

The 2021 Wicomico County Charter Review Committee met on December 9, 2021 at 5:00 p.m. in Council Chambers, Salisbury, Maryland.

Members Present: Julie Bellamy, Bob Benson, Mike Dunn, Sharon Morris, Katherine Jones, Anthony Sarbanes, Mat Tilghman, Blair Todd, Sonya Whited, and Phil Tilghman. Doug Gosnell, David Plotts, Dallas Baker, and Wayne Strausburg were absent. Michelle Chesnik participated via Zoom.

Staff Present: Laura Hurley, Recording Secretary, and Paul Wilber, County Attorney.

Approval of Agenda:

On motion by Mr. Sarbanes and seconded by Mr. Phil Tilghman, the agenda was unanimously approved.

Approval of Minutes from November 4, 2021:

On motion by Mr. Sarbanes and seconded by Ms. Morris, the minutes from November 4, 2021 were unanimously approved.

Review of Presentation to Council and Final Scorecard:

Mr. Dunn said this may be their final meeting as a group where they consider any recommendations they might forward to the County Council, and they are prepared to present to the County Council on December 21 at 10:00 a.m. He said he prepared this first draft of the Committee's work, including process and context. He said there is a section called "For Consideration," which are things the group discussed and think they need to be addressed, but the group did not think they were addressable by this Committee. He said he then sent the draft to Mr. Benson, who made it a much better draft.

Mr. Sarbanes said he thought the draft was very well written. He said, when he read it, the flow was good and the comments were good. He said it is not too long-winded, so he thought it was really well done and a good summary of what the Committee has done.

Mr. Benson mentioned that there is a footnote explaining why the Committee did not address certain things, such as County Executive as opposed to County Council form of government. He said, at one of their first meetings, Mr. Sarbanes made a statement that their job was to address the Charter as it was, not necessarily as they wish it was, so they thought it was important to put an explanation in here as to why they did what they did. He said Mr. Sarbanes' name is mentioned in that footnote, and he just wants to make sure Mr. Sarbanes is comfortable with the way it is written. Mr. Sarbanes responded, yes, and he is honored that his name is mentioned.

Ms. Whited said this is very well written, but she is wondering if they need an executive summary, to which Mr. Dunn responded, he does not necessarily think they need that. He said, if this was much longer, they might need that. Mr. Mat Tilghman responded, what Ms. Whited said makes sense, but he thinks they need to encourage people to read the whole thing. He said it is not that long, and they should encourage the voters to read it and digest it, and weigh in as they see fit.

Dr. Jones said overall this is outstanding. She said, under Process in the third paragraph, they use the word outstanding twice in a row, and she suggests changing one of those to consistent. She said they also say outstanding in the fourth paragraph, so it is a little redundant. Mr. Dunn agreed to change one outstanding to consistent.

Dr. Jones said there is one other item under For Consideration at the end of the first paragraph. She clarified, she appreciates that they discussed having five Councilmanic districts and two at-large, if that is still appropriate, but she would like to suggest consideration of having two minority districts. Mr. Dunn responded, if anyone takes up this idea, he thinks any analysis of how that is laid out would by default lead to the question of minority districts and representation. He said he would be more comfortable if they left it as is and then, if another group takes it up, he does not think they could have that discussion without discussing the layout of the five districts with the one minority district.

Mr. Sarbanes said he reacted the same way regarding the two at-large districts because he has very strong feelings about it. He explained, he had people who knew him come to him when he was an at-large representative and ask for help because they were not getting help otherwise. He said the at-large person represents everybody. He said, although he lived in Salisbury, he could go to Bivalve, Pittsville, or Willards to help somebody, which cannot happen in a district.

Ms. Chesnik said one thing she wants to bring up is that the Compensation and Allowance Commission will be going before Council on the same day as this Committee. Mrs. Hurley clarified, both committees can present to the Council on the same day. She said the Council will then have work sessions, and the committee members are welcome to come to those as well.

Mr. Dunn said he originally only wanted to present to the Council on the 21st and not make it available to the Council prior to that, but, with the group's approval, if they approve this draft tonight, he would like to make it available to the Council in advance of the 21st.

Ms. Morris asked if it would be in order for Mr. Dunn to ask Dr. Diriker to share what he is going to present to the Council because there are some things with the Compensation and Allowance Commission that mirror some things here. Mr. Dunn said he will speak with Dr. Diriker.

Mr. Todd asked if they want to reference their meeting minutes in here, or reference the PAC 14 recordings, to which Mr. Dunn responded, they can add that.

Mr. Todd also suggested thanking the public for their comments, to which Mr. Dunn responded, he will add that.

Ms. Morris said she received a call today from someone wanting to know if the Committee had considered education for the Councilmembers. She said she shared with this person that the Committee discussed that, but made no decision because it is not required at other levels of government.

Ms. Bellamy mentioned the last bullet point and suggested taking action since this is their last meeting. Mr. Dunn clarified, for the public, there was some discussion that ten years is too long of a period of time to hold a Charter Review Committee, and it was suggested that they put together a Charter Review Committee every five years instead of ten years.

Ms. Whited said, if someone wants to talk to the Council about the councilmanic districts before the 2030 census, there is a way that can be talked about within the ten years.

Ms. Chesnik said this is done every ten years and they go through two and a half election cycles between, and that is a long time to not look at the Charter, so she agrees that it is a long time.

Mr. Phil Tilghman responded, in each election cycles, the Council has the authority to put something on the ballot if they want to, and they can also reconvene the current sitting Charter Review Committee, so

he does not think they need to remind the Council what their authority is because they should know that they have that authority, and they could ask a small group to do it as well.

Mr. Mat Tilghman suggested taking out the word “might” and instead say they recommend that a discussion be held at the Council level.

Ms. Bellamy said, if the Committee recommends this, they need to vote on it, to which Mr. Dunn responded, the Committee did not take any action on this, these are just recommendations they are putting forward.

Mr. Dunn asked Mr. Wilber if he is aware whether ten years is standard, to which Mr. Wilber responded, he does not really know, as he has not researched it, but just like redistricting, it is done every ten years.

Ms. Whited said she just googled this, and Montgomery County is every four years, Anne Arundel is every ten years, Wicomico County is every ten years, and there is another County in Maryland that does it every eight years, so ten years is not necessarily the standard.

Ms. Chesnik asked, once this is put out for public review and the public looks at it, if they have enough people bring up an issue, does the Committee come back and discuss that subject, or are they done, to which Mr. Dunn responded, they are concluding their work, and their draft proposal they adopt tonight puts a formal end to the items they are putting forward for consideration. Mr. Wilber agreed. He explained, this Committee puts their recommendations forward, and certainly the Council can hear from the public with their ideas and their own ideas, and the Council has made Charter amendments in the last ten years, so tonight concludes the Committee’s work.

There being no further discussion, on motion by Mr. Sarbanes and seconded by Mr. Mat Tilghman, the draft copy with the changes that were made tonight was unanimously approved.

Mr. Dunn clarified, that was approving the narrative, and now they are going to approve the scorecard.

Ms. Bellamy said there is an inconsistency between 202a and 405. She explained, 202a references 25 years old matching the language for the qualifications for the County Executive. She said she does not know which one is right, but she thinks they should be the same. Mr. Benson said there was discussion that it should be 30 years old, so he thinks they should remove the word “matching.”

There being no further discussion, on motion by Mr. Benson, seconded by Mr. Phil Tilghman, and unanimously approved, 202a was amended to put a period after it states a minimum age of 25 years.

Ms. Bellamy said she knows they stumbled over 507a, but she thinks they might want to put a period after Executive in the second paragraph and remove the remaining text. She clarified, right now it states to put a period after Executive in the second paragraph, but she suggests adding “and remove remaining text.”

Ms. Bellamy made a motion to remove the remaining text after the period, which was seconded by Mr. Mat Tilghman.

Mr. Benson suggested instead stating they remove County Council. Mr. Dunn asked Ms. Bellamy to withdraw her motion, to which she did.

Mr. Benson made a motion to amend the scorecard for Section 507a to say to put a period after Executive and to delete the words “and the Council” from the remainder of the sentence.

Dr. Jones said, for clarification, in her notes she has that they wiped the rest of it out so it says “The County Attorney shall serve at the pleasure of the Executive.”

Mr. Dunn clarified, they are acknowledging that a potential ballot question that simply reads “to put a period after Executive in the second paragraph” is lacking context for any reasonable human being. Mr. Mat Tilghman suggested stating “remove the balance of the paragraph.”

Mr. Wilber said, if this goes to the ballot, it will have the language with the strikethroughs. He said the Committee sends recommendations explaining what they want done, but the voter will see what is coming out. Mr. Phil Tilghman clarified, they do not have to write the ballot question, to which Mr. Wilber responded, that is correct.

Mrs. Hurley said she thinks it is a good idea to extend it to say “strike the remaining text.”

Mr. Benson said he will restate his motion.

There being no further discussion, on motion by Mr. Benson, seconded by Ms. Bellamy, and unanimously approved, the scorecard was amended for Section 507a to read “The County Attorney shall serve at the pleasure of the Executive” and any other language will be deleted.

There being no further discussion, on motion by Mr. Sarbanes and seconded by Ms. Morris, the scorecard was unanimously approved as amended.

Closing Remarks:

Mr. Benson said it has been a pleasure to serve on the Committee. He said it has been informative, boring, and interesting all at the same time. He said it was a particular pleasure to have Mr. Sarbanes and Mr. Phil Tilghman on the Committee, who were on the County Council, as he felt their comments were extremely helpful. He said, from his perspective, in the future he thinks when the County Council appoints other Committees, they should look to retired members because they provide background that he thinks is helpful that those who have not served may not understand.

Mr. Benson said, during the first meeting, he made some comments with regard to how he felt the Committee should be set up, and he wants to make the point that Mr. Dunn was appointed Chairman of the Committee, and he thinks Mr. Dunn has done an outstanding job as Chairman. He said he thinks Mr. Dunn has been extremely fair to the Committee members, to the public, and to everyone involved, and he just wants to make a statement on the record that he applauds Mr. Dunn’s actions as Committee Chairman. He said he does not think anyone could have been any fairer or done a better job running the Committee. He clarified, having made a statement in the beginning, he wanted to make that clear.

Ms. Chesnik said this has been a learning experience and a good experience working with different people from different areas. She said Mr. Dunn approached this diplomatically and has worked very hard to bring this group together and keep them together, and she thanks him for everything.

Mr. Dunn said they are a team, and they have been one hell of a team, and the energy flows, and they are an outstanding group of people. He said, as a Chair, having 15 people is a lot, so he thanks them for indulging him. He said truly, what a disparate group of people, what a great convergence of people, and he can look at each one of them and recall great comments and great additions to what the Committee did. He said he echoes Mr. Benson’s thoughts about having Phil Tilghman, Sharon Morris, Tony Sarbanes, Laura Hurley, Paul Wilber, Julie Bellamy, Mat Tilghman, and everybody just made the work

that much better. He said he wants to make sure they state for the record that they are not in any way thinking they have presented the perfect document or the end all be all, they have done their best to go back to what they stated at the beginning, which was to do the best they could to provide the opportunity for good governance to have a space to live and breathe within the Charter and within Wicomico County, and to that end, he thinks they certainly did that.

Mr. Dunn said it is quite impossible to tell them how invaluable Mr. Benson has been as the Vice Chair. He said his wisdom and phone calls every time they went back and forth privately during off-hours, he was spot-on with everything, and having him the entire time has been invaluable. He said he would also encourage not only that they have ex-Councilmembers, but having a person with a legal background as a member of this Committee has proven to be invaluable. He clarified, of course they have Paul Wilber, who is one of the better legal minds he has ever come across. He said, lastly, it is just extraordinary what Mrs. Hurley does every week not only for this Committee, but, just to let everybody know, the last two days she has been going back and forth to MACo in Cambridge, she had a Council meeting two days ago, she has the Compensation and Allowance Commission, and she and Mrs. Sande do an extraordinary job, and on behalf of the Committee, he just cannot thank them enough for everything.

Mrs. Hurley asked, once the document is formally presented, do they want her to post it on the website, to which Mr. Dunn responded, yes, absolutely.

Mrs. Hurley said she will email the last set of minutes out to everyone so they can respond individually to her to let her know if they accept them.

Ms. Bellamy asked if she could have a copy of the final presentation, to which Mrs. Hurley responded, she will email that out to everyone.

Mr. Dunn said, again, they present on December 21, and they will all get invitations, and he would love as many people who can make it to attend. He said he would love to have every individual of this Committee make it because what they are presenting is being done on behalf of everyone in this room.

Mr. Wilber said, even after the Committee presents, it could be that, as the Council has Work Sessions, they might like to hear from a representative of this group about how they arrived at their recommendations. Mr. Dunn said they will make themselves collectively available, and Mrs. Hurley will do the best she can to give them a heads up on that. Mr. Benson said he hopes that can be done by the person who made the motion or the second to answer the questions. Mr. Dunn clarified, by no means do he and Mr. Benson represent all the knowledge, but they will do the best they can under the circumstances.

There was no further discussion.

Mike Dunn, Chairman

Laura Hurley, Recording Secretary