

The 2021 Wicomico County Charter Review Committee met on November 4, 2021 at 5:00 p.m. in Council Chambers, Salisbury, Maryland.

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

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

Approval of Agenda:

On motion by Mr. Sarbanes and seconded by Mr. Todd, the Agenda was unanimously approved.

Approval of Minutes from October 21, 2021:

On motion by Mr. Strausburg and seconded by Ms. Chesnik, the Minutes from the meeting of October 21, 2021 were unanimously approved.

Charter Section 407 – Vacancy in the Office of the County Executive

Mr. Dunn said Mr. Wilber provided his thoughts and some verbiage on Section 407 having to do with vacancy in the Office of County Executive to consider changing the Charter to hold a special election.

Ms. Chesnik said she thinks 36 months is carrying this out too far.

Mr. Dunn said the former Executive passed away and there was an appointment process, and the Committee and even a few Councilmembers acknowledge that the process did not go so well, but under this, there would be a special election held within 90 days.

Ms. Chesnik said, if they are trying to make this change based on what happened one time, they cannot change everything just because something happened.

Ms. Morris said she thinks it is important to talk with the Board of Elections about the possibility of a special election and the process.

Mr. Strausburg said this happened one time and may never happen again. He said his only comment is in regards to the language that says the vacancy shall be permanently filled by majority vote of the members of the County Council. He said, if he were to make any change in this whole thing, he would want to see that the vote be taken with all members present. He clarified, there are seven Councilmembers, and if they are going to have the Council appoint a County Executive, he thinks all seven Councilmembers should be present for the vote. Mr. Sarbanes asked if some were not there this last time, to which Mr. Strausburg responded, no, he is simply saying it should be all seven members.

Ms. Chesnik asked if that is worth putting on a referendum, to which Mr. Strausburg responded, he thinks it is so important that all seven Councilmembers should participate in that vote.

Mr. Strausburg said they first need to decide if they want to deal with a special election, but he does not know that they need to alter the Charter because of an unfortunate circumstance, and he is a little hesitant to put that burden on the Board of Elections.

Mr. Dunn said he spoke with Mr. Gutierrez and he said this would be a full rollout and it is not cheap.

Ms. Chesnik said throughout this process they have to be careful to not do things based on one occurrence, to which Mr. Dunn responded, the Committee has been very consistent with trying to determine when things have been a people problem versus a Charter problem.

There being no further discussion, a motion was made by Mr. Sarbanes and seconded by Mr. Plotts to change Section 407 regarding vacancy in office to insert the language provided by Mr. Wilber. The motion failed.

Mr. Strausburg said he thinks when that vote is taken that all Councilmembers should be present and participate in the vote.

Ms. Chesnik said they are saying they have to all be present when they vote, but they do not all have to vote for that Resolution, which can be misconstrued very easily.

Ms. Whited said it sounds simple, but it could be misconstrued.

Mr. Wilber said there needs to be seven members present, even if they do not vote.

Mr. Dunn clarified, this is simply saying that when the Resolution to replace the vacancy is considered, all members must be present for the Resolution to be considered, but they do not have to vote.

There being no further discussion, on motion by Mr. Sarbanes and seconded by Mr. Plotts, the recommendation to change Section 407c to add that all Councilmembers must be present for the vote was unanimously approved.

Review of Scorecard

Mr. Dunn clarified that they are not finalizing the scorecard tonight, he just wants the Committee to see everything on the score card.

Mr. Dunn said they had two submissions from Dave Hanlin, a citizen of Wicomico County. He said one has to do with changing the first line of the preamble in the Charter. He said Mr. Hanlin's proposal says:

We the people of Wicomico County and the State of Maryland seeking to promote the wellbeing of the people do adopt and establish the form of government as described in this Charter.

Mr. Dunn said the current preamble says:

We the people in Wicomico County and the State of Maryland, in accordance with the provisions of Article 11a of the Constitution of Maryland and the general laws of Maryland, do adopt and establish as our Charter and form of government this Charter of Wicomico County, Maryland.

Dr. Jones asked if this is something that would go to ballot or could it just be changed, to which Mr. Wilber responded, this is lead-in language, so it is not controlling any statement in the Charter of how the government is to operate.

Mr. Dunn said he will entertain any motions on this change. There were none.

Mr. Dunn said the second submission from Mr. Hanlin has to do with the Airport. He said, in Section 503, the Committee added the Airport as a standalone Department because the Airport is significant and this puts the Airport under the Departments that are administered by the County Executive.

Ms. Morris said the County Departments are totally funded by local tax dollars, but the Airport receives money from the State and Federal government and that is why it has always been out there by itself.

Mr. Strausburg said he thinks the proposed change clears up confusion as to the status of the Airport. He said the Airport operates as a Department of the County, and they no longer have an Airport Commission running the Airport, they have an advisory Board, and that Board reports to the County Executive and the Council if necessary, so he thinks this clears up any lingering confusion on the Airport.

Ms. Chesnik asked if there is any impact on federal and state funding that the Airport gets now by putting it under this heading within the Charter, to which Mr. Strausburg responded, no.

Ms. Bellamy said she contacted the FAA about this and was told that, since Salisbury is already structured as a County facility reporting directly to the County Executive, there are no repercussions.

Discussion on Prioritizing List of Charter Changes

Mr. Dunn said one option is to identify their top recommendations and prioritize them, and then all the others would be presented to the Council in sequential order as they are on the scorecard. He clarified, everything the Committee has done will be presented to the Council regardless of whether they prioritize them or not.

Mr. Benson said, when they started this process he made the comment that he hoped the Committee would act in a manner that was collegial and that the recommendations made were by and large done with consensus, and, frankly, he thinks they have done both of those things almost uniformly. He said from his perspective, most of these items are simply cleaning up things the Committee felt were deficiencies and/or to address problems that came up in the last few years where there may have been some overstep or changes made because of issues that occurred with the last County Executive, and maybe the changes made were a step too far and they probably ought to go back. He said, prior to the last County Executive, his recollection is that the personnel department was handled through the Executive because that is where everybody reports and they have the expertise, but they also have to report to the County Council. He said there was some frustration because of things that were not occurring, so the Council changed the Charter to put the Council in charge of that, and he thinks the consensus of this Committee is that they probably ought to go back. He said he does not think that is controversial, but that does not mean the Council is going to adopt it because it takes authority away from them. He said he does not find any of these recommendations controversial. He said he thinks some things are more important than others, such as the recommendations made by bond counsel, and he suspects the Council will find that really important whether they rate them high or not, but they are certainly not controversial and it is something he thinks they would prioritize towards the top. He said there are other items he may think are more important, but others may disagree.

Mr. Benson said he came into this thinking they should prioritize, and he tends to still think that, but in the end, he thinks maybe it is better to hand the Council all 24. He clarified, he is afraid if they hand them all 24, some that this Committee thinks are more important may kind of get lost in the multitude.

Mr. Dunn clarified that everything this Committee has approved will be sent forward as a recommendation of the Charter Review Committee whether they prioritize or decide not to.

Mr. Strausburg said this Charter is laid out in a manner that the chapters flow for a reason. He said, if he were a Councilmember, he would like going through the Charter by Section and seeing what the Charter

Review Committee recommends as changes by Section, and he would prefer to see the Council consider all of this and make their own decisions.

Councilman John Cannon came to the podium and suggested the Committee put it in chronological order for simplicity for the Council to address, but it would not hurt to put an asterisk next to recommendations that the Committee highly recommends.

Mr. Baker said, to avoid trying to prioritize as a group, they could let everyone get one asterisk next to their top priority, and that way if there are five or six people who have put their priority on an item, that shows that the majority thought it was important, and there may also be some outliers.

Ms. Chesnik suggested going through the list and putting what they each think are the most important and then hand in the scorecard instead of just picking one.

Mr. Sarbanes said he feels like the Council gave this group a responsibility and a long list of concerns, so he would just give the Council the scorecard. He said it is not too much to ask those Councilmembers to look at this and decide what they think is important and let them talk about it. He said he is not sure if maybe they are creating an exercise they do not have to create.

Dr. Jones suggested they just talk about some of the items just to have a conversation before they figure out how they are going to do this. Mr. Dunn said that is a nice idea if they can get through it quickly.

There was then some discussion about the different articles and whether the ballot questions could be combined by article. Mr. Wilber said they could be combined if they do it by article, but that comes after Council decides which ballot questions they want.

Mr. Strausburg said he thinks all of these changes made it to this point because the Committee felt they were pretty important, and he trusts the Council to be deliberate and comprehensive in their review of their work. He said he thinks they should let the County Council do their job.

On motion by Mr. Sarbanes, seconded by Ms. Whited, and unanimously approved, the Committee agreed to submit all the work they have done to the County Council for their review and action.

Discussion of Presentation of Recommendations to Council

Mr. Dunn said he and Mr. Benson will be drafting the presentation before the Committee's next meeting. He clarified, it is just a draft, but it is a draft for final consideration. He said the Committee can make any suggestions and email them to the group, and they will then try to add them in on November 18. He said they will then vote on that as their document to present to the County Council, and then their work in terms of reviewing the Charter will be done.

Mr. Dunn then talked about when they would make their presentation to the Council and talked about potential meeting dates with January 18 being his preferred date. He mentioned that the Council's first meeting in December is when they reorganize, so he does not want to make the presentation on that date. He also talked about having as many Committee members present at the Council meeting as possible when they make the presentation.

Mr. Cannon came back to the podium and said sometimes information such as this is formally given to the Council, and he thinks maybe the Committee could do that on December 7 so the Council has it. He

said then when the Committee comes before the Council on January 18, that could be a Work Session to exchange ideas and information. He clarified, the 7th would be a formality.

Mr. Dunn said he does not want the Committee to present this in any form on the day the Council reorganizes, to which Mr. Cannon responded, that is Mr. Dunn's prerogative.

Mr. Benson asked if Mr. Cannon is suggesting they come to the Council and just hand it to them, but then come back on the 18th to make a formal presentation, to which Mr. Cannon responded, yes, and there would be no questions on December 7. Mr. Benson suggested handing it in on December 21.

Mr. Dunn asked if it would be a benefit or be a disservice if the Council has a month in advance of their presentation, to which Mr. Wilber responded, if they present on the 21st and then give a formal presentation in January, he thinks there will probably be a series of subsequent Work Sessions by the Council at which they may want to have input from the Committee.

Ms. Morris said she would rather not see the two-step process.

Mr. Baker suggested submitting the report to the Council without formally coming before the Council, and then come back at a later meeting for the formal presentation.

Mrs. Hurley said, once that document is submitted to the Council, they can get it posted online for public viewing and feedback.

Mr. Strausburg said he thinks this is an opportunity that happens once every ten years and it is a big deal. He said he thinks the public is interested, and he does not think the Committee wants to appear as if they are doing this in a cloak of secrecy, they want to be very public about it.

There being no further discussion, a motion was made by Ms. Morris and seconded by Mr. Strausburg to formally present their findings and report on January 18.

Ms. Chesnik said she does not understand why the Committee would hold off on giving the report to the Council after the report is finished so they have time to look at what they are giving them, to which Ms. Morris responded, although that has been done, she thinks this work is important and the citizens took their time to come to a meeting every two weeks, so they should not just drop it off. Ms. Chesnik clarified, she is not saying that, she said if they wait until January, it will not be posted online until January and the public will not be able to look at it until January, to which Mr. Dunn responded, that is because they are not presenting it until January.

Dr. Jones said she feels maybe they should present it for review on December 21, and it will be available for the public to review as well, and then they will be back on January 18 as a Committee to answer any questions. Mr. Dunn said he is fine with that.

Mrs. Hurley said someone mentioned December 21, and she would expect the Council to start having their Work Sessions immediately after that, which will be January 4. She clarified, she thinks if the Committee has enough people to show up for the meeting, that would be a good day to present.

Mr. Dunn said he wants as many members of the Committee to be at the presentation as possible, and his opinion matches that of Ms. Morris and Mr. Strausburg that this is important work and they are presenting as a Body to another Body that appointed them. He said, as the Chair, he does not want their work to get lost in whatever happens on the night of December 7. He said they have worked too hard to

get lost in the shuffle of the reorganization of the County government. He said the next available date is December 21 if the group wants to come in on that date.

Ms. Morris withdrew her motion.

Mr. Dunn concluded, they as a group have identified December 21, 2021 as the preferred date to present, and their second preferred date is January 18, 2022.

Public Comments

Mr. John Cannon came back to the podium and said he has not been able to attend all of the meetings, but the ones he has attended he is absolutely so pleased with how they have run these meetings diplomatically. He said each Committee member has input and it is very productive, and they have an excellent product, and he would like to thank them all very much for the hard work they have done.

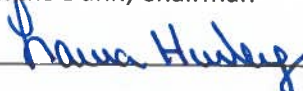
Mr. Robert Taylor came to the podium and said he agrees with Mr. Strausburg's suggestion that, in terms of appointing a County Executive, everybody should be there with unanimous attendance. He said he thinks probably it should actually be by a majority of the entire Council voting. He clarified, he understands that there may be a vacancy and there might only be six members, so there could be some mathematical aspects of that. He said he is working with a group in another County on some Charter changes and they have kind of gotten into this, and he thinks the model County Charter that is put out by the National Civic League recommends that particular method because it is such an important appointment. He said he is not quite sure that was the amendment tonight, and he thinks they might want to reconsider that as he thinks that is a sound way to do things.

Mr. Taylor said, frankly, the Council has almost eight months before they have to decide what will go on the ballot in November of next year; ergo, this Committee has no particular imminent deadline to do anything, and he suggests, frankly, that they go back and review all of their recommendations. He said, if he were on the Council, he would ask why the Committee has not looked at the tax cap, the County Executive system, or the number of Council Districts for which there were two suggestions. He said there was one suggestion that the two at-large districts be converted to regular small districts, and the other suggestion was his that the at-large districts just be done away with, which would immediately increase the minority district from 1/7 to 1/5, greatly increasing its clout. He said he suggests the Committee does that as he thinks this has been done too quickly, and that is why they are ahead of schedule. He said they ducked the issues he just mentioned – the Executive, the number of districts, and the tax cap. He said he is not suggesting what the proper answer or what he would even recommend on those is, but the fact of the matter is they have not been thoroughly discussed. He said he thinks some of the other things they have had motions on deserve further consideration. He said there is plenty of time to do it, and they do not have to go to the Council in January, there is absolutely no need for that, they could easily go in March or April and the Council would have plenty of time to go through this.

There was no further discussion.



Mike Dunn, Chairman



Laura Hurley, Recording Secretary