

Open Work Session
Proposed Charter Provisions for Discussion with Charter Review Committee
March 2, 2021

Mr. Dodd said they have a list of recommendations they can submit to the Charter Review Committee.

Mr. Holloway said he thinks there are some other decisions Council needs to make, and he thinks Mrs. Hurley has a list of some other things that Council needs to make decisions on. Mrs. Hurley asked if Mr. Holloway is referring to the recommendation list, to which Mr. Holloway responded, no. He clarified, he is talking about who picks the Chairman, and if they are going to do a pledge, and those items.

Mrs. Hurley said she developed a list of recommendations to discuss with the Charter Review Committee. She said, as Mr. Holloway mentioned, they talked about having a pledge, so that is something they can discuss. She said they also need to discuss the Chairman and Vice Chairman of the Committee, to which Mr. McCain responded, Council discussed that. He clarified, Council talked about the Chair and the consensus was that the Committee picks the Chair and Vice Chair. Mrs. Hurley said that is correct, but her list of recommendations is items for the Committee to consider, and is just a list she developed that the Committee may want to think about. Mr. McCain apologized and said he thought Mrs. Hurley was talking about Council, but she is talking about the Committee.

Mr. Dodd asked if Council has that list of the recommendations in front of them, to which Mrs. Hurley responded, no, as she did not bring the list because she did not know they were going to be talking about that tonight.

Mr. Dodd said they have the list of proposed Charter amendments, and Council should have that in front of them. He said the thought was to give that to the Committee as a guideline for reference. He then asked for Council comments on that, to which Mr. McCain responded, personally, they have about 32 items on the list, so he thinks it is going to keep them pretty busy. He added, plus they can come up with all of their own items, and that is a lot to digest, so that is plenty for them as a starting guide.

Mr. Dodd asked Mr. Davis if he is okay with the list, to which Mr. Davis responded, yes.

Mr. Dodd asked Mr. Holloway if he is okay with the list, to which Mr. Holloway responded, he supposes.

Mr. Dodd asked Mr. Cannon if he is okay with the list, to which Mr. Cannon responded, he would add another item. He said, in light of the discussions they have had in reference to the Sheriff's salary, that should probably be an amendment they put in the Charter. He explained, for so many years they thought the Compensation and Allowance Commission's responsibility was to make a recommendation on the Executive, Sheriff, and Council, but the Charter only says Executive and Council, so they should add the Sheriff as an Elected Official so it becomes more in line with State law, and he recommends putting that on the list. Mr. Dodd said Council makes the recommendation for his salary, to which Mr. Cannon responded, but the Commission would make the recommendation to Council. Mr. Dodd asked if everyone is okay with adding that, to which Mr. McCain responded, he is fine with that.

Mr. McCain said he is looking at the list, and he does not know if this is on it, but they have discussed in the past changing the timing of the Compensation and Allowance Commission. Mrs. Hurley said that was on the list, but Mr. Taylor submitted a memo basically indicating that the way the Charter is currently written follows State law, so that may be something they cannot change. Mr. McCain suggested the

Committee could at least look into it. He said the unfortunate thing about the timing is that it is always in the last year of the term and people are declaring who is running for Office almost simultaneously when Council is deciding compensation.

Mr. Dodd added, it also is not fair to the Councilmembers deciding whether they are going to run or not, although it is not saying they are increasing or decreasing their own salary, it is saying it is for the next term. He said they do not know who is going to get elected in the next term, but there was some discussion about that, and being that it is in the last year, it turns out to be a problem in many cases.

Mr. Holloway said, since they are talking about adding an item to the list, maybe they could talk about taking one off. He said Council had a discussion about #30 – censure of Councilmembers. He said they discussed not understanding exactly what that meant, so instead of sending that to the Committee, he thinks they should either remove it or have a better definition. He then asked if anybody really knows what that means and what the ramifications are if somebody is censured. Mr. Dodd asked, censured or censored, to which Mr. Holloway responded, that is the question. He said the Council can do a vote of no confidence on any other Councilmember or any other Elected Official in Wicomico County, which basically would serve as the same thing as censuring someone, if that is what that means.

Mr. Cannon asked if they have that process in place in this County in any of their policies or procedures, or in the Charter to do a vote of no confidence, to which Mr. Holloway responded, he thinks it has been done. Mr. Cannon said he does not think it has ever been done. Mr. Dodd said he knows they discussed it. Mr. Holloway said he thinks it was done years ago. Mr. Dodd then asked Mr. Wilber if he recalls it being done, to which Mr. Wilber, responded, he is not aware of a procedure for a vote of no confidence.

Mr. Cannon clarified, he is the one who suggested the censor, and the reason he did is because Mr. Taylor mentioned the fact that there are not even any restrictions Council can impose on a Closed Session, and for the most part, in the last email he read, Mr. Taylor was suggesting that Council could not even hold Councilmembers to confidentiality in a Closed Session. He clarified, he does not know about that, and he thinks that theory has to be tested. He said his point is that he really feels uncomfortable sometimes in a Closed Session about what he may say. He said a lot of times the reason it is a Closed Session is a personnel matter, and Council has to make some serious decisions or comments in reference to personnel issues, and he does not think those are comments that any of the other Councilmembers would want shared with that individual or with any others. He said this would put some sort of a guarantee for the Councilmembers that what they say in confidence will remain in confidence, so he says they leave it there and present it to the Committee as such and let them decide if they think there should be a better balance.

Mr. Holloway responded, that is fine, but he thinks the Committee should also be taxed with what the ramifications are if they are censored. Mr. Cannon suggested Council include that on the list as part of what the Committee's charge might be. He then asked if that is what Mr. Holloway is suggesting, to which Mr. Holloway responded, he thinks the Committee is going to come back to Council and ask how they are going to punish somebody for doing that if they pass this. He then asked if they would go to court to prove that they have done something wrong first, or is it just something they arbitrarily come up with as far as finding people guilty of doing that, to which Mr. Cannon responded, it would be a process no different than what Mr. Holloway suggested on a vote of no confidence. Mr. Dodd said it sounds like nothing will happen. Mr. Cannon said they can elaborate on this a little bit if Council wants to. Mr. Dodd said he thinks it is a good point, and maybe they should have both terms in there – censor

and censure- and what the ramifications will be, if anybody has any ideas. Mr. Cannon suggested they ask legal counsel for better clarification on how to present it.

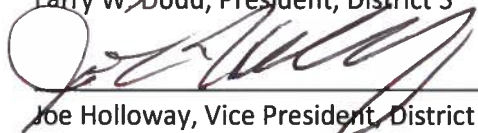
Mr. Dodd said he recalls in the past that sometimes information was leaked from the Closed Sessions, and Council is not supposed to be doing that, and it is hard to prove who did it, but he gets Mr. Cannon's point. He then asked if they are going to leave this item on the list or not, to which Mr. Holloway responded, he is fine with leaving it on there, but he just thinks it needs to either come off or be more defined. Mr. Cannon said he will talk to Mrs. Hurley, and maybe Mr. Wilber can help them with that. He clarified, it is still going to go to the Committee and they are the ones who will make the final decision, to which Mr. Holloway responded, Council makes the final decision, as it all comes back to the Council.

Mr. Hastings said, as a whole, he thinks it is good to leave as much as they can up to the group itself.

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



Ernest F. Davis, District 1



Nicole Acle, District 2



Josh Hastings, District 4



Laura Hurley, Council Administrator