

Open Work Session
Letter from Wicomico County Public Libraries
November 17, 2020

Mrs. Hurley said there is a letter in the Brief Book from the Chairman of the Wicomico County Public Libraries, and she is sure Council has read that. She said her question is whether Council wants to respond, and whether Council wants to open this up for discussion as to how they should communicate with various outside County agencies.

Mr. Holloway said he has read the letter, and, if he reads the Charter, Council basically can question pretty much any agency they fund or partially fund, so he does not understand what set this off. He said maybe there were too many questions asked, but Council should be able to question organizations they fund on how they are spending their money.

Mrs. Acle said she did not have a chance to read the letter, but her thought was the same as Mr. Holloway's with any entity Council funds. She said, similar to the public schools, their Board meets with Council every three months, so that may be an alternative to keep the lines of communication open.

Mr. McCain said he does not think the letter challenges the fact that as Councilmembers they can question organizations they fund, the letter more so addresses how those questions are presented to those organizations. He said, in this case, they have a Councilmember who is a liaison serving on their Board, and one of the suggestions is that questions go to that Councilmember so they can relay that to the Board as opposed to an individual Councilmember just being able to ask an unlimited number of questions, or request an unlimited number of resources or time from these organizations. He said he thinks that is the main thing they are addressing in the letter, which he thinks is a good idea, and that is why they have a Council representative. He said, if Council has questions, they can present them to that Councilmember so they can present it to the Board and report back to this Body.

Mr. Davis said, because Council does not control the day to day operations, he thinks what they are saying is that Council should not be going directly to the Library as a Councilperson and directly hitting them with questions. He clarified, as Mr. Holloway said, Council still should be allowed to ask questions, but he thinks it should go through different channels, either through Mrs. Hurley, or through Mr. Psota, who controls the day to day operations of the County. He suggested, since Mr. Cannon is on the Board of the Library, maybe the Councilmember with the question should notify him because he might have the answer to it. He said, if Mr. Cannon does not have the answer, then instead of individual Councilmembers going directly to these Departments and giving them a bunch of questions, and asking for a lot of stuff, he thinks it should at least go through the County Executive because he controls the day to day operations of the County.

Mr. Dodd said Mr. McCain brought up a good point about the representative from Council being on the Library Board of Trustees, so maybe if they would get regular updates, that would answer some of the questions that other Councilmembers have. He clarified, that would go for all Commissions.

Mr. Cannon said he appreciates the Library taking the time to send the letter. He said a lot of this is part of the Work Session they had, and also when they had the discussion more recently on the resignation of the Director. He said, in the process during that meeting, he stated that maybe there is another avenue they have to look at. He explained, whereas, there is a purpose for the Council not having direct oversight on Department Heads specifically because they have tried to organize the chain of command and some type of structure, so he just simply threw it out there that maybe, even though Council is allowed the right to question Departments they contribute to funding wise, that is usually not done through individual Councilmembers, but is done as a Body. He clarified, even though the Charter allows Council to do it, it allows them to do it as a Body. He said their concern was whether or not things were getting out of control where individual Councilmembers were being allowed to call them, and, evidently, without question, it escalated to serious differences of opinion. He said he knows that Mr. Holloway called, Mrs. Aclé called, and he called himself and had a long discussion with the Director at the time. He said, again, what Council would try to accomplish with this, as well as the Library, is to avoid any escalation of differences of opinion, or any he said/she said after the fact that goes to such a level that, no matter what the concerns might be, they have a Director who literally resigned, and they should not be in that position. He said they do not want to be in that position with the Library, and they do not want to be in that position with any other agency Council deals with. He said they are looking more for policy on the part of the Council as opposed to anything else. He said, if they have it in place where they have a liaison, maybe it could be addressed through the liaison, but, again, that is the recommendation, and it is up to Council to make that decision.

Mrs. Aclé said she agrees with having some type of liaison. She said, as far as the resignation of the Library Director, Council questions entities that they fund. She said they question the Superintendent, so that is not an unusual thing to do. She then asked if Mr. Cannon is willing to be that liaison since he is a member of the Library Board, to which Mr. Cannon responded, he thinks every member of the Council is a liaison to whatever organization they represent. Mr. McCain clarified, but as a Body, to which Mr. Cannon responded, Mr. McCain is right, and even the liaison should make sure they are acting as a representative of the Body.

Mr. Dodd said, since the letter came from the Library, he wonders if they would want to join Council for regular meetings, such as the Board of Education does. He then asked Mr. Cannon what his thoughts are on that since he serves on the Library Board, to which Mr. Cannon responded, he thinks, even when Ms. Berstler was the Director, the Library has always felt like they were always left out. He said the Library is a great part of education in the County, and they had always felt that they had not really gotten the attention needed. Mr. Dodd then asked Mr. Cannon to check and see if they would like to meet with Council regularly, to which Mr. Cannon responded, yes, he will do that. He said that will be easy to do, and he is sure they will be willing to do that because they suggested in their letter that they would offer coming before Council at any time, so he will firm that up. Mr. Dodd said, if they meet regularly, the Councilmembers who have questions could direct them to the Board at that point.

Mr. Holloway asked what the difference is in directing questions to the Library in a public setting, as was just mentioned, and directing questions to the Library by making a phone call or asking a question through an email, to which Mr. Cannon responded, he is not going to speak for or against it as he can only give his opinion, but he thinks, as he said before, it helps avoid any type of perception of escalation

of aggressive difference of opinion. He said, honestly, he thinks that is what was implied here, and they could avoid that whole perception if they go through more formal channels, and emails should always be copied to the rest of the Council so they do not have that issue. He said he and Mr. Holloway, as well as many of the very active Councilmembers, are going to talk to individuals on a regular basis no matter what, but it is going to be up to the individual Councilmembers to realize when it gets to a level that maybe it should not be the individual Councilmember speaking, but the Council speaking as a whole, so they should establish some type of policy where they recognize that.

Mr. Hastings said he wholeheartedly agrees with Mr. Cannon's and Mr. Davis's comments. He said he serves on the Board at the Metropolitan Planning Organization, as well as Shore Up, and there have been a lot of conversations and questions folks have had for Shore Up, and he does not think he would want to feel like he does not know what is happening, and he would rather folks come through him as the Council representative on those Boards. He then suggested making sure they have the kind of environment where the Library Director, or whomever, feels comfortable requesting to come before Council. He said he thinks they want organizations to feel like they are welcome, and that they could approach the Council to say what they are thinking or feeling.

Mr. Holloway asked if this would work both ways, and if they are saying the Library Members cannot call up the Council people privately and ask for information, direction, or support for different projects, to which Mr. Cannon responded, he thinks anybody can contact any Councilperson they want to. He said it is up to the Councilperson to decide whether or not formal action needs to be taken on the part of the Council, or whether that Councilperson can help address their concerns individually.

Mr. Holloway asked if it is okay for a member of any other Board to contact the Council people and ask for direction or support, but it is not okay for a Councilperson to privately contact those members of a Board and do the same, to which Mr. Cannon responded, they are talking about general policy as a whole, and he thinks if a Councilperson did that, they need to be careful as to how they address it. He said he had a conversation with Ms. Teagle during this whole process, and when she resigned he said to himself that he hopes he did not overstep his boundaries in trying to explain his opinion. He clarified, he felt like maybe he had overstepped, so it may benefit all of Council to take a step back and just be very careful when they are addressing issues that they know might be confrontational, and maybe back off a little bit and just say that Council has a policy, so leave it up to either Council as a Body, or the liaison to address it. He then addressed Mr. Holloway and said any constituent, whether they are part of an agency the County funds or not, has the right to call any Councilperson they want to.

Mr. Holloway said they are saying a Councilmember should not have the right to call them, to which Mr. McCain responded, that is actually correct. Mr. Cannon said he does not want anyone to get antagonistic, to which Mr. Holloway responded, he is not getting antagonistic, he is just saying that Mr. Cannon said Council should not do that. He said, whether it is the Library, Board of Education, Fire Department, or anybody in the County, Mr. Cannon is saying that Councilmembers should not do that as an individual Councilperson, but it is okay for it to work the other way, but it does not work that way. He said they are elected by the people of this County to ask questions. He said he has been through this with the Board of Education since he has been on the Council, and gets put off just about every time he asks a question, so he has been through it. He clarified, he has not been through it with the Library, but

he has been through it with the Board of Education. He said the people of this County who elected the Councilmembers expect them to ask questions about how the money is being spent, and he does not think they should tie their hands.

Mr. McCain said he wants to address what Mr. Holloway just said. He said Mr. Holloway said they are elected by the people, and they are elected to serve the public, so anybody can ask questions to Council as citizens because they are here to serve them, but this is about how they serve them. He clarified, with those processes, there are a lot of cases where it is dictated how Council communicates, and Council does not necessarily have the same ability to just question anybody. He said there are a lot of guidelines and regulations Council has to follow, so it is different for Council when they reach out to organizations, and it is just a simple fact in the Charter that Councilmembers cannot approach a Department Head. Mr. Holloway said Councilmembers can approach a Department Head, they just cannot give them direction on what to do, to which Mr. McCain responded, that is his whole point. He clarified, they cannot just do anything as Council representatives, they do not have that luxury, but a citizen can ask Councilmembers anything they want because Council is there to serve. Mr. Holloway said he is not talking about County employees, he is talking about members of different organizations, such as the Board of Education. He said there is nothing in the Charter that says that Council cannot contact them and ask them questions.

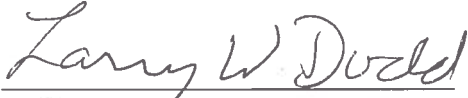
Mr. Dodd said he wants to point out that many of the questions that were being asked came from a constituent, and that is why the Councilperson was asking the questions. He then asked if that is correct, to which Mr. Holloway responded, at different times, yes. Mr. McCain said, but obviously there is a big problem when, and he will use the example Mr. Cannon just eluded to, they had a Library Director resign due to the amount of pressure they were put under by one or more Councilmembers. He said he is a Councilperson, but he was not aware of that, and he found out about all of that after the fact because, as a whole, their Council Body was not copied, or even part of whatever the questions were, so they were not even aware of it. He said obviously it is problematic when, as a Body, they are not aware of what is going on, and it was to the extent where this actually cost them a Director of an organization. He clarified, that is a problem.


Mr. Dodd said he agrees with Mr. McCain, and some Councilmembers were not aware of the issues going on and the upcoming resignation, and that is why they are having this Work Session. He then asked if Council wants to formulate a policy.


Mrs. Acle said she emails the Board of Education regularly when citizens ask her questions, and she gets an answer. She said she does not copy the whole Council on it, she just directs it to the Board of Education Representative in her District, and they send her an answer. Mr. Dodd said, at one point there was a discussion and it was decided then that the Councilmembers should copy each other when they send out requests like that so Council knows what is going on. He said that has not been happening in every case, but occasionally they will see a copy. He then suggested maybe needing a point of contact. Mr. Holloway said he is going to call who he wants to call.

Mr. Dodd asked if Council wants to respond to the letter, to which Mrs. Acle responded, she thinks it might be a good conversation for them to come before Council, and Council can discuss their concerns with them, and they can discuss their concerns. Mr. Dodd then asked if Mrs. Hurley can check if the

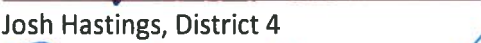
Library Board wants to attend an upcoming meeting, to which Mrs. Hurley responded, yes. There was no further discussion.


Larry W. Dodd, President, District 3



John T. Cannon, Vice President, At-Large


Ernest F. Davis, District 1


Nicole Acla, District 2


Josh Hastings, District 4


Joe Holloway, District 5


William R. McCain, At-Large


Laura Hurley, Council Administrator