

The 2021 Wicomico County Charter Review Committee met on Thursday, April 8, 2021 at 5:00 p.m. in the Flanders Room of the Civic Center, Salisbury, Maryland.

Members Present: Mike Dunn, Chair; Robert Benson, Vice Chair; Dallas Baker, Julie Bellamy, Doug Gosnell, Katherine Jones, Sharon Morris, David Plotts, Michelle Chesnik, Anthony Sarbanes, Mat Tilghman, Philip Tilghman, Blair Todd, and Sonya Whited. Wayne Strausburg was absent.

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

On motion by Mr. Phil Tilghman and seconded by Mr. Plotts, the Agenda was unanimously approved.

On motion by Ms. Chesnik and seconded by Ms. Morris, the Minutes from the meeting of March 25, 2021 were unanimously approved.

Selection of Order of Alternate Members

Mr. Dunn reviewed the Committee's previous discussion about selecting the order of the alternate members. He explained, the first name picked from the basket will be the first alternate, the second name picked will be the second, etc.

The alternate members were then selected in the following order:

1. John Rankin
2. Chris Eccleston
3. Bill Chambers
4. Vincent Shapanus
5. Mark Tyler
6. Richard Pollitt
7. Darren Lombardo
8. Carol Zimmerman

Review of Article I. Name and Rights of the County

Charter Sections 101: Body corporate and politic: There was no discussion.

Charter Section 102: Exercise of powers: Mr. Benson said there was a suggestion to add a definition for Local Governing Body. He then asked Mr. Wilber to explain why this may or may not be necessary.

Mr. Wilber said there are various State laws that refer to Local Governing Body, and if the Committee would like to define that, it could go in Section 102. He said the State Code provides a definition of Governing Body - *Governing Body means County Council and the County Executive*. He clarified, it is up to this group as to how they want to define it.

Mr. Mat Tilghman asked if this has been an issue. Mrs. Hurley explained that a lot of contracts and agreements just say Local Governing Body and do not define what that is, so there has been some confusion as to whether that means just the County Executive, as that is who signs all contracts. Mr. Dunn asked if contracts are also signed by Council, to which Mr. Wilber responded, only the Executive. Mr. Dunn said it sounds like Mrs. Hurley thinks this would be a good idea, to which Mrs. Hurley agreed.

There was then discussion about who signs and reviews contracts, and it was clarified by Mrs. Hurley that the majority of contracts are reviewed by the County Executive, but only multiyear contracts come before the County Council for approval before the Executive signs it.

Mr. Mat Tilghman made a suggestion to have the Charter refer to the State Code for the definition.

Mr. Dunn said the Council Administrator has suggested that defining the Local Governing Body would be helpful to the administration of Wicomico County Government.

Ms. Bellamy suggested Mrs. Hurley come up with the language, to which Mrs. Hurley responded, she will work with Mr. Wilber on that.

Mr. Dunn said they will come back to this issue at the next meeting.

Charter Section 103: Name and boundaries: There was no discussion.

Mr. Todd suggested adding a table of contents to the Charter. Mr. Dunn asked Mr. Wilber if that is something that would need to be approved by the voters, to which Mr. Wilber responded, he thinks that is more administrative.

On motion by Mr. Todd and seconded by Mr. Phil Tilghman, it was unanimously agreed to make the recommendation to add a table of contents to the Charter.

Review of Article II. County Council

Charter Section 201: Compositions and districts.

Charter Section 201.A: Mr. Dunn said there were a series of questions presented by a couple citizens in reference to Section 201. He said he had a conversation with Mr. Benson this afternoon, who raised some very practical questions that he thinks should probably be put on the table.

Mr. Benson clarified, he is not suggesting that the proposals are either good, bad, or indifferent, but rather he is somewhat confused so he thought perhaps they could ask Mr. Wilber to clarify. He explained, they received suggestions to make significant changes to the structure of Wicomico County Government. He said first they were asked to consider making recommendations as to whether they should eliminate the County Executive position. He said they have also been asked to consider whether they should change from the current seven-member Council to a five-member Council. He said another suggestion was to consider changing from a seven-member Council made up of two at-large and five districts to seven districts. He said, if the Committee were to recommend, for instance, changing from a seven-person Council to a five-person Council, in 2022 they would have an election for the current seven members, and they would also have a recommendation at the exact same time that they change from seven members to five members, so they would be asking the citizens on exactly the same vote to consider whether they want to elect seven members and who they are going to elect, but also whether they want to change to five members. He clarified, he is not suggesting they cannot or should not do it, but it seems to him that it creates confusion, and he thinks he would be confused if voting under that scenario. He then asked Mr. Wilber to explain how this would be structured.

Mr. Wilber explained, the election in 2022 would be under the old structure. He said, if the voters voted to change that structure, it would start in 2026 at the next election cycle. He clarified, it would be under the old structure from 2022 to 2026, and then whatever the new structure is would start in 2026.

Mr. Baker said he assumes that, if there was a change in the form of government, there would then be another whole group to revise the Charter to address the new form of government.

Mr. Phil Tilghman explained that when he served on the County Council there were five at-large members, so they were answerable to every citizen in Wicomico County, but when they went to a councilmanic form, they divided it into five Council Districts primarily to create a minority district. He said they chose to add the two at-large members so every citizen in Wicomico County would have three Councilmembers answerable to them, and, for that reason, he does not like the idea of having five or seven separate districts because that silences things. He said he believes it is much better from a representative point of view to continue with the two at-large and five councilmanic districts.

Mr. Sarbanes said he agrees with Mr. Phil Tilghman, and years ago everybody ran at-large until there was a suit brought forward saying they needed a minority district, so that was done. He said, if they only have districts, the Councilmember is beholden to that district. He then used Congress as an example of having districts with two senators at the balance because they are beholden to the whole State. He said, when he was in Office, his commitment was to all of Wicomico County.

Ms. Morris said, because there is a delay in census information and there is no redistricting committee appointed at this point, that might change how some people choose to run and where they run.

Mr. Dunn said Mr. Mark Tyler submitted the suggestion about seven districts, and he had a conversation with him. He said one thing Mr. Tyler talked about was the massive size of Districts 2 and 5, and his point was that some of the thoughts of people who live on one end of the District may be different than the thoughts of those who live on the other end of the District. He clarified, he is just explaining where Mr. Tyler's thoughts were when it comes to making seven equal districts and eliminating the two at-large, and he is not advocating for it one way or the other, he is just sharing Mr. Tyler's thoughts.

Mr. Sarbanes said, after reading the comments from both Mr. Tyler and Mr. Bob Taylor, it still did not change his mind as the two at-large members cover the entire County, and he does not think the districts are too big.

Mr. Dunn said the thought was also submitted to go from a total of seven Councilmembers to five, and there was some information supplied to support that.

Mr. Dunn reminded the group that there will be some issues where they will need to do some research and maybe look at what other Counties do. Dr. Jones said she thinks that is a great idea, particularly to see if having more districts helps encourage more minority representation on the Council.

Ms. Morris said she wants to ensure that the minority district will stay in place, and she believes the language in the law suit says that it cannot be changed without a judge, so they need to look at that.

Mr. Baker said the Redistricting Commission may adjust some of the expansiveness of the districts, but, moving forward with reviewing the County Charter, they have to assume they are staying with the existing form of government because if they get off on "what if" scenarios, there are very different end products for all the different options they are talking about.

Mr. Dunn reminded the Committee that their goal is to not add too much confusion for the voters in 2022. He then asked where the Committee wants to go from here.

Mr. Phil Tilghman suggested showing a raise of hands of those who feel the current form of five district Councilmembers and two at-large members is sufficient. The majority of members raised their hands.

Ms. Chesnik questioned whether this should be about what the Committee wants or what the citizens of Wicomico County want. She said they are here to be a sample of the citizenship, and should do research and try to find out what the people really want. She said she sees that the Committee is playing it real safe on things instead of really researching and looking at what people may want and what other forms are available that could possibly be better if people want them. She said it is up to the citizens.

Ms. Bellamy said, with the research she did, she found that Governor Hogan established a Statewide Redistricting Committee in January. She said she would also like to know the results of the census and where the growth was so she can make a judgement call on how many districts they should have. She clarified, based on the unknowns right now, she thinks the best choice is to stay with what they have.

Mr. Baker said he agrees they are here to represent everybody, but one or two voices do not represent 100,000, and he thinks what they just did was a good way to gauge what the general population would like. He said, if they were getting hundreds of emails from different people asking for these changes, he could understand, but one or two means there are some people who have opinions about this. He said there is a lot of weight behind changing the form of government, and not being an elected official, he is not really comfortable saying they should change the form of government based on one or two emails.

Ms. Whited said she did not raise her hand because she feels, if they are going to make a change, they need to research what they talked about.

Ms. Chesnik said her perception is that these questions were brought to this Committee by the Council, to which Mr. Dunn responded, this was not from the Council, this was a citizen email. Ms. Chesnik said they have not seen a lot of participation so far from the citizens, and that is sad, to which Mr. Dunn responded, that will likely be the way it is. He explained, they were appointed by the County Council and their task is to look at the Charter and see where they think changes might be beneficial.

Mr. Benson said he looked at some of the other Charter Counties. He then went on to explain the various forms the other Counties have and said everybody has it somewhat different, and there is no right or wrong way to do it, it is what they end up thinking is the best form for this particular County.

Mr. Phil Tilghman said, since they have adopted the councilmanic districts with two at-large members they have always had at least one minority elected to the County Council, so it has worked. He said he happens to have sat through the lawsuit and the court agreed that they were in compliance with the Voting Rights Act of 1984, and that was the key. He said it has worked, and he thinks they should keep it.

Dr. Jones said, in her mind, having one Councilmember who is a minority does not reflect where they are in 2021 as just in 2019 there has been a 5 percent increase of the minority population in Wicomico County. She suggested that doing some research might help them look at potentially having seven districts with two minority districts so there would be more equitable representation on the County Council. She clarified, that is why she would like to have more information, but she understands the purpose of having two at-large members, and it has been effective, but the demographics of their population have radically changed since 1991, and their minority population is growing, and she thinks it should be reflected on their County Council.

Mr. Sarbanes pointed out that there may be someone who does not get along with the Council representative from their district, so they may be more comfortable going to the at-large person.

Mr. Mat Tilghman said he has no problem with doing research, but he agrees with Mr. Sarbanes and Mr. Phil Tilghman, and they have a pretty good balance. He then asked about the situation with redistricting, to which Mrs. Hurley responded, Council is in the process of appointing a Redistricting Commission, but the census data will not be available until the end of the year, so everything is being delayed.

Mr. Dunn explained that they will consider any motion put on the floor, so if anyone wants to put forth a motion on any aspect of what they have been discussing, they will bring that to the floor and vote it up or down. He said, depending on that result, they would entertain another motion. He said that is how they are going to have to do this because he knows of no other way. He said, if a motion fails, no action will be taken, and they will move on, or a motion could affirm to keep things the way they are. He clarified, he is saying that if no motion is made, that means no action and they are moving off of this topic, so he will entertain any motion anybody wishes to put on the floor.

Ms. Chesnik made a motion to keep things the way they are at this time and do some research to see if other ways could be more viable down the road. There was no second to her motion.

Mr. Phil Tilghman then made a motion to continue with the five councilmanic districts and two at-large members as written in the current Charter, which was seconded by Mr. Gosnell and unanimously approved.

There was no further discussion.

Charter Section 201.B: There were some questions about when a Redistricting Commission will be appointed. Mr. Wilber explained, the Council is considering appointing a Commission right now, but the census information will not come out until at least September. He said political candidates have to sign up to run by February 22. He explained that the Commission cannot start their work until the census data comes out, and it could be a very tight window that they will have to redistrict.

Charter Section 202.A: Mr. Benson said all the other Counties he has looked at have residency requirements, but Wicomico does not have a period of time that a person has to be a resident to run for Council. He clarified, it may not be needed, but he does not understand why they do not have one. He said some Counties also have an age requirement for Council, but Wicomico does not have one.

Mr. Baker said he supports making a residency requirement equal to the requirement for the Executive.

Mr. Dunn said the residency requirement for the Executive is five years, and that seems like a long time to have to live someplace, to which Mr. Sarbanes responded, he wants the County Executive to really know Wicomico County. He clarified, if someone has been here a year, they do not know Wicomico County, but they can be here a year and know their district, so it is a little different.

There was then some discussion about whether the residency requirement should apply to the district or the County or both.

Dr. Jones suggested a three year residency requirement, to which Mr. Benson responded, he does not think they could do that legally.

Mr. Dunn said he would be more comfortable with one year in the County and six months in the district, as he does not necessarily equate length of time living in a community as being some sort of litmus test.

Mr. Baker said he is a come-here, not a from-here, so he has had experience with moving to Salisbury, and he lived near the mall for 12 years and probably did not know that Willards was in Wicomico County for the first three or four years, yet that was his district, and that is why he feels like they need to have a couple of years under their belt because these are large districts.

Mr. Baker then made a motion to add a residency requirement for the County Council of two years in Wicomico County and residency within the district of one year, and a minimum age of 25 years, and matching the language for the qualifications for the County Executive, which was seconded by Ms. Whited and unanimously approved.

Charter Section 202.C: Mr. Sarbanes said there was a question of whether a Wicomico County teacher should be allowed to serve on the Council as the Charter currently says that County and State employees are prohibited from holding Office. He said he personally wishes teachers could serve, but his hang-up is that the Board of Education gets public County money, and a teacher on the Council could, in effect, be voting to fund the school system, to which Mr. Gosnell responded, they would have to recuse themselves and not vote.

There was then discussion as to whether this would apply to Wicomico County teachers as opposed to all BOE employees, and it was determined that this would refer to all BOE employees, not just teachers.

Mrs. Hurley said the Councilmember who made this suggestion is in the audience. Mr. Josh Hastings then came to the microphone.

Mr. Hastings explained, for years he has had people who either work for the State or as an educator ask him if they can serve on the County Council, and he has had to tell them they could not serve, but he does not have an understanding of why they could not serve. He said he does not know if they should go as far to include all State and County employees, or maybe they should narrow it down, but, realistically, the times the Council votes on these kinds of things are few and far between, so it comes back to the natural question of why they are preventing folks like that from serving. He said, as a broader question, should they be preventing County and State employees from serving, and, furthermore, would they narrow that scope to specific people, such as teachers who already have an elected School Board.

Ms. Bellamy said, in Wicomico County Ethics Code 37-8 under Employment and Interest Restrictions it said that a Public Official may not be employed by or have an interest in any business entity that is subject to Public Official's authority that is negotiating for a contract or hold any other employment relationship that would impair the impartiality or independent judgement of the Public Official.

Mr. Phil Tilghman asked if the Attorney General has ever ruled on this? He clarified, he is asking because Lewis Reilly was elected a Member of the Wicomico County Council and was a school bus contractor, and he had to get an opinion from the State Attorney General that would allow him to serve on the County Council. He said Mr. Reilly went on to be a State Delegate, State Senator, and Secretary of Agriculture, but it all started with that decision to allow him to serve on the County Council. Mr. Wilber responded, he is sure there are Attorney General opinions, and he can look further into that.

Charter Section 202-D: Mr. Baker said there is a recommendation from the Council as to whether there should be a provision added to the Charter on what happens when either the Executive or Legislative

Branch of Government violate the Charter. He suggested including language that dismisses Councilmembers for moral turpitude but would also include Charter violations and he would also add felonies. He said the language from the Executive Branch already matches moral turpitude and felony, so he would just add to this Section moral turpitude, felony, and Charter violations.

A motion was made by Mr. Baker and seconded by Ms. Whited to amend Charter Section 202-D to say involving moral fortitude, felonies, and Charter violations.

Ms. Chesnik asked, who would determine if it was a Charter violation and how would it be determined?

Mr. Phil Tilghman asked, if the County Council and the County Executive are in disagreement on a provision of the Charter, can one or the other appeal to the court? He clarified, can the County Council sue the County Executive because he is in violation of the Charter, to which Mr. Wilber responded, courts do not like to get into those situations, but they have to decide who is interpreting the Charter correctly. He said he has concerns with saying Charter violations because a Councilmember could call a Charter violation on another member, and then who would be the final determinant? Mr. Baker suggested it would be the judicial branch.

Mr. Dunn said it certainly does not look good for the community to have the County Council suing the County Executive, and he would say that in any community, so he thinks that is something they want to avoid. He then suggested Mr. Baker may want to amend his motion.

Dr. Jones asked, if someone can have a felony on their record and still run for County Council and be elected, as it is not a requirement to not have felonies on their record, what kind of felony would remove someone from Office? She asked if they are looking at violent offenses, to which Mr. Baker responded, he was just looking to match what was in the requirements for removing the Executive as he felt that the Branches should mirror each other. Dr. Jones said she agrees, but should that also be a stipulation in being eligible to even run for County Council, to which Mr. Wilber responded, he is not sure they can do that. He said, if someone is convicted of a felony, that certainly could be brought up during a campaign, but he does not know that it could be an automatic disqualifier.

Mr. Baker then rescinded his original motion and said he will do two separate motions, first to include felony with moral turpitude for a reason for forfeiture of Office.

There was then discussion on the definition of moral turpitude and who would determine moral turpitude. Mr. Benson suggested the court would interpret moral turpitude, to which Mr. Wilber agreed and said there have actually been cases that have defined what crimes moral turpitude are. Mr. Benson said, in looking at other Charters, felony is included more often than not.

There being no further discussion, on motion by Mr. Baker, seconded by Mr. Gosnell, and unanimously carried, it was recommended to amend Charter Section 202-D to include felony with moral turpitude.

Mr. Baker then made a motion to include Charter Violations as a reason for forfeiture of Office in Charter Section 202-D, to which there was no second.

Ms. Chesnik said she thinks it is easier for the Council themselves to look at a Charter violation because there are seven members that can judge and look at the Executive, but she does not think it works the other way. She said the Charter violations are really touchy because who decides it?

Councilman John Cannon, who was in the audience, asked to come to the microphone. He said, for a point of clarification to give the Committee some perspective, the main reason this came about was, as everybody must know from the last few years, the Council was subject to many violations from their perspective on behalf of the Executive Branch, and they had no recourse and no teeth. He said the Council recognized full well that a particular measure was taken that was absolutely in violation of the Charter. He said the Charter is a constitution, not a guideline. He clarified, it is the constitution of the County, but Council had no means by which they felt they had recourse. He said the purpose of this recommendation is to try to see if this group can find some means by which to put more teeth into the Charter so when there is an egregious violation on behalf of the Executive beyond moral turpitude, there will be some measure to address that. He said, on the other hand regarding Council and Charter violations, he has a simple example - a Councilmember might violate a Closed Session. He explained, the Council has Closed Sessions as all Councils have Closed Sessions, and it is critical that the Closed Session remain in confidence because, when they have Councilmembers who they know are going to be sharing the information that they tried to share openly with the rest of the Council in reference to a possible personnel matter, it can create chaos. He said Councilmembers will not speak freely in a Closed Session and not really get to the heart of the matter because they know there is potential for a Councilmember to violate a Closed Session, but there is nothing in the Charter that can really tighten that, so they were looking for some recourse Council-wise. He clarified, the Council put this on themselves whereas the Charter could say a Councilmember committed a violation, and there could be a way to address it, whether it be they are censured, or another measure, and that is where these two topics came from.

Mr. Dunn said the question has been asked by Council whether there should be a provision added to the Charter on what happens when either the Executive or Legislative Branch of Government violates the Charter. He said Mr. Baker's amendment was for immediate forfeiture of Office should occur if there is a violation, but he thinks the Council is asking if there could be a provision perhaps for censure that falls short of forfeiture.

Mr. Baker said to keep things out of court there could be a forced arbitration with the two opposing sides – Council versus Executive, or Council versus Councilmember, where a decision would be made about who is right or wrong, and that could be kept more discrete. He then asked if that is possible, to which Mr. Wilber responded, it may be possible, but he has not seen that type of procedure. Mr. Baker said the points raised by Mr. Cannon are valid, as he worked for the County at the time and saw the violations, and he thinks it needs to be addressed. He said the Charter is the constitution of the County, and there needs to be a way to address when there are disputes about how the Charter is interpreted, and maybe the first step is not to get them out of Office, especially if the violation was unintentional.

Mr. Wilber said censure is a mechanism that could be used, which is essentially the Body itself publicly slapping the hand of one of its members, a public reprimand, to which Mr. Baker responded, but that reprimand does not carry any teeth. He said there were a lot of unofficial censures over the last couple of years from the Executive and Legislative Branches that did not really solve the issue, and he feels like the censuring does not really have any teeth, and maybe an arbitrator should be the one to decide.

Mr. Todd said they also need to discuss violation of the Charter. He clarified, the Charter is a large document, and one violation may not be as significant as another violation, such as if something says 15 days but it happens in 16 days, to which Mr. Dunn responded, but, at the end of the day, this is the law. He clarified, whether it is violated a little bit or a lot, it is still violated. Mr. Baker said an arbitrator would

be able to decide if it was just a minor violation. Mr. Todd said it would have to be agreed upon as far as what is minor and what is major, to which Mr. Dunn added, and then there is the punitive side.

Ms. Chesnik said these are Elected Officials and they cannot just go and kick an Elected Official out of Office, to which Mr. Dunn responded, if there is a violation of the Charter by any of the eight elected members of the County Government that is open for public view, the question is what can happen to that member. He clarified, he thinks that is the question they are trying to find some answers to.

Mr. Sarbanes said he has read about other Councils removing people usually for repeated offenses. He said people have been censured in Congress, but he does not know how it gets to the point where they have the right to remove them. Mr. Wilber said he will have to look into that.

Mr. Benson suggested they table this issue because it seems more complicated than simply saying a Charter violation. He said his assumption is there has to be a mechanism established to allow a hearing process and decide who would hear that, and what the procedure is. He said he hopes they find another County in Maryland with a provision they could look at using. He said it seems to him there has to be a mechanism set up for a public hearing so the accused person has a chance to respond and make a point if they did not violate the Charter. He said he does not know if they could use the Ethics Commission, but he thinks there has to be a body established and a procedure to allow it to be heard in a fair way.

Mr. Dunn said he does not know which County it is, but right now in Maryland there is a dispute within a County Council to remove a member of the County Council for a violation, so he will try to look that up.

Mr. Phil Tilghman said the elected Wicomico County Board of Education now has an Ethics Commission, and he is a member of it, but they have never been called. He said they may want to check into how that was set up and what kind of teeth it has.

Mr. Gosnell said the problems they were having with the Executive and Council were not criminal, they were Charter procedures where the Executive said he was going to do things that the Council said he should not be doing. He said, outside of the court, who would decide who is right and who is wrong? He said then there has to be teeth in that to make sure it is binding.

Committee Chairman Comments

Mr. Dunn said his impression is that the Committee does not think major changes in form and function of government are necessarily their charge, their charge is really trying to figure out the best system to put in place for better governance. He said the last five years have reminded them that there are holes that need to be fixed, so if they do nothing else but that, he thinks they will have accomplished a lot. He said they are going to have to pick up the pace a little bit, and they cannot solve every problem, but try to land on the semantic challenges that have proven problematic in the good governance aspects of the County Government. He said they have had very robust discussion, but they have had a couple of major decisions having to do with form of government and both of them were unanimously accepted or rejected by the group, so it seems the Committee understands that they do not believe that to be their charge. He clarified, some may disagree, but that seems to be where they are landing as a group.

Public Comments

Mr. John Rankin came to the microphone and said he thinks having educators hold a County Council Seat has an inherent conflict of interest involved, particularly since the BOE receives 48 percent of the total County revenue, so he would discourage the group from changing that current limitation.

Mr. Robert Taylor came to the microphone and said here we go again; it looks like they are just shunting away what he would consider to be the major questions on the form of government. He said he just heard an explanation that the Committee is only going to look at certain things, but the Charter Review provision says that the purpose is for the review of the Charter in full, and that means every part of the Charter - the County Executive portion and the form of government. He said they have had two pretty significant communications, not just his, but Mr. Tyler's, which he has seen and is somewhat like a legal brief with a lot of citations, and, as far as he knows from his recollection, Mr. Tyler is absolutely correct on his legal analysis. He said, as far as the practical analysis is concerned, he thinks they will find that no County of their size has more than five members with one exception, and that is Worcester, which is a very unique County as it is the only County that has coastline. He said he thinks they are bloated on their County Council, and the simplest way to cut it down is to eliminate the two at-large seats. He said they have the five districts and would still have their minority district and there should be no problem, even if that legal decision is still in effect because it would not be changing the districts, it would be removing the at-large districts. He said the danger of the at-large districts is that it is going to reflect the County majority, and that could be racial, and that could also be political, and that is the problem with it when they have any kind of a Countywide seat. He said the analogy to the federal system is simply a bad analogy, as the Senate is a national Body, but there is no Senator that is elected nationally, they are all elected from a particular jurisdiction called States, so that is just not a good analogy to begin with.

Mr. Taylor said, getting down to some of the weeds tonight, he thinks the discussion of the last 15 to 20 minutes about trying to either censure or remove a Councilmember for violating the Charter is, frankly, absurd, and they are opening a can of worms that there is no need to open. He said, if they look at other Charters, he does not believe there is anything like it in the State. He said the problem with it is, and he thinks somebody hit on this, what if there is some minor insignificant violation of the Charter? He said, for example, there is a provision in the Charter that Councilmembers cannot influence people in the Executive Branch, but what would happen if someone called and said there is a pothole and asks them to get to it? He said the former County Executive, Mr. Culver, took the position that comments like that were a violation of the Charter. He said they are going to get into this can of worms for no good reason. He said the major violations of the Charter are going to be by the County Executive as there is not much in the Charter that the Council does not do as a Body.

Mr. Taylor said, speaking of Mr. Culver and what Mr. Cannon referred to, he will tell them that Council retained an attorney last summer and they would probably be in court today had Mr. Culver lived. He said there were obvious gross violations of the Charter, including appointing Department Heads without having them confirmed by Council, which is a flat out violation that possibly is criminal. He said that was a problem they had and, frankly, if it had not been for Mr. Culver, they probably would not be discussing this tonight, but hopefully that is over. He said there is a way it can be addressed, and he has suggested that there should be an Office of Council Attorney like they have in Harford County where that attorney has the right to sue under their Charter. He said they had a long discussion on this last summer.

Mr. Taylor said he disagrees with Mr. Cannon about the confidentiality of certain aspects of Closed Session meetings, and he did a memorandum on that before he resigned as Council Attorney. He said he believes Mrs. Hurley has a copy of it, and he suggests the Committee gets that and reads it, and he would be glad to send it to anyone who wants it.

Mr. Mat Tilghman said he believes, as the former attorney to the Council, it is inappropriate for Mr. Taylor to be making these statements. Mr. Taylor responded, everything he said is a matter of public record, and he is sorry if Mr. Tilghman does not like it.

Mr. Dunn reminded the Committee and the members of the public that they are addressing comments to the Committee as a whole, and he appreciates the passion, but they will be respectful of the public, and they will ask the public to be respectful of what the Committee is trying to do.

Next Meeting Date and Time

Mrs. Hurley said the next meeting is on April 22 at 6:00 p.m. in the Flanders Room at the Civic Center. She said she was able to confirm the first meeting date in May, but has not confirmed a time yet.

Mr. Baker asked if they will continue with what did not get covered tonight at the next meeting, or should they look at another Section? He clarified, when he received the agenda, he tried to get through those Sections and also look at other Charters from other Counties, and it was a tight timeframe. He asked if they will be adding Section 400, to which Mr. Dunn responded, yes.

Mr. Dunn explained, their goal is to try to alert the public as best as they can on what their plan for each meeting is. He said, at the next meeting they will attempt to finish up Sections 200 and 300, add 400, and hopefully they will get there because they have to try to keep moving forward.

There being no further business, the meeting was adjourned at approximately 7:00 p.m.



Mike Dunn, Chairman



Laura Hurley, Recording Secretary