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Subject: [EXTERNAL] Online Form Submittal: Charter Review Committee Submission Form

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Charter Review Committee Submission Form

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Comments, Questions or Concerns At the April 22 meeting, it became completely obvious (as previously suspected) that a certain member of the Committee has a personal agenda that, essentially, is to make the County Council inferior if not subservient to the County Executive by suggesting certain charter changes to alter the current balance of power. His argumentation is basically mantra that one would hear in a high school civics class ("checks and balances," etc.) without a realistic understanding of how government works under the separation of powers principle. Given the saga that occurred under the most recent County Executive, this shift in power would be foolhardy, and it would be unprecedented among Maryland charter counties with the executive form.

Some of the member's suggestions may be unconstitutional, but that's beyond the scope of this comment.

An example of the overreach: the office of Internal Auditor was established in section 305 – by referendum of the voters – to enhance oversight of the Executive Branch by the Council. Many counties with an executive have a similar position, established by charter, that is filled and supervised by the Council – here are references:

Anne Arundel – sections 310 & 311

Baltimore – section 311

Harford – sections 13 and 214

Howard – sections 212 and 213

Prince George's – section 313

In each of these counties, Council action under sections mentioned above is either specifically exempt from executive veto, in language similar to that in section 305.E. of the Wicomico County Charter, or the language makes clear that the Council is unfettered by the Executive. In two other executive counties, Cecil and Frederick, there is an express provision that provides broad authority for investigations by the Council of the executive branch, including the power to compel testimony and require the production of evidence (books & records, etc.) – and many of the other County's mentioned above have a similar provision. Montgomery County has an "Inspector General" that (per the county code) appointed and supervised by the Council.

I strongly suggest that the Committee reconsider and rescind its decision to recommend changing section 305.E. by (among other things) deleting the proviso regarding exemption from executive veto. Also, the Committee should recommend adding to the Charter a provision such as this (from the Howard County Charter):

Section 214. - Investigation by the Council.

The Council may make, or cause to be made, investigations into the affairs of the County and the conduct of any County department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. It shall be deemed a misdemeanor for any person to fail or refuse to obey a lawful order issued in the exercise of these powers by the Council and upon conviction thereof shall be punishable by fine of not more than \$1,000.00, or by imprisonment for not more than thirty days, or both.

More broadly, the Committee should make a comprehensive review of the charters elsewhere before acting on significant matters, such as filling vacancies, and other matters of real significance. Perhaps, there could be subcommittees to look at specific matters in suggest revision (or no change) with substantive written analysis.

It was encouraging to hear that nothing is yet cast in stone – matters discussed above and earlier decisions need further serious analysis and discussion.

Another point worth noting – section 206 (Special election to fill Council vacancy) was added in the Charter by the voters (referendum) less than five years ago. Recall that the Committee recently decided it would not even consider repeal of the County Executive system because it was approved by the voters. Why then did the committee even consider whether section 206 should be repealed, and decide that it should be? Please note: I have no opinion regarding that issue but question the Committee's inconsistent positions.

Lastly, I reiterate my suggestion that there should be information about the Committee's meetings posted on the homepage of the County website and the agenda/meeting notice should be sent to the media in advance. Also, detailed information, including opinions and advice provided by Mr. Wilber, should be posted on the website – see how Frederick County handled things.

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