollinger's position, and one other whose name escapes her right now, there was no problem in having candidates for those positions, so she does not know if that was because it was just a certain District that only produced two candidates where before it was before the election took place, so there were plenty of people who wanted to come forward. Mr. McCain said that is all about appointed School Boards versus elected School Boards, to be frank. Mr. Dodd said there was really no process for the appointments. Mr. McCain said the previous ones were appointments, and they have always had good responses when they were trying to fill appointed positions, to which Ms. Smith responded, once the law took effect, there were two appointment terms that ran out and one who retired, and the law had taken effect, so the Commission was convened in order to fill those three seats.

Mrs. Ashanti asked how they can go forward, to which Mr. McCain responded, he was just going to make a suggestion regarding that. He said the concerns Mrs. Ashanti and Ms. Smith have expressed are all things that can be dealt with outside of changing the State law. He said better communication, having the phone numbers, etc. and doing an analysis at the end of this are all things that can definitely improve this process without having to change the State law to do any of those, to which Ms. Smith responded, correct. Mr. McCain said, from what he is hearing, and he knows a lot of the discussions Council has had, he thinks a lot of that can be addressed and improved upon, and he is just concerned with Council trying to change State law, which is a pretty big deal, where he is not so sure it is the actual law that is the problem they are facing right now, but just the communication, etc. He said, as he said, this was not the greatest test for them to make a decision on this time just because of the situation with only two candidates, to which Mr. Dodd responded, it opened their eyes though. Mr. McCain said that is right, so he thinks it is a great thing they have it on their radar, and they are very sensitive to it, so if they end up going down this road again in the near future, and the results get tested again, and they see it has happened twice, then maybe it is serious enough where they would need to address this from a State law perspective, but he thinks at the moment they can address a lot of this, and make it much better without going down the path of actually trying to change the State law.

Mr. Dodd asked if he heard Mr. Brumbley correctly when he said there was no longer a Wicomico County Council of PTAs, to which Ms. Smith responded, she heard him say that. Mr. Dodd then asked, if that is the case, how do they fix that because that was mentioned as one of the 14 representatives, so if there is no longer that PTA, they need to adjust that. Ms. Smith said the County Schools still have PTAs, and she will be attending Wicomico Middle School's PTA meeting on Monday. Mr. Dodd said maybe they could pick someone from one of the PTAs, to which Ms. Smith responded, they could put that in the hands of the parents. Mr. Taylor clarified, the Code says there is to be one member from the Wicomico County Council of PTAs, to which Mr. Dodd responded, but there no longer is one according to Mr. Brumbley. Mr. Taylor said he thinks to adhere to the State law they should change that. Mr. Dodd said then they will have to change it, to which Mr. Taylor responded, it would seem to him that the logic is, if it does not exist, yes. Mr. McCain said they could once again reconvene that because it is pretty important to have the Wicomico County Council of PTAs. He said that kind of goes back to Mrs. Ashanti's statement about leadership, and they need someone to take that leadership role and get that reconvened because that is the umbrella of all of their PTAs, so that is pretty important, to which Mr. Dodd added, he thought they were pretty effective.

Mr. Hastings said he does not have any particularly strong feelings on this, but he thinks 14 members is rather unwieldy, and it would be better if it were limited to 7, or even 9 individuals. He said, if they have

to go that route, they could make changes. Mr. McCain asked what Mr. Hastings is basing that on, and why 7 or 9 would be better than 14, to which Mr. Hastings responded, sometimes, if they say they have fewer members, an individual feels more responsible to show up. Mr. McCain said, back in 2016, numerous meetings were held to address the need to make sure it was representative of the public, and one thing they heard from the public was they wanted to make sure they had representation, which is why the different categories were all included in the Commission. Mr. Hastings clarified, like he said, he does not have any strong feelings on it, but he thinks sometimes people feel more responsibility if they know there are fewer people who are a part of a Commission, so more individuals will show up and want to be engaged, more involved, and reach out to the public as opposed to just being a name on a list where they do not tell anybody what is happening because they can find out on their own.

Mrs. Ashanti said many Commissions have certain guidelines in place as to what a quorum is, and she does not have a problem with there being 14, but there should be a quorum so they know they can do business. She said, as she mentioned before, for any Commission to work, there has to be some type of team development. She said they cannot just say there is a problem so they will come together that day and solve that problem when they have never met before, and have never sat down and talked about their mission and that type of thing. She said she just does not feel like that was done. Mr. Dodd said it sounds to him like the Commission should meet more often, to which Mrs. Ashanti responded, yes. Mr. Holloway asked if it can be passed that they would not have to have a quorum or a majority, to which Mr. Taylor responded, he does not know whether it could or could not, but, in terms of practicality and common sense, he thinks it would be a little unusual to not have a quorum requirement.

Mr. Taylor said he would like to offer one further thought on what Mr. Hastings said about reducing the size of the Commission. He said one of the provisions is there is to be one member from each of the eight incorporated municipalities, so, if that were eliminated, that would cut it down to six, but, of course, it could be added up and they could put some other persons in too if they wanted more than six, but that just seems very unusual. He said, in looking at the other Counties that have Commissions, he did not see anything like that, to which Mr. McCain responded, he agrees with Mr. Taylor. He said, if there is one weakness in the appointment process, he saw that as a weakness, and, in fact, for example, one thing they could replace it with is what Dr. Baysar recommended, which is a student representative, to which Mr. Taylor responded, he guesses the County Board of Education, presumably, would have to submit a student. Mr. McCain said they have a student representative on the Board of Education, so that student could be the student representative.

Mr. Hastings said he is not sure if he heard correctly that there was also a question of whether or not the minutes were correctly kept, to which Mrs. Acle responded, there were no minutes, and there were no bylaws. Mr. Hastings said a public body like this needs to take minutes, but he is not sure who the governing body is, to which Mr. Cannon responded, the issue is that there is no governing body, and there is no governing body on purpose. Mrs. Acle said there were a lot of funds for administrative support of this, to which Mr. Cannon responded, the Board of Education did that, but there were no strings attached, which is unusual, but that was on purpose because both parties were trying not to show any undue influence on the Commission whatsoever. He clarified, he would attend the public meetings, but he would not go to the Commission meetings, so, whereas the Commission may have been looking for help, there really was not anybody out there to give them help because they were both trying to stay away from that process. Mrs. Acle said administrative support is just taking notes and doing bylaws, and they had principals who were on that, so there is no excuse for that, and that needs to be appointed to somebody else. She said to let that completely go through the cracks is unacceptable, to which Mrs. Ashanti responded, she agrees.

Mr. Cannon said he guesses the onus may be on the Commission to try to get together and evaluate again. He said Mr. McCain made some very good points as far as what they keep and what they do not, and the less they have to go to the State for, the better. He clarified, he was concerned, and maybe in error, about the requirements on the advertising, and the requirements on the Public Hearings that really caused a lot of tension on meeting their deadlines. He said, if those need to be adjusted in any way, and the Commission thinks Council needs to make those adjustments, Council would want to know. He said Council will have to inform Mr. Brumbley, and they should supply him with a copy of these minutes so he is aware of the discussion. He said he does not know how the Commission schedules meetings, unless it is through Mr. Brumbley. He then asked if that would be the proper process, to which Ms. Smith responded, that sounds reasonable. Mrs. Acle said she would think they need to appoint someone to provide administrative support for anything the Commission is doing moving forward because, otherwise, they are going to have the same issue with no meeting minutes and no bylaws, to which Ms. Smith responded, she will say, with regard to meeting minutes, Ms. Gosnell was their secretary, and she recorded the meetings. She clarified, she does not know that those recordings were transcribed into print, but she did record the meetings. Mr. Cannon said he thought they were transcribed, but he is not 100 percent sure. Mrs. Acle said Ms. Gosnell was the one who was appointed, so she was not really acting as an administrative support, to which Mr. Cannon responded, she is a member of the Commission who was also taking on that responsibility. Mrs. Acle said it was as a Pittsville representative. Mr. Cannon said he is not quite sure what her title was, but she took on the responsibility of taking the minutes as a Commission member, to which Mrs. Acle responded, yes, but there is administrative support given to them. Mr. Cannon then asked what Mrs. Acle's definition of administrative support is, and whether she is talking about financially, to which Mrs. Acle responded, it is administrative support like what Mrs. Hurley and Mrs. Sande do. Mr. Dodd added, it is like the Board of Education Secretary, to which Mrs. Acle agreed, and said anything official that needs to be filed. Mrs. Ashanti said it would be someone to make sure communications are going out, and there would be one person sending out communications, and housing the minutes. She then asked if Council said there were some minutes coming forward, when they got the report, and whether they were given anything in writing from the Commission, to which Mrs. Acle responded, she requested it, but did not get anything. Mr. Dodd added, he does not think at that time they received anything. Mr. Cannon, asking for clarification, asked if Mrs. Ashanti means whether Council received anything from this current Commission, to which Mrs. Ashanti responded, yes. Mr. Cannon said he does not remember. Mrs. Hurley clarified, they have not received anything, and she called Ms. Gosnell a couple of times, but she has not returned any of her phone calls. Mrs. Ashanti said, to have a Commission that comes out of a law, there needs to be more accountability. She said, like Mrs. Acle said, there needs to be at least an administrative person helping out, and if the Board of Education has allotted some money, that could be taken care of within that money, but there has to be more accountability. Mrs. Acle said her point is that is not happening, so they should not keep going to them if it is not going to happen, and they should find someone else who is going to. Mrs. Hurley said, Mr. Taylor can correct her if she is wrong, but she thinks it is actually written into the State law that they are supposed to provide them, to which Mr. Taylor responded, it says the Wicomico County Public School System shall provide staff for the Commission, but that could be tweaked to say the custodian of the records. Mrs. Ashanti said that person can take care of the minutes, and they can take care of sending communications out, but, if it is in the law, it needs to be enforced. Ms. Smith clarified, she did share with Council, especially this last go around, snippets of the websites where they could go to see the press releases that went out, so Council did get some of their communications. Mrs. Hurley said the Public Notices were published on the County's website because Ms. Smith emailed them to her, and she got them published.

Mr. Taylor said tonight, of course, is a follow-up from their last meeting where some decisions were made for some other changes in the State Ordinance; for example, the vacancy would be filled for the complete remainder of the term, and some other things that at some point will become imminent to get to Annapolis. He clarified, he guesses tonight is pretty open-ended, so the only thing he is suggesting is to just remember it is going to become imminent at some point. Mr. Cannon said that is a good point, and they need to keep in mind that there are some things that have to go to Annapolis in order to tweak this, but they will leave it up to the Commission to talk to Mr. Brumbley to try to get the Commission back together, and somehow or another define which Commission members no longer choose to be on the Commission, and, if there are more members needed, Council will have to address that.

Ms. Smith asked if they could also have a copy of the papers Mr. Taylor is talking about, to which Mr. Taylor responded, sure. Mrs. Hurley asked if they are talking about the School Board Nominating Commission, to which Mrs. Ashanti responded, the State law. Ms. Smith clarified, she is asking for the proposed changes Mr. Taylor was talking about, to which Mr. Taylor responded, that would be the minutes from the last meeting. Mrs. Hurley suggested perhaps they can send out the memo Mr. Taylor drafted on the suggested changes. Mr. Cannon asked Mr. Taylor if that would be okay, to which Mr. Taylor responded, sure. Mr. Cannon said they will send the memo from Mr. Taylor, as well as the minutes from the last meeting and a copy of the minutes from this meeting, even though it would be redundant for those present today, but they will send that to all the Commission members.

Mr. Dodd said, if the Commission chooses to meet soon, he would suggest reaching out to the Board to get a staff member to meet with them to take the notes and give whatever assistance is needed. Mr. Cannon said that is a good point, and then asked Mrs. Hurley to contact the Wicomico County Board of Education to let them know about the discussion, and that they will probably be hearing from the Commission regarding a request for staff. Mr. Dodd asked if it is possible to get a list of active members, to which Ms. Smith added, and who suggested them for the appointment, so that way they can circle back in case they cannot find the person who was appointed, and they can go through the person who suggested them for appointment. Mr. Dodd clarified, that would be just in case they have to replace anybody. Mr. Holloway asked, if there is no issue with appointing anybody, do they even have any active members? He clarified, he is talking about the 14-member Commission, and whether they are inactive and have been dismissed, to which Mr. Cannon responded, no, they are still ongoing. Ms. Smith clarified, they are available for four years. Mr. Holloway said he thought they were just convened for the action, but he did not understand that. Ms. Smith clarified, it is true that they came together for the action, but they serve for four years. Mr. Dodd said, in the meantime, they need to meet regularly.

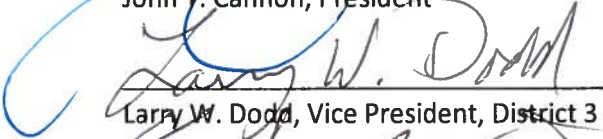
Mr. Cannon said Council is glad Ms. Smith and Mrs. Ashanti both came to the meeting today because it made it a much more productive meeting for Council, and he thanked them for being there. There was no further discussion.

*Signatures on next page*

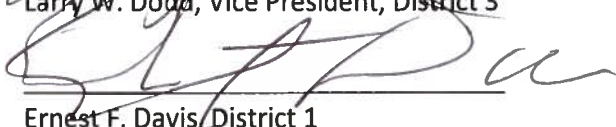
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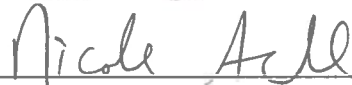
John T. Cannon, President



Larry W. Dodd, Vice President, District 3



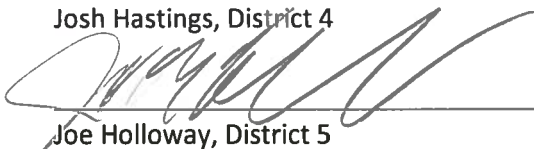
Ernest F. Davis, District 1



Nicole Aclé, District 2



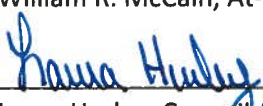
Josh Hastings, District 4



Joe Holloway, District 5



William R. McCain, At-Large



Laura Hurley, Council Administrator