

Open Work Session

Discussion on Appointment of a Charter Review Committee as Provided in Charter Section 1002.C January 19, 2021

Mr. Dodd said Mrs. Hurley has done some research, and has come up with several options to discuss. Mrs. Hurley said she is going to go over the options, but first she wants to read into the record what Charter Section 1002.C states. She then read:

The County Council shall at least once every ten years appoint a Charter Review committee for the purpose of reviewing the Charter in full and submitting their recommendations to the County Council.

Mrs. Hurley said the last Charter Review Committee was appointed in 2011, and Council has a copy of that Resolution in their briefing material.

Mrs. Hurley said she thought about some options on how Council may want to consider making the appointments to the Charter Review Committee. She said, in the past, Councilmembers were asked to submit two names for consideration from their Districts, and this has already been done. She clarified, if Council recalls, last summer it was debated as to whether or not Council should convene the Charter Review Committee at that time, and Councilmembers were asked to submit two names, so they have a list of names already started. She said another option is Council can send out a press release seeking individuals with diverse backgrounds, such as education, someone from the judiciary system, legal, business, former Councilmembers, or public servants, and then each Councilmember would select one or two names of interested persons from those who apply. She said another option would be for certain organizations to submit a nominee, such as the Republican Central Committee, the Democratic Central Committee, the Salisbury Area Chamber of Commerce, the NAACP, and the Board of Education. She said this would be similar to what was done for the School Board Nominating Committee, and she thinks most Councilmembers were here when they went through that process. She said another option, which was actually recommended by the Salisbury Area Chamber of Commerce and the Greater Salisbury Committee is for the County Council to ask interested citizens from their Councilmanic Districts to submit names to serve on the Charter Review Committee. She said each Councilperson would then select one individual for a total of seven members, and then four members from that same pool of interested citizens would be appointed by the Acting County Executive. She said the only concern she has with that suggestion is that the Charter specifically says the Council is to make the appointments, so she would change the language to say that the Acting County Executive can make a nomination.

Mrs. Hurley said there are other recommendations that the Salisbury Area Chamber of Commerce and the Greater Salisbury Committee have submitted, which are on the Council table, and Mr. Bob Taylor has also submitted a list of recommendations as well that Council may wish to discuss.

Mr. Dodd said, as Mrs. Hurley said, each Councilmember has already submitted two names. Mr. Holloway said that was a year ago, so they might want to look the list over and see if there needs to be any changes, as people might not be interested in serving. He said he thinks the Charter Review Committee seemed to do a pretty good job the last time, and it was pretty diverse. He said he thinks they should still go with two people per Councilperson as far as he is concerned.

Mr. Dodd said, if they are going to have a total of 15 people, who would pick the 15th person? He asked if that would be the Executive's Office, to which Mr. Holloway responded, he does not know. Mr. McCain asked how they got to that 15th person the last time, to which Mr. Cannon responded, actually, there were 16 members the last time. Mr. McCain asked how they got to that, to which Mr. Cannon responded, he was on the Committee, but he does not remember. Mr. McCain asked who had the final say to weed down all the different people to get to that amount in the end, to which Mr. Cannon responded, it was done by Resolution by the Council. Mr. Holloway said this is a County Council function, to which Mr. McCain responded, he knows that it is ultimately the County Council.

Mrs. Hurley said, as far as the process, she spoke to the former Council Administrator, who said Council actually selected the individuals. She said it was like a round robin and they just went through the list of names that were submitted. She clarified, Council decided as a Body among the names submitted.

Mr. McCain said the first question is how many people they want on the Committee. He said, personally, he thinks it has to be big enough to have representation of the community, but still keeping it as small as they can because, the more people there are, it just becomes unmanageable and too hard to get decisions made.

Mr. Holloway said he attended most of those Charter Review meetings and just watched from the audience, and he thinks the 15 number is probably a manageable number because a lot of times this is a pretty intense, long, drawn-out situation, and sometimes people cannot make it to the meetings, so he thinks a larger number gives it more diversity.

Mr. Dodd said he was thinking, if they went with 11 and then people were sick or had something else to do, they would have an even smaller number and could not be productive. He said he would like to see 15 like it was before, and he thinks 16 would be too much. Mr. McCain said he thinks 15 would definitely be the max, and he thinks the question is whether they have 13 or 15.

Mr. Cannon said he thinks it might be a good idea to put an ad in the paper. He clarified, he knows they have some names, but it might be a good idea to put some ads out in case there are people out there that Council as a Body has not thought about. He said he thinks it definitely should give the perception that it is as apolitical as possible, and they could probably get some very good candidates out of that.

Mr. McCain said one of the options mentioned was getting recommendations from the different political groups, and he would definitely be against that because, as Mr. Cannon said, they want to keep the politics out of this as much as possible.

Mr. Dodd asked how they can advertise this to be cost effective, to which Mrs. Hurley responded, they can certainly post it on the County website, and they could put an ad in the Daily Times. She suggested the Councilmembers could put it on their Facebook pages. Mr. Cannon said he thinks the Salisbury Independent would be better as opposed to the Daily Times because, without a doubt, it is a well-read paper, and he thinks more people read it. Mr. McCain clarified, it would not be an ad, but just a short article, to which Mr. Dodd responded, it would be like a press release. He suggested maybe they could

do that, and then have Councilmembers post it on their social media pages. Mr. McCain said he thinks between that and the recommendations from the Councilmembers they are going to have a substantial pool of people to give consideration to.

Mr. Dodd said, after they get all the names, the Council can meet and go through all the ones they want on the Committee.

Mrs. Hurley asked, what deadline does Council want to have for the submission of the applications, to which Mr. Dodd responded, the sooner the better. Mr. McCain agreed, and said sooner rather than later, whatever they can expeditiously do within reason.

Mr. Cannon asked if they are going to ask the candidates to submit a biography, and do they need a resume, to which Mrs. Hurley responded, she thinks that is a good idea. Mr. Holloway said they should be a registered voter, and 18 years old or older, to which Mr. McCain responded, he thinks they need more than a pulse. He clarified, he thinks they need to send a resume because Council will want to know what kind of qualifications they have. Mr. Dodd asked if they should call it a bio or a resume, to which Mr. McCain responded, he thinks a brief resume. Mr. Cannon suggested maybe a statement of what their interest is and why they want to do it. Mr. Dodd asked if they should ask how often they will have to meet, to which Mrs. Hurley responded, the Committee will actually decide that.

Mr. Holloway said he has already had one person call him, and he told him it is a long, drawn-out process that is going to take weeks. He said most of the time the meetings are at night because that is the way they had them before, and this person asked if they could be Wednesday nights, and he told him they could be Wednesday nights, or they could be Tuesdays. He said this person said he is tied up Tuesday nights. He said, if anybody calls the Councilmembers about this, it is an obligation.

Mrs. Acle asked if they can put together what this body will entail, what Council will need them to do, and what their purpose is, to which Mr. Cannon responded, their basic charge will be to evaluate the Charter and see what kind of improvements need to be made, and they will be obligated to a minimum of one meeting a week for a period of six months. Mr. Holloway said it is a good idea to have some kind of schedule.

Mr. Dodd asked what the deadline should be to get the names in? He suggested the first meeting in February, but that may be too quick. Mr. Cannon asked if they would still have plenty of time if it was the second meeting in February, to which Mrs. Hurley responded, looking at a timeline, she agrees with the Salisbury Area Chamber of Commerce and the Greater Salisbury Committee in that they want to get these appointments done as soon as possible, so she thinks the deadline in March is appropriate. Mr. Dodd asked if it would be at a Council meeting, or prior to that, to which Mrs. Hurley responded, given the fact that they are now pushing the end of January, she would say by the first meeting in March. Mr. Dodd said he was hoping they could choose the applicants at the first meeting in March, but if Council wants to chose them at the second meeting, that is fine too. He said, if Mrs. Hurley says the deadline is March 1, they could probably discuss the applicants at the very first meeting in March.

Mrs. Hurley said she can get the press release out pretty quickly. Mr. Cannon said he would think the applicants should be able to respond by February 15. He said people who are really interested and have drive and organized life skills could easily meet that deadline. Mr. Dodd said the deadline will be the second meeting in February, and then Council will choose the applicants at the first meeting in March.

Mr. Cannon asked how they will address this with legal counsel because the Committee will need legal counsel, as this is all about law, to which Mr. Dodd responded, maybe one of the applicants can be an attorney. He said he thinks MJ Caldwell was on the last Committee, to which Mr. Holloway responded, they will need legal advice from an attorney who is not on the Committee. He said they might end up with more than one attorney on the Committee, so there should be an outside attorney. He said they have a Council Attorney and a County Attorney, and he thinks it could be either one of those or both of them, and let them fight it out after the meeting every time. Mr. Dodd said he did not know if it might be a better idea to have a separate attorney from the County, but he thinks Mr. Taylor and Mr. Wilber can be nonbiased, to which Mr. Holloway responded, these two attorneys have a working knowledge of how the County works, and he thinks that is an important factor.

Mr. McCain said he is struggling with this. He clarified, in terms of the County Attorney, the County Attorney was not part of this the last time. Mr. Holloway said MJ Caldwell was the Chairperson, to which Mr. McCain responded, no, Mr. Wayne Strausburg was. Mr. Holloway said Mr. Ed Baker was in the audience most of the time, to which Mr. McCain responded, that is fine to be in the audience. Mr. Holloway clarified, Mr. Baker was giving legal advice, to which Mr. Taylor added, that is why Mr. Baker was there. Mr. McCain said the County has an attorney, who is Mr. Wilber, but they would need to ask Mr. Wilber. Mr. Holloway said they have two attorneys, to which Mr. McCain responded, they have a Council Attorney. Mr. Holloway said this is a Council action. Mr. Dodd said he has no problem using either one of them if this Body is okay with it, to which Mr. McCain responded, he would have a problem with that. He repeated, he would have a big problem with that. Mr. Dodd asked if Mr. McCain would not want those attorneys on it, to which Mr. McCain responded, he is not saying "they." He clarified, this is just out of fairness, but he would not want the Council Attorney because he just does not think that is objective. He said, just out of fairness, he does not think Mr. Taylor can separate his personal bias from legal advice, to which Mr. Taylor responded, he will not respond to that at this meeting.

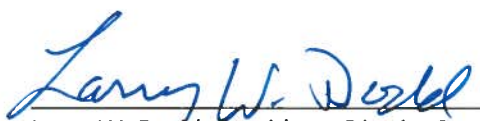
Mr. Cannon said he thinks what Mr. McCain is trying to suggest is that, if they had the Council Attorney here, there could be the perception that the legal advice might tend to benefit the Legislative Branch as opposed to the Executive Branch, to which Mr. McCain responded, that is probably a better way to put it. He said he did not phrase it really well, and he is not trying to offend Mr. Taylor, he just does not think it would be viewed as being nonbiased. Mr. Holloway asked, if they did it the other way with Mr. Wilber, would that not benefit the Executive? Mr. Cannon said he knows what Mr. Holloway is saying, and they have had their differences with the County Attorney, but the County Attorney is bound to the Executive and Legislative Branches both, to which Mr. McCain added, by Charter. Mr. Holloway said he has no problems with either one of them or both of them.

Mrs. Acle suggested maybe they should ask the attorneys if they are interested in doing it, to which Mr. Dodd responded, the County Attorney works for the Council, and he thinks Mr. Wilber would be open to offering advice.

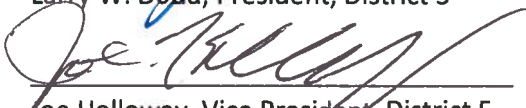
Mr. Paul Wilber, County Attorney then came before Council. Mr. Dodd asked if he would be open to representing the Charter Review Committee on legal advice, to which Mr. Wilber responded, sure, if that is what Council wishes.

Mr. Dodd asked for a consensus on Mr. Wilber representing the Charter Review Committee, to which there was a consensus.

Mrs. Hurley said the Charter Review Committee will need administrative help with getting their minutes posted and things of that nature. She said she believes Mr. Creamer actually did the minutes before, but she is not certain who posted them online at that time. She said she would be more than glad to do that for the Charter Review Committee, if that is what Council would like. She clarified, she just wants to make sure it is okay with Council, to which there was a consensus. There was no further discussion.



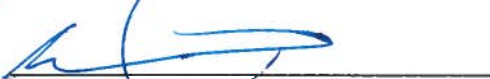
Larry W. Dodd, President, District 3




Joe Holloway, Vice President, District 5



John T. Cannon, At-Large



William R. McCain, At-Large



Ernie Davis, District 1



Nicole Acle, District 2



Josh Hastings, District 4



Laura Hurley, Council Administrator