

Charter Review Committee of 2011

January 10, 2012

Chairman, Wayne Strausburg called the meeting together at 6:00 p.m. with the following members in attendance: Wayne Strausburg, Mark Kilmer, Christina Rodriguez, Katrina Purnell, Fran Starkey, Cathy Keim, Dr. Greg Belcher, L. C. Jones, Allen Brown, Brad Gillis and Ed Urban.

Excused were: Orvill Penn, William Hall, M. J. Caldwell and John Cannon

On motion by Mr. Brown and Seconded by Mr. Kilmer the minutes of the December 13, 2011 meeting were unanimously approved as amended.

Mr. Strausburg noted that the Committee left off its discussion at the last meeting in Section 305. County Internal Auditor, ending with Section 305C. The Committee commenced review of **Section 305D**. Mr. Creamer commented that the independence of the Internal Auditor is assured in Sections **305 C. through E.**, which also assure that he will have unrestricted access to all county records, all county programs and that records and programs of entities receiving appropriations from the county are subject to audit by the Internal Auditor. Ms. Rodriguez asked about the Fraud Hotline. Mr. Baker explained that after the investigation of fraud and theft at the landfill in 2007, the County Executive initiated a Fraud Hotline for county employees to report allegations of fraudulent activity, or personnel issues anonymously. Subsequently the County Council expressed an interest in a Hotline being available to members of the public where allegations of fraud or other impropriety on the part of county employees could be reported anonymously, so the employee Hotline was expanded to include access by the public. The Fraud Hotline telephone number is printed on every employee's paycheck, the number is posted conspicuously at county offices and the telephone number is posted on the county website. He explained that calls to the Hotline are taken by a third party vendor which has extensive experience in this field. The calls are screened by asking a caller questions designed to elicit specific information needed to investigate

the concern, the caller is given an incident report number to which he can call back to learn how the matter has been handled by the county. He continued that once the call is received the information is reported to one of two three person committees. Calls relating to personnel matters are reported to the committee on the Executive side consisting of the Directors of Finance and Human Resources with the Assistant County Attorney. Calls relating to fraud are reported to the committee on the Legislative side consisting of the Internal Auditor, County Council President and the County Attorney. The committee which receives a call meets to make an immediate assessment of the call and determine the proper manner of investigating the allegation. The investigation is completed and appropriate is taken. n. A report on the result is telephoned back to the Hotline and recorded so the original caller can call back to learn the outcome. On an annual basis the Internal Auditor conducts an audit of all Hotline activity for the previous year and reports the result to the County Council and the County Executive. The audit report is given to the County Council in public legislative session and it is subsequently posted on the county's website for the public. There followed discussion of improvements which may be made to the Hotline. Finding none, there was discussion whether the Hotline should be added to this section of the Charter. Mr. Baker said the Hotline is a contract issue, not a Charter issue. It is a management tool for improved internal control. Following further discussion there was consensus by the Committee to recommend no changes to Section 305 E.

Section 305 F. gives authority to the County Council that is exempt from Executive veto. Following discussion of Sections D. and E. there was unanimous consensus to recommend no changes. In discussion of Section 305 F.

Section 306. Action by the Council. – Following discussion there was consensus to recommend no changes.

Section 307. Enumerated Powers not to be exclusive.- Mr. Baker commented that state law trumps county law. There were no recommendations for changes.

Section 308. Limitation on Exercise of County Council's Power.- No recommendations.

Section 309. Legislative Powers of County Council.- Mr. Baker suggested that the year reference for Article 25A be updated and he informed the committee that the open meetings law states that County Council minutes shall be made public in a reasonable time frame.

Section 310. Sessions of the County Council. – There was discussion of language in other charters regarding council meetings. Mrs. Keim noted that the Harford County Charter cites that County Council meetings will not begin before 6:00p.m. unless agreed to by a super majority. There was discussion whether there should be further limitations on meeting times included in the Wicomico Charter. There was recognition that the County Council currently holds one meeting during normal business hours and one meeting in the evening. It was noted that there is little difference in attendance at County Council meetings held during the day, or in the evening, that the same people generally attend the meetings whether they are held during the day or during the evening and that attendance is more agenda driven than being dependant on the time of the meeting. Following discussion the committee generally concurred that further definition of meeting time is not needed. There were no recommendations for change in this section.

Section 311. Legislative Procedure.

A. Public Meetings, B. Enacting Clause, C. Titles. No changes were recommended.

D. Publication of Proposed Laws. It was noted that the advertisement of proposed legislation, Notices of Public Hearings, and employment openings has become a very expensive cost to the county, amounting to thousands of dollars every year. It was noted as well that newspaper circulation has declined significantly to the point where perhaps more people get their news from the internet than from print media. Mr. Creamer noted that there has been a bill introduced in the Maryland legislature for the past several years which would allow counties and municipalities to use media other than newspaper

advertising to give notice of meetings, legislation and other official government business notices. Each year the bill is heavily lobbied against by lobbyists for the print media and the bill fails.

Mr. Baker brought to the Committee's attention the requirement that a copy of any bill shall be placed on the official bulletin board to be set up by the County Council. Mr. Creamer added that this requirement is a throw back to the early days of the county when the courthouse, like a general store, or a tavern, was a place where the public congregated informally to catch up on news and gossip. An official bulletin board, somewhere in the courthouse was where legal notices were hung, along with minutes of the County Commissioners and publication of notices about coming activities, dates for when the Circuit Court, or Grand Jury would be in session. It was where citizens could look to learn what the county government, such as it was, would be doing. As newspapers and more recently the electronic media became more prominent, the official bulletin board has held less importance, but there is still an official bulletin board on the first floor of the Government Office Building, where minutes of County Council meetings and legislative bills are posted. The City of Salisbury has a similar bulletin board on the other side of the hall. There was discussion of adding language to the Charter that the county web site could substitute or be an alternate means of notification, but the county should still make every effort to maintain the bulletin board. A motion was made by Mr. Kilmer and seconded by Mr. Gillis to recommend amending Section 311D to substitute posting on the county's web site for the official bulletin board. The motion was carried by all Committee members present voting in favor, except Ms. Rodriguez voted opposed to the motion, as she believes the section needs rewording.

Section 311 E. Passage of law. – There was discussion whether there should be clarification whether the Charter should allow more than one 60 day extension of the period by which a legislative bill must be adopted after its introduction.

There was a motion by Mrs. Keim and a second by Mr. Kilmer to recommend amendment to the Charter to limit the number of extensions to one 60 day extension. Thus any legislation not adopted within 120 days of its introduction would fail. The motion passed by all present voting in favor, except Ms. Purnell, who voted against the motion.

Section 311 F. Method of Passage – There were no recommendations for changes in this section.

Section 311 G. On motion by Mr. Kilmer, second by Ms. Starkey it was unanimously approved to recommend changing “pubic” to “public”. There was also discussion of taxation not being allowed as an emergency legislative measure.

Section 312. The Referendum on Bond Issues and other Local Laws.

- A. **Power Reserved.** Mr. Creamer pointed out that this section is the reason laws enacted by the County Council do not take effect for 60 days. In this section of the Charter the people reserve to themselves the right to petition any public law, or part thereof, or any public law authorizing a bond issue, etc. to a referendum at the next regular election, or a special election. In other words, the people reserve to themselves the last word. Following discussion there were no recommendations for amendment of this section.
- B. **Petitions; when filed.** There was discussion whether requiring 15% of the registered voters of the County to make petitions to referendum valid is too high a standard, noting that some jurisdictions refer to a percentage of the voters who voted in the last election. The question was asked whether petitions have had success in Wicomico County. Mr. Creamer noted that success has depended upon the determination of the petitioners, citing the Charter amendment for a revenue cap having been an initiative brought to the ballot by petition, the Charter amendment to impose collective bargaining by Sheriff's deputies and the Charter Amendment imposing an elected County Executive form of government, also, were brought to the ballot by petitions and all three initiatives were voter approved by wide margins. He added, on the other hand, there have been several petitions circulated within the City of Salisbury in recent memory, which could have succeeded with far fewer signatures, because of the much small number of registered voters in the city and none of those petitions were successful.

Ms. Purnell volunteered to check on the number of people who are currently registered voters in the county and on what date the Election Board would determine the number of signatures a petition submitted to the Board would have to contain, being 15%

of the registered voters on that day. Following which, Mr. Kilmer suggested the Committee revisit the matter after the committee receives the voter registration information.

On motion by Mr. Gillis, seconded by Ms. Purnell and unanimously approved, the Committee adjourned at 8:00 pm. The next meeting of the Committee will be on January 24th at 6:00 p.m.