

The 2021 Wicomico County Compensation and Allowance Commission met on December 7, 2021 at 8:00 a.m. by Zoom.

Members Present: Dr. Memo Diriker, Chairman; Victor H. Laws, III, Vice-Chairman; Michelle Chesnik, Sharon A. Morris, Mark Rudnick, John Aukward, Victoria Miele, and Michelle Wright. Sue A. Cooper, PhD and Mr. Andrew Bauer were absent.

Dr. Diriker said the Commission has been asked to look at the Board of Education compensations, and he has not yet confirmed with the County Council President, but if they are asked to do it, they will do it. He clarified, that will be a simple letter from him indicating what the vote was and the compensation amount. Dr. Diriker said he and Mr. Rudnick, Ms. Wright, and Dr. Cooper will work on the Board of Education research if it is confirmed, but no action is needed for now.

Dr. Diriker then showed the Commission the proposed recommendations to the Council and said they will not be taking votes with regards to the numbers in the letter because they already did those. He said the only number they are going to discuss either maybe later at this meeting or at a later meeting will be the Sheriff's compensation.

Dr. Diriker said the letter explains that they had their meetings and the compensation amounts have remained unchanged for many years, and they are significantly lower than the roles and responsibilities of the positions' merit, and they wanted to add something about cost of living. He then asked if the Commission wants to do that. Mr. Laws said he does not have the specific language with him, but the 2017 letter captured it well. He clarified, it probably just needs to be adjusted to show that another four years has eroded that pay even further compared to the cost of living, to which Dr. Diriker responded, he will add the language from the 2017 letter to this paragraph. He then asked if everyone is okay with that, to which there was a consensus.

Dr. Diriker said, for the County Executive's position, they explained in the letter their reasoning for the recommended compensation, and they explained why the change needs to happen. He said they have provided all the information in Appendix A that Ms. Hurley sent the Commission and the additional information he put together showing where they got their information and data from. He said they show a screenshot of the scenario model and says, after careful deliberation, they decided on an amount of \$124,000. He said, for the County Council it says, after careful deliberation, the Commission recommends \$25,000 for the Council President, \$23,000 for the Vice-President, and \$21,000 for the regular Council Members, as was voted on at the previous meeting. He said they also say that they are not going to be changing the current allowances, as they want them to continue unchanged.

Dr. Diriker said Appendix C will provide the information Ms. Hurley sent the Commission about the current benefit levels, and they made three additional recommendations they previously voted on. He said the first is that, beginning in fiscal year 2024, these positions should be adjusted with the same cost of living adjustment offered to regular County employees. He said the second recommendation is changing the base levels for the County Council, which is something they have deliberated on many times in previous Commissions as well. He said, finally, the third recommendation is moving back the timing to the midpoint of the four year electoral cycle. He said Mrs. Morris brought to their attention that, if they were to follow the letter of the Charter, they would be meeting a year earlier.

Dr. Diriker asked for any corrections or grammatical changes anyone would like to make to the letter.

Ms. Chesnik asked if anyone can find where it says the Commission can start a year earlier because she broached that subject with one of the Council people and they told her that they have never heard that, to which Mr. Laws responded, he thinks it would be a Charter change. He clarified, he does not think there is anything wrong with recommending that earlier is better to take some of the politics out, to which Dr. Diriker responded, he agrees.

Dr. Diriker said the recommendations will be presented on December 21 to the County Council.

Ms. Chesnik said the timing of when the Compensation and Allowance Commission meets came up during a Charter Review Committee meeting, and she thinks it was Paul Wilber who said it is set by the State.

Ms. Hurley said the report has to be submitted to the County Council within 15 days after the beginning of the fourth term, which is State law. She said it is written into the Charter, but mirrors State law, so it is not something the Commission can change, but they can certainly make that recommendation.

Dr. Diriker said, if it says "by," the Commission can submit it before that time period, so they can deliberate earlier, they can submit it earlier, and they can vote on it earlier, and they would be in compliance legally. Mr. Laws said he agrees with that viewpoint, but he does not know exactly what Mr. Wilber was looking at, as he has not seen a specific recommendation.

Ms. Hurley then read the exact Charter language, which says, "When established, the Commission shall set the compensation and allowances within 15 days after the beginning of the fourth year of a term of each Council." Mr. Laws said that still strikes him as a rule stating that the latest it can be submitted is 15 days after the start of the fourth year of a Council term, to which Dr. Diriker responded, that is his understanding as well. He said the recommendation will stand and it is up to them whether they take it to the State or just simply follow what is already written in there.

Dr. Diriker then asked for a motion to approve the Minutes from November 23, 2021.

On motion by Mr. Laws and seconded by Ms. Wright, the minutes from November 23, 2021 were unanimously approved.

Dr. Diriker then asked the Commission if they want to discuss the Sheriff's salary today to avoid having another meeting, to which it was agreed to move forward with discussing the Sheriff's salary.

Dr. Diriker said the language is going to be simple, as it is going to be a letter from him with the information Ms. Chesnik provided. He said Dr. Cooper is in favor of an amount higher than \$100,000, but she was not able to attend the meeting, so he wanted to share that information.

Dr. Diriker said he did some number crunching and the 2 percent, if he recalls correctly, is \$107,000 and the COLA is \$117,000, and the parity is \$121,000. He said collective bargaining amounts tend to be higher than the elected leaders salary, so it is not an aberration, as that does happen in other jurisdictions outside Maryland as well; however, the decision is up to the Commission whether to stay with the \$100,000 that was decided at the meeting on December 1, or does the Commission want to go with \$107,000, \$115,000, or \$121,000, or something completely different.

Mr. Rudnick asked if anyone has heard from Sheriff Lewis on this subject, to which Ms. Chesnik responded, the Commission members should not be hearing from Sheriff Lewis or Councilmembers, or

anyone to be honest. She clarified, this should be a decision that is made by the Commission without input from Council people on salaries, and she is sure other Commission members have had input from Council people on salaries. She said the Commission should be making these decisions based on what needs to be done, what is out there economically, and what is right.

Dr. Diriker said he has not heard anything from Sheriff Lewis this go around, but he did hear from him after the Council rejected their recommendation the last time, or it may have been the time before, sharing his disappointment. He said the Council, outside their purview, re-voted with one vote changing and that is when Council gave the Sheriff \$95,000, but the Commission was not part of that vote as all of their recommendations were rejected that go around.

Mr. Rudnick asked if the projected numbers for the County Executive and Sheriff are close to each other, to which Dr. Diriker responded, the County Executive is \$124,000 and the highest scenario for the Sheriff is \$121,000. Mr. Rudnick asked if they are a little too close to each other, and should there be a larger differential, to which Dr. Diriker responded, no, they are totally different positions, one does not report to the other.

Ms. Chesnik said they are different positions as one is taking care of law enforcement, drug control, gang control, and everything else in the whole county, not just in Salisbury, and the other one handles the budget and the people in the County who do the administration. She said they cannot compare the two positions.

Mr. Laws said a \$26,000 pay raise is a rather extreme step from \$95,000, to which Ms. Chesnik responded, the Commission is making a recommendation. She then asked if they really think the Council will give him the \$26,000 raise, as they did not give it to him the last time, to which Mr. Laws responded, Council may not, but he is just trying to make the same point Ms. Morris made the last time about the way the voters will be heard from if they make an extreme recommendation, sort of like when Voice came in and brought about the revenue cap because of a property tax increase 20 or 25 years ago. He said it just strikes him as an extreme step. Dr. Diriker said it is fairly high, and they are also making a 42 percent increase recommendation for the County Executive, but they are on solid logical ground. Mr. Laws said the County Executive's salary has been artificially low for several terms, but the Sheriff has had an increase. Dr. Diriker said the amount that Council finally voted on was not the step increase the Commission recommended, it was an arbitrary number, and he does not know how Council came up with the \$95,000, as the increase was given after their recommendation was voted down. He said there will be people questioning the percentage, but he will explain why they came up with the salary they decided. He said, as Ms. Chesnik said, it is Council's purview to completely ignore the recommendation or change it, and, in fact, in this case, unlike the other four positions the Commission discussed, they can actually come in and say \$100,000 is not enough and give \$130,000. He explained, Council can increase the salary for the Sheriff because it is not in the Charter as part of the mandate. He said he is more than happy to defend the salary because every single one of those numbers is defensible.

Ms. Chesnik said her concern with the Council is, if they do not give them a high number, they are not going to do anything. She said she looks at it two ways; first, Sheriff Lewis is not going to stay here forever and second, if they are going to get somebody to step into the position who is going to do a good job in the position, they need to have someone who is willing with credentials to come into the position with a criminal law degree or some type of credential that will work hard for this County. She said they are not going to budge these Deputy Sheriff's to take the position because why would they

take something for \$95,000 when they have so much less responsibility and they are getting a lot more than that already. She said she is looking at the salary as something for now and something for when Sheriff Lewis decides he is going somewhere else or retires that the County has just as good of a person step in. She said they are not going to take this position if they can go to a lower position and make just as much, if not more, starting out. She said Sheriff Lewis has done a good job with drug control, he has done a good job with bringing money in from raids, he has done a great job with homicides, and with gangs. She said people say that he gets a pension because he is a State Trooper, but how many of them would want to have someone say they do not want to pay any more because they are already getting a pension. She said someone earned that pension and they are now in another position, and they deserve what they get for what they are doing, not based on what they are bringing in from another income. She said she thinks it is time Council did something with the salary. She said, if the Commission recommends \$100,000, the Sheriff might get \$98,000, and if the Commission recommends \$107,000, the Sheriff might get \$100,000. She said the Commission needs to put something on the table that will say to them, wake up, we need to prepare for the future and take care of what we have now.

Ms. Wright thanked Ms. Chesnik for bringing this to the Commission's attention. She said maybe the Commission can figure out where it thinks they should be over a period of time, and maybe propose a gradual increase over the next four years, like starting at \$107,000 then going to \$112,000 to get him to what the Commission thinks is fair pay for the job and the responsibilities that are required.

Dr. Diriker said he likes that, but the difficulty is that those other positions will also be increasing. He then showed on the screen the salary for FY22 for a deputy at \$128,000, which will keep increasing in the next four years. He said, looking at the history, these positions have increased at or slightly higher than COLA, not the 2 percent limit the County uses for other things. He said, whatever the Collective Bargaining process is, the salary in the next four years is going to increase, in his opinion, in the range of 2 to 5 percent per year. He clarified, the positions that are showing with the salary of \$130,000 and \$116,000 are not deputies, and he is focusing on the deputies themselves.

Dr. Diriker said the Commission is saying the highest parity number is \$121,000 and, if they brought him up to \$121,000 by the end of the fourth year, the other positions will be in the \$130,000-\$140,000 range, which brings them back to the same problem.

Ms. Chesnik said they do not know what will happen in the next election cycle after 2024. She said, if the Commission decides to give him \$121,000 and Council gives him \$110,000, that is what it is going to be for the 2024 cycle and the next cycle.

Ms. Wright asked if the Commission can do a percentage increase year to year instead of a set amount, to which Dr. Diriker responded, he does not know. Ms. Chesnik said she thinks when the public hears a percentage that is more worrisome than a raise. Dr. Diriker said he would recommend against it, but Ms. Wright can make a motion if she wants.


Mr. Aukward asked if the Sheriff's salary is subject to a COLA every year, to which Dr. Diriker responded, no, it is not, but the Commission can make that recommendation.

Ms. Chesnik made a motion for the Sheriff's salary to be \$121,000 – parity, which was second by Ms. Wright. The motion passed with 6 in favor and 1 opposed.

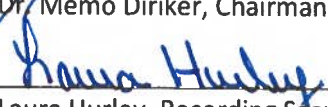
Dr. Diriker asked if the group would be in favor of him putting the same language about the COLA in the letter pertaining to the Sheriff's position that is in the letter for the County Executive and County Council positions, and if there is any reason why they should not include that language. He then said he would put the language in the letter by acclamation.

Dr. Diriker then asked for the Commission members to please stop by the Council Office starting Thursday morning to sign the letter of recommendations. He said he will sign the letter with the Sheriff's recommendation on behalf of the Commission.

There was no further discussion.



Dr. Memo Diriker, Chairman



Laura Hurley, Recording Secretary