

**Wicomico County Council
Open Work Session Part 1
January 20, 2015**

Work sessions require written minutes that reflect each item that the public body considered, the action that the public body took on each item and each vote that was recorded. **It should be noted that at work sessions, the Wicomico County Council does not take formal action, nor is a vote taken on any item discussed.**

In attendance: John T. Cannon, President; Matt Holloway, Vice President; Ernest F. Davis, Marc Kilmer, Larry W. Dodd, John B. Hall and Joe Holloway.

Present: Matthew E. Creamer, Council Administrator; Edgar A. Baker, Jr., County Attorney; Maureen Howarth, Deputy County Attorney and Melissa Holland, Recording Secretary.

Elected School Board :

Mr. Kilmer said he has spoken with many people in the community and the citizens would like to see this moved forward this year. He said that the board makeup needs to be specific. Mr. Cannon asked how descriptive the letter that is sent to the Delegation needs to be to place the idea of an elected school board on the ballot. He asked if they need to know the districts. Mr. Baker said it could be a simple question of “do you want an elected school board” or giving the citizens options. He said they will need the detail to just go to an elected school board. Mr. Kilmer said the legislature passed a bill to say that Caroline County could change the way it selected its school board and had the voters approve it. The legislature could do the same for Wicomico County and let the voters vote in 2016. Mr. Cannon said that Mr. Kilmer prepared a list of bullet points that should be discussed and they are: Nonpartisan elections, seven members elected to four terms, use the same districts as the Councilmanic districts, registered voter, vacancies filled by the Executive with confirmation by the Council, if occurs within two years or special election. Mr. Kilmer said other counties use these as well.

Mr. Dodd said he has spoken with many citizens and the majority of the people are interested in an elected school board. He is in favor of placing it on the ballot in 2016 for a yes or no answer. Mr. Creamer said a straw vote can be taken to see the perspective of the voters and that is a two year process which could take place in 2016. He said if the majority of voters favored an elected school board the board would have to be fashioned and given back to the voters to decide. He also said in some counties there are elected members at district, elected at large and some are appointed by the County Executive or Council. He said that various counties have different types of boards.

Mr. Baker said if the Council only asks for the straw ballot then it doesn't matter about the districts or how many people and is just a question “Do you want an elected school board?”

Mr. Dodd said the people want to vote on an elected school board to which he said no straw vote. Mr. Davis said straw vote as they don't know how all of the citizens feel and

said by making an elected school board a mandatory decision by the Council does not give the citizens an opportunity. Mr. Cannon said they could vote no at the polls if they were not in favor. Mr. Hall said a straw vote; Mr. Kilmer said no straw vote; Mr. Matt Holloway said a straight yes or no vote. Mr. Cannon said the majority is to move forward with a yes/no vote.

Mr. Baker said he prepared a bill previously and followed the same format as other jurisdictions with seven members and to be qualified for membership a person has to be a member for a year, a registered voter, live within the district in which elected, everyone elected at the general election with five members from each district and two at-large positions. He said that each member will serve a term of four years beginning on the third Monday. He said in the legislation it reads that they can't serve more than two terms. He said there are also removal provisions have a person terminated from the Board which are immorality, misconduct, willful neglect and incompetence and they have a right to a hearing.

Mr. Matt Holloway feels that the hybrid needs more discussion. He said that by looking at the Council makeup, there may be an issue for diversity on the Board of Education. Mr. Cannon said that citizens did not like that the appointments were made by the Governor. Mr. Kilmer said if there were issues with diversity with an elected school board there could be a hybrid board at that time.

Mr. Dodd is not interested in a hybrid board. Mr. Davis said he has an issue with making a decision without the citizens input and he supports a hybrid board. Mr. Kilmer said he is concerned about the Council not having a public hearing and asked if a letter could be sent and then hold a public hearing on February 3rd. He said a public hearing needs to be held at a night meeting. Mr. Joe Holloway said he would like to see an elected school board, however, if a hybrid board was decided upon would it be possible to have the appointments done locally instead of the Governor making the appointments. Mr. Matt Holloway said the two at-large positions could be the appointed members. Mr. Kilmer asked if they send a letter in support of an elected school board and the public says they would like hybrid could a letter be sent to the Delegation to change to hybrid. Mr. Hall said he feels that the Delegation would like something definite and not something that they would have to change after the fact. Mr. Hall is in favor of a hybrid. Mr. Kilmer is in favor of an elected school board. Mr. Dodd would like an elected school board. Mr. Matt Holloway would like a hybrid with local appointment as well. Mr. Cannon would like to see fully elected school board. Mr. Hall said a number of good people have served on the Board of Education over the years and he found out that those persons would not have served if they had to run for an election. Mr. Kilmer said there are also people that would have liked to serve and were not able to. Mr. Dodd said this has nothing to do with the current Board members and they care about the children. Mr. Cannon said it is not personal but the constituents have requested. He said the appointments would be done by the Executive with approval from the Council. Mr. Strausburg said if the letter can be completed today it can be hand delivered tomorrow to Annapolis.

A consensus vote was taken. Mr. Creamer said the current construct of the Board is staggered terms and he didn't know if the Council would like to see staggered terms and a phased in transition. Mr. Joe Holloway said at some times he believes an entire new Board of Education will be in place however he feels that there will be some overlapping of terms. Mr. Baker said this will be placed on the ballot in 2016. Mr. Kilmer said the up or down vote should be done in 2016 and they will run for election in 2018.

Theo Williams, Program Coordinator for the Salisbury-Wicomico Youth Civics Council asked if one of the appointed individuals will be a student in the Wicomico County School system as other counties do. Mr. Kilmer said the non-voting student member would be allowed to offer input. If this has to be included in the legislation the Council is in agreement with adding a student representative.

Julie Brewington said it would be important to have existing members with experience and she feels that it should be phased in and doesn't feel that all members should be elected at one time.

Jude Jester asked if the entire board will be elected at one time. Mr. Cannon said they are trying to make that decision. Mr. Matt Holloway said if three were done in 2018 and others were done at the next election. Mr. Kilmer said if there are vacancies in 2017 or 2018 the Executive could appoint those and would stay on for a four year term and then the newly elected would come in 2018. He said he is not sure whose terms are up in 2017 or 2018. Mr. Dodd said the Board is currently staggered. Mr. Creamer said the Constitution says that all county elected County Council, or board or county commissioners must run for election every four years, their terms coinciding. Mr. Creamer said municipalities and Boards of Education have staggered terms.

John Palmer said a Senator he spoke too said she wanted to see existing members stay on the Board of Education to retain the knowledge.

The Council gave a consensus for a hybrid board.

Steve Roser, Internal Auditor :

Mr. Roser said the impact fees grant audit is a part of the 2015 annual audit plan. He said the program effectiveness can be evaluated with a survey. He asked the Council if this was a worthwhile project that they would like to continue or place on the back burner or discard of the audit. He said if this program would not be in place going forward is an audit necessary. Mr. Cannon said the Council would like to see if the program was effective. He said he would like to know if the county is getting the bang for the buck and said that he would like to know if the program was successful. Mr. Joe Holloway asked what is going to be audited. Mr. Roser said he would like to see what the program brought to Wicomico County but said he would have to see every contractor's P&L and compare to previous ones. Mr. Cannon said he would be willing to provide that information. Mr. Roser questioned how much time a contractor would be willing to spend to provide the information. Mr. Joe Holloway asked why he doesn't do an audit on one or two properties. Mr. Matt Holloway suggested sampling as well. Mr. Roser said he works alone and it will be difficult to do the numbers for 72 contractors. Mr.

Cannon said he did not intend for Mr. Roser to do all the contractors just a sampling of the contractors. Mr. Kilmer asked what will doing this audit take him away from to which Mr. Roser said this is in the audit plan and won't take him away from anything else. Mr. Cannon said he would like to address the moratorium on impact fees after the audit is completed. Mr. Kilmer asked if something from the Executive office would come about the moratorium. Mr. Cannon said that will be brought back after this audit is completed.

Website Update:

Mr. Roser said the audit reports are posted however the follow up documentation are not included on the website. He said he has worked with IT to be able to add a follow up to the audit to the website. He said he has 27 documents to include which were discussed with previous Council and said he would be glad to answer any questions and he asked for permission to include the follow ups on the website. Mr. Hall said to place the follow ups on the website to which all Council agreed.

Open Work Session Adjourned.