

**Open Work Session**  
**Procedure for Filling a Vacancy on the Board of Education**  
**September 17, 2019**

Mr. Taylor said there is a time deadline to get this to the General Assembly. Mrs. Hurley confirmed, they have to submit the language they intend to present by November 1, 2019. Mr. Taylor said he can go through this quickly because it is more or less a reiteration of the last meeting, and, if Council does not have any questions about his memorandum, he can just quickly go down it.

Mr. Taylor said item number one is to terminate the recommendation procedure, which would be the Nominating Commission, and just do away with the Commission, so, essentially, Council would just appoint the vacancy under its own procedure. Mr. McCain asked if anyone actually said they wanted to totally do away with the Commission, to which Mr. Taylor responded, the only thing the Commission does is make recommendations. He clarified, that is their only function, so if Council is not going to use them for recommendations, there is no point in having the Commission.

Mrs. Acle asked if they have any minutes or notes, or if they know who the members of this Commission are, to which Mrs. Hurley responded, she has the Resolutions appointing the members of the Commission, but she does not have their minutes. Mrs. Acle said it is kind of hard to judge whether this is a useful Commission or not when they do not know what they said. Mr. Cannon said there is very limited turnout of the members who have been appointed, and they had a lot of trouble getting a quorum. Mrs. Acle said maybe they need to look at getting new members. Mr. Cannon said they made it very diverse with about 14 to 20 members, and they were trying to get people in business, and people representing all facets of the community, and he thinks it was overkill. Mr. Taylor said he thinks there are only three Counties left in the State that have a Nominating Commission. He said Anne Arundel had one, but they did away with it, and, in fact, it goes out of effect next year.

Mr. Ben Brumbley, Chair of the Wicomico County School Board Nominating Commission came before Council. Mr. Cannon explained, Council has been discussing possibly terminating the recommendation procedure and the Wicomico County School Board Nominating Commission. He clarified, they are looking at changing it from a Commission appointment process to a Council appointment process, and he shared with Council some of Mr. Brumbley's concerns over the last couple of years whereas it was difficult to get a quorum, and things of that nature. He said he is not going to put Mr. Brumbley on the spot, and he knows he never recommended getting rid of the Commission and they never even had a discussion, but he is just filling Mr. Brumbley in on what just transpired since the start of this Work Session. He clarified, they are not making any decisions today because this is a Work Session, but they would appreciate any input Mr. Brumbley has. Mr. Brumbley said, no matter who decides how the Commission is going to be made up, there needs to be a process for when people do not show up or attend where they can be eliminated, and other people can replace them. He said the Commission met on two different occasions since the Commission was put together. He said there are 14 people on the Commission, and two of them from different locations only attended the very first meeting they ever had, and one of them has never attended a meeting at all. He said they were representing different townships in the area, and, because of that, there was a problem with a quorum sometimes. He said he understands that people have sicknesses and other things come up, but, from being a member of the Maryland PTA Board of Directors, his suggestion is to do what they did. He explained, the President or the Chair excused people when they let him know what the issue was as to why they could not attend,

but if it was unexcused and they missed three meetings, they were replaced by somebody who wanted to attend the meetings.

Mr. Taylor said the first thing for Council to decide is whether they want to do away with the Commission or not, and he thinks the rigmarole and difficulties that have just been expounded, essentially, sort of support doing away with it. Mr. McCain said, although he questioned this in the beginning, given all of that, he agrees that the simpler it is, the better. Mr. Taylor said he thinks probably the difficulties Mr. Brumbley described are why Counties are abandoning this method.

Mr. Holloway said, for the Charter Review Committee and the Redistricting Committee, Council chose the members of those Committees, and that is the way those two Committees had been handled in the past, from his experience, which is just some history as they move forward with this.

Mr. Taylor said, in terms of Board of Education vacancies, there are only three Counties that use Nominating Commissions, and, with the others, the appointing authority, be it the Council, the Governor, or in some cases the Board of Education, just does it directly without any nominations, except in three Counties. Mr. Cannon asked what the outreach process would be, to which Mr. Taylor responded, it is up to Council, and they can use whatever procedure they want to use. Mr. Cannon asked, if the process was changed to just Council, what would the outreach process be, to which Mr. Taylor responded, that would be up to the Council. He clarified, they could adopt a set of rules and procedures for that, but normally he thinks, when someone leaves the Board, Council would announce at the next meeting for people to submit applications by a certain date, and then proceed that way. He said, or, if they wanted to, they could have a very formal procedure with people submitting their application and three letters of recommendation, but it would be up to this Body. Mr. Holloway said this County has Districts, they have District Board of Education members, and they have District Council people. He then asked if it would be up to the District Council person to appoint somebody out of that District because it is not going to be as simple as it sounds, to which Mr. Taylor responded, it can be as simple or as complex as Council wants to make it. Mr. Cannon said they are looking for guidance as far as examples that are out there, to which Mr. Taylor responded, in the State Code there are no examples of procedures that he can recall, and he thinks the reason is that they do not want to tie themselves down to a procedure in the State Code where, if they want to change it, they would have to go back to the General Assembly, so this way they would just pass a Resolution. Mr. Cannon said maybe Mrs. Hurley can talk to other Counties that are doing it a little differently and ask them how they go through their process. Mr. McCain said, if they eliminate the Commission, the other language associated with that would all still be there, such as a certain number of days they have to submit their applications, to which Mr. Taylor responded, he thinks it would be up to this Body to pass a Resolution for that, and that is what he recommends, doing it by Resolution rather than having anything cast in stone in the State Code because it is so hard to change. Mr. Cannon said he agrees with Mr. Taylor 100 percent. Mrs. Hurley said she can check with the other Counties on that to see if they have a separate policy.

Mr. Cannon said the other hiccup they came across was having to go back through the process of what they were going to do, and whether they should do more Public Hearings again because he thinks it was two Public Hearings required, and they talked about doing two more Public Hearings, but before they knew it, it was going to be a convoluted mess for another six months.

Mr. Brumbley said, before Council starts thinking about doing away with a Commission that is already set up, the first time they went through this, he and Mr. Cannon spent quite a number of hours on the phone calling other people because there were so many questions that needed answers and were not

answered in the beginning. He said right now they have most of those questions answered regarding the procedures they had to follow that were not only legal, but meant to make everyone happy. He said, to just appoint a Commission at the drop of a hat if someone passed away and they had to reconvene, to have people start this process all over who do not know what the history is, or what they need to do, he thinks would be detrimental to the process. He said, if Council is going to keep the Commission, there are a few issues that need to be addressed, and he contacted some of the other Commission members to make sure he was going to bring forth to Council what those procedures needed to be for Council to look at. He said, to do away with a standing Body he thinks would be detrimental to the process, and to the Council because it is a lengthy process they have to go through, and it is not just a fly by night kind of thing. He explained, they have to have the applications, two Public Hearings, and then they have to turn it into Council, which really takes time, and they have to have people who know something about what they are doing. He said it really has to be somebody that has some knowledge of the Board of Education to be able to navigate through the process.

Mr. Dodd said the biggest problem they are going to face, regardless of what they decide, is inexperience and knowledge. He said the biggest problem is also that they are not going to see a high turnover in Board members. He said Dr. Hanlin stated this morning that, during her time in Washington County, she never saw a change in Board members, but Wicomico County had an unfortunate death a couple of months ago, which is why they had to do what they did. He said it is going to be difficult to keep that Commission going without regular meetings and keeping everybody apprised with what is going on in the future process. Mr. Holloway suggested, maybe instead of having a Commission it would be better to have just one person, such as Mr. Brumbley, who Council could turn to for coming up with the names, if they were to get rid of the Commission. He clarified, he is not advocating they get rid of the Commission right now, but a thought would be, if there was a vacancy on the Board, they could turn to somebody, such as Mr. Brumbley, or someone who has been active in the school system who would know the situation. He said that person could come up with the names, and then let that person work with these people to explain the ins and outs, and what they need to do as far as ethics filings, and making sure they are registered voters. He then asked if that would be something to work with, to which Mr. Brumbley responded, he assumes it would be alright, but that would give one person a lot of pressure to know everything they need to. He said this current Commission is made up of a few teachers, businessmen in the community, and a past Board member. Mrs. Acle said and a parent of a special needs child, to which Mr. Brumbley said the parent for special education never attended. He said he thinks the Commission was good, and every township was represented as long as they had a Council or Commission of that town. He clarified, the only two who did not have anybody were Walston Switch and Parsonsburg, but everybody else in the County had somebody represent them, and different organizations came together to have some say about who was going to be the next Board member.

Mr. Hastings said more Bodies are switching over to rank choice voting. He said, in this case, if they had a Commission, they could come up with three to five recommendations and rank them. He said they could do it a couple of different ways, such as with points, but then if somebody dropped out, whoever is the next highest ranked would then just go in. He said that might make it easier, and is a larger trend that is happening across the Country, but rank choice voting is not a bad way to do it.

Mr. Brumbley asked how many Districts there are, to which Mr. Cannon responded, five. Mr. Brumbley suggested, maybe if they had someone from each District, they would not really need the two at-large members with the five Districts, so they would have the whole County represented, and then they could cut down on the amount of people, so the number of people needed for a quorum would come down, and hopefully they would have people who really wanted to serve if they were serving in their District.

He said one issue the Commission had was that it is not listed that they have to be 21 years old and have to be a registered voter, but the Maryland State Board of Education says they have to be 21 years old to be on the Board. He said they did not have that in the Bill the first time around, and they had a student who was 18 years old and was a registered voter who applied, and would have been a good candidate, but was not 21, so that needs to be stated. He said another suggestion, and he guesses this would have to go through the Legislature, but would be to have a staggering Board instead of everybody being voted on in the same year because then it could be a lot of problems if it were all new people on the Board with nobody knowing what is going on. He said there is a transition period, but he thinks adding that would be a very wise way to go no matter whether they keep the Commission or not. He said another thing is the Commission did not have a budget, but if they do not keep the Commission and turn it back to Council they would not have that issue. He explained, when trying to get people to advertise on TV and in newspapers, people did not really want to talk to them a whole lot about it because they were not talking dollars and cents. He said the budget was a big issue. He said the first time they did not have as much trouble getting the different advertising agencies to cooperate with them, but this last time they had major problems with it. He clarified, they did not say it was a money issue, but they did not advertise for them either. Mr. Cannon said that will come down to a matter of whether Council funds it, or the Board of Education funds it, but they will have to consider that.

Mr. Holloway said the other thing they really need to stress in the future is the ethics forms they have to fill out. He said he talked to somebody yesterday who was on a State Board in Wicomico County who resigned because of all of the information the State needed to know, and he is sure it is the same way with this. Mr. Cannon said that is not going to come into play with what Council is doing because that is State mandated, to which Mr. Holloway responded, no, but what he is saying is they need to know about it. He said they might get a person they think would be great, but then they see all they have to do and say they are not doing all of that. Mr. Brumbley said the first time around when they presented three names before the actual election to make it a voted Board, the Board of Education gave the Commission the ethics policy that the State came up with, and they made that a part of the application packet, which also went out with the application during this most recent time.

Mr. Taylor said to him it sounds like they are trading simplicity for making something that is already a lot more complex, but that is just one person's opinion. He said they have members who are appointed by the municipalities, so he does not know how they would do that on a staggering basis. Mr. Cannon said he liked Mr. Brumbley's suggestion that maybe they have five members, one from each District, and that would cut down that list, to which Mr. Taylor responded, that would certainly be another way to do it. Mrs. Hurley said the staggered terms are normally the end date, and not the start date. Mr. Cannon said these are just temporary appointments anyway to finish the term. Mr. Brumbley said that would be determined by somebody other than the Commission. Mr. Taylor said it is up to Council, but that is the way he sees it. He said there is a simple way of doing it, which is just to end the Commission. Mr. Cannon said, to end the Commission, they would have to get back to the whole set of processes, to which Mr. Taylor responded, they would just have it put through the General Assembly, and that would be the end of it, just like Anne Arundel County did a couple of years ago.

Mr. Cannon said he thinks they are going to need some more recommendations and suggestions from the other Counties as to what they are doing to get a feel for what they will have to anticipate. He said he agrees that there could be a simpler process, but he just would like to know what they would plan to get into, and how they are going to do it. Mr. Taylor said all he can tell Council is what is in the State law, unless Council wants him or Mrs. Hurley to call the different Counties, to which Mrs. Hurley responded, she can contact some of the Counties to see how they handle theirs. Mr. Taylor said, if they want to get

this in the Legislature, it is not absolutely necessary, and November 1 is not a hard deadline, but it is a significant deadline in terms of getting the Legislation through, so that is something to keep in mind.

Mr. Cannon asked if there are any other points Mr. Taylor would like to make, to which Mr. Taylor responded, going down his list, number two has to do with providing that a vacancy appointment is for the full remaining term regardless of when the vacancy occurs so to avoid appointment for only part of the remaining term. He said the appointment Council made a couple of months ago is going to have to run again in next year's election to fill out the final two years of the four-year term, so, if Council wants to do away with that, under item two in his memo he has the changes that would be made. He clarified, that is, of course, separate, from the Commission, but, if Council wants to proceed on that, he can draft language. Mr. McCain said he has always thought they should serve out the term, and he feels the same way about the Council. He said, if they are appointed, they should be appointed to fill a term. He said, in fact, the language is kind of contradictory when reading it because it says they are appointed to fill the term until the next general election, and he was not here when it was originally written, but he almost feels like maybe they were thinking the next County election, to which Mr. Cannon responded, it was meant for the short-term. He clarified, Mr. Kilmer specifically had concerns with the fact that the person would not have been elected by the constituents of that particular District, so they should not have the privilege of the entire four years, to which Mr. McCain responded, unfortunately, that happens all the time when there is a vacancy. Mr. Cannon clarified, that was the thought behind it. Mr. McCain said the problem with that is it causes an election that is not in the cycle, to which Mr. Cannon responded, he does not have a problem going to the four years. Mr. Taylor said, in almost all the Counties, it is for the full term, though there are a handful like Wicomico County. Mr. Dodd said, if they do it for the Board member, they should do it for the Councilmembers, to which Mr. Cannon responded, they need to stay on one subject at a time. Mr. Taylor said that would have to be done by a Charter Amendment.

Mr. Taylor said point number three provides for an appointment of a member if there is not a candidate running for election or elected from a designated District, or less than two candidates running for the at-large seats. He said they talked about that the last time, and he thought everyone was in favor of it.

Mr. Taylor said number four is an optional item which allows for a vacancy that occurs near the end of a term to remain unfulfilled if the vacancy occurs within a very short period of time before then, and he guesses this would be if they were going to change to the four-year period. Mr. Dodd said they need to define that short period of time, to which Mr. Taylor responded, that is correct. He said, if Council wants to do this, he thinks they need to put in a period of time in which it can remain unfulfilled, such as three months, or six months. Mr. Dodd said he thinks they mentioned nine months the last time. Mr. McCain said it could possibly be nine months because, to be a candidate, they have to submit around the end of January, so if something happened in March prior to an election, it would not seem to make sense to appoint somebody when there are already candidates running for that seat. He said the question is whether it would be six months or nine months, or somewhere in that window. Mr. Taylor said he also has an optional item that says "Unless requested to do so by the County Board." He clarified, in other words, if the Board felt they needed to have that vacancy filled, they could then ask that it be filled. He said, with that optional item, Council could extend the period to nine months, and it would be more reasonable. He said, if Council is happy with the nine months, he will just put that in. Mrs. Acle said her only concern with the nine months is that District 2 does not like to go unrepresented in anything. Mr. Dodd said they could say that about all Districts, to which Mrs. Acle responded, her District is very vocal about it. Mr. Brumbley said they would be looking at almost a two-month process, or at least a month and a half for the Commission to do its job. He said, by the time they allow a couple weeks for applicants to submit their applications, and then by the time they vet those applications and have two Public

Hearings a week apart, they have to figure it takes at least two months for the process whether they have a Commission set up or not because that is the way it is stated in the law.

Mr. Taylor asked if Council is okay with the nine months with the option of the Board asking it to be filled if they feel that it needs to be filled in that period, to which several Councilmembers agreed. Mr. Brumbley said the only thing with that is that it would be limiting it down to a Board that is an even number rather than an odd number for votes. He said he knows that was an issue with decisions being made on the Board in the past when there was a lapse in time replacing a Board member, so he thinks that is something Council has to consider. He said six months may be okay, but he does not know if nine months might be too long. Mr. Taylor clarified, the Board would have the right to come in during that time period and say they would like to have it filled. Mr. McCain said they could write this so it could still be filled if they elected to, but the option would exist not to do it. He said that could be a discussion at that point in time as to whether it should be filled or not during that period, but it does not mean they have to do it. Mr. Taylor said he actually had in mind that, if the Board wanted it filled, they could ask Council to do it, and Council would have to do it. Mr. Cannon said he can live with that because he thinks nine months is a long time, and, as Mrs. Acle said, there are people who want to have representation. He said this Council had six members for three months and it was a nightmare. Mr. Taylor said he thinks the Board would have to make that request within some time period before the end of the term because, as Mr. Brumbley just said, if they keep the Commission, it is going to take a couple of months just to get the names before Council, and it will take another two weeks to a month for Council to make a decision, so they are probably talking at least three months. Mrs. Acle asked, if that is the case, instead of going through the nomination process when it is only six months, can they just say that the Council District Representative has to serve on the School Board until the time is up, to which Mr. Brumbley responded, that would be a conflict of interest. Mr. Cannon agreed, that would be a conflict of interest. Mrs. Acle asked if they could just assign somebody during that time. Mr. Brumbley said he does not know the legal aspect of this, but they could have an alternate for the Board. He said he is just talking off the cuff, but if there was an extra person at-large who had no voting rights on the Board but maybe went to the meetings, and then if there was a case of a vacancy, they could step up. He said, if they were an alternate to the Board, they would already know the process and the issues before the Board, and, therefore, they could step in and not have to spend several weeks in training. Mr. McCain said that would open up a whole can of worms, such as whether to pay them or not. Mr. Cannon said that was a good thought, but he is concerned that the person may not live in the exact District that may need to be replaced. He said they could be an alternate, but may not live in that District.

Mr. Taylor asked if everyone is okay with the nine months and the three-month deadline, to which Mr. Cannon responded, he would rather do six months unless the Board comes to Council before then. Mr. Dodd said he is okay with six months. Mr. Taylor said he will prepare something along those lines.

Mr. Taylor said item number five is another optional item, and would be to prohibit appointment of someone who is running for election and opposed by other candidates, which is something Mr. Holloway mentioned at the last meeting. He clarified, in other words, if they get down to the end of the term, as Mr. McCain pointed out, people will file for the next term, so the idea is that Council could not appoint somebody who is running and is opposed. He said, if they are not opposed, there would be no reason not to appoint them so they are not, essentially, influencing the election. Mr. McCain said he sees some challenges there because then they are also penalizing someone because they filed before the vacancy occurred, and they have no control over that, but then all of a sudden they would be saying that person cannot be appointed, even though they might be a great candidate. Mr. Cannon clarified, this would only be if they were contested, to which Mr. McCain responded, he understands that. Mr.

Cannon said that brings up a good point of whether they should not make any appointments during a final election cycle, to which Mr. Taylor responded, then they are getting right back to the nine months, which they just talked about. He said he will read the language he has for this, which may cover what Mr. McCain is concerned about. He then read, "A person who has filed to run for a seat in the next term may not be appointed unless after the time in which candidates must file in order to be elected, he or she is unopposed." He clarified, in other words, it would only be after the filing deadline, or, in the case of an at-large seat, if only one other person has filed to run for those seats. He said, in other words, the idea would be to not influence the election after the filing deadline. He clarified, if someone is running and has an opponent, they cannot be appointed, to which Mr. Cannon responded, then the person they appoint would be guaranteed that they will be history in six to eight months, and will not have any say whatsoever with the Board of Education. Mr. Taylor said that is correct, and the idea is to not influence the election for the next term. Mr. McCain questioned the quality of appointing someone for something as complex and complicated as the School Board when they are only appointing them for three months. Mr. Dodd asked if that person would really want the position. Mr. Cannon said he thinks no appointments should be made within the election cycle, to which Mr. McCain responded, that gets back to what they were just talking about with not appointing anybody once they get into the election cycle. He said, if they are in the cycle, the cycle is in process, so appointing somebody when that is in process is just fraught with a lot of potential problems. He said he just does not see the logic behind appointing somebody who would go through that whole process, and then get appointed for 90 days when it takes two years to figure out what they are doing on the School Board because it is complicated, and there is a lot to learn. Mr. Brumbley said, if they had some type of Commission, whether Council appoints it or not, and if they had two candidates from a District who went before the Commission, he does not think the public would say so much that it was trying to influence the election as it would be if the Council was to actually appoint somebody. He said, as a voter and taxpayer, he would look at if they already had this group of people with a member from each District already in place, and they put the names before them, as long as they allowed all the candidates to apply for the temporary position, he does not think the voters would take that as much as if they were trying to be influenced. Mr. Cannon said he would be very upset if he was a candidate and was told he could not run for office because he was told that either a Council or Commission was going to appoint either himself or his opponent to office for the next four years, to which Mr. Brumbley responded, he is not talking about four years. He clarified, he is talking about finishing out the term. Mr. Cannon said that would still give favor to someone as an incumbent, to which Mr. Brumbley responded, the Commission did not look at whether someone was an incumbent or not, but looked at whether they were the best candidate for the position. Mr. Cannon said that would give that individual a lot of privileges when it came time to actually get elected.

Mr. Taylor asked if item number five is a go or a no, to which Mr. McCain responded, he thinks it is a no. Mr. Cannon said he thinks it is a no too. Mr. Taylor said, as he said earlier, they have to keep moving on this if they want to meet the reasonable filing deadline in Annapolis. Mr. Hastings said he has no strong feelings about this, but they can file up until January 13 and there will not be a major issue. He said they might request it, but, as far as this Bill, he does not think something with the School Board is that contentious when it comes to running for office with giving anyone an advantage. He said, with the Council it may be, but not with the School Board.

Mr. Cannon said appointments will not be made during the election cycle. Mr. Dodd said he thinks if there is only one person running for that seat, why not appoint that person, to which Mr. Taylor responded, that is, essentially, the way he has it written. He said, if the person is unopposed, he or she could be appointed. Mr. Cannon asked if there would not be an appointment process if there were two running, but, if there was only one, the appointment process could continue, to which Mr. Taylor

responded, the only time they would be barred from being appointed would be if there was an opponent. He clarified, if there is only one in that District, or two at-large, then they could be appointed.

Mr. Taylor again asked if Council is good to go with item number five, to which Mr. Cannon responded, yes. Mr. Taylor said they have gone from no to go, so he just wanted to make sure.

Mr. Taylor said the other thing he wants to throw out there, and he did not mention this at the last meeting, but some Counties have a provision along the lines of the appointing authority not being required to conduct discussions of the applicants or make the final decision at an open meeting. He said he is not 100 percent certain whether that is okay under the Open Meetings Act, but he thinks it is. He then asked if Council wants to consider something like that. Mrs. Hurley clarified, Mr. Taylor is thinking this may not fall under the Open Meetings Act because it is personnel related. Mr. Cannon asked if Council or the Commission could make a decision in closed session as to who they wanted to nominate, to which Mr. Taylor responded, yes, and they could also conduct their discussions that way. Mrs. Acle asked how it was done with the County Council, to which Mr. Cannon responded, they did the same thing. He said they discussed it in closed session, but then the final vote was in open session. He said he is okay with that, and he is actually amazed that is even in there. Mr. Taylor asked if they want that to be optional so they can have the option to do it, to which Mr. Cannon responded, yes. Mr. Taylor said it would have to provide that it complies with the Open Meetings Act because the Open Meetings Act could change in the future, even if it does not apply now.

Mr. Cannon asked Mr. Brumbley what the real hiccup was with the process of so many Public Hearings, and whether there was a first appointment that was not accepted because he is a little confused on what happened, to which Mr. Brumbley responded, no, the first process went very smoothly. He said they had two Public Hearings, they had to give Council six names, and then it was their choice between the six, and that went very smoothly. He said the second time was when there was an issue with a candidate wanting to come in at the 11<sup>th</sup> hour and submit their name because they claimed they did not have time, and the timeline was not there for them, but that was an untrue statement, so it was not an issue then. He said the person had gotten a personal email from a Commission member the very night they met and started the process. Mr. Cannon asked if Mr. Brumbley thinks they needed all of the Public Hearings that were mandated, to which Mr. Brumbley responded, the first time they had 13 applicants, so at the first Public Hearing they had everybody there. He said, by the second Public Hearing, they had narrowed it down to a lower number, so it was like the semifinals, and afterwards they had discussions as far as which candidates they were going to send to Council. He said the second time they only had two applicants, so that might be an issue Council could address. He suggested, if there are less than three candidates, or whatever number Council comes up with, they would not have to have the second Public Hearing. Mr. Cannon said maybe Mr. Taylor can simplify it. He said he is guessing the language probably says "shall", and they could change that to "may" have two Public Hearings, and that way it would not be required. Mr. Taylor said he can look into that, but he does not know offhand. Mr. Cannon said he is guessing it might be that terminology to shortcut it would be to change it from "shall" hold a Public Hearing to "may" hold a Public Hearing, and that would give them the flexibility. Mr. Dodd said that is a good idea. Mr. Brumbley said, at the meeting where they announced who they were going to actually bring forward, he thinks they had six people.

Mr. Cannon said the other question is, again, coming back to whether they are going to keep this in the hands of a reduced number of Commission members, or whether they are going to put this in the hands of Council. He said Mr. Brumbley's suggestion was, since they have five Districts, they might have five Commissioners, or seven, but that is something for Council to decide. He clarified, they have to decide



whether they want to stay with the Commission process, or whether they want Council to take the responsibility. Mr. Taylor then asked if his number one item is still up in the air, or does Council want to discuss that further at another meeting to decide whether they even want to have a Commission. Mr. McCain said he thinks they should make these suggested changes, but can still massage them, to which Mr. Cannon responded, he understands. He said he just thought maybe somebody wanted to revisit and get a little more specific on whether it is a Commission decision or a Council decision. Mr. Dodd said, if they decide to choose a Commission, they should limit it to five with one person from each District, as Mr. Brumbley suggested, and they do not need the two at-large because that may complicate it more. Mr. Cannon said this is something to think about before the next Work Session, but he thinks they have resolved a lot of Mr. Taylor's questions, so the only thing they have left on the table is whether they go to a five-member Commission, or whether they go to a Council appointment, and they need to think about that before the next Work Session. Mr. Brumbley then asked if Mr. Cannon means Council appointment as far as the whole process, or does he mean Council appointment as far as putting the Commission together, to which Mr. Cannon responded, that brings up a good point, but he was thinking about the appointment process for the Board of Education member because they have not even touched on the appointment process for the Commission. Mr. Taylor said, if they go to the five-person Commission with one from each District, he is assuming they would be appointed by Council. Mr. Cannon asked if the process of reappointments is simple enough if there is a Commission member who needs to be replaced, to which Mr. Taylor responded, yes. He said, if there is a vacancy on the Nominating Commission, Council would fill that vacancy. Mr. Brumbley asked if they would still have to put in a process for when a member from a District does not attend the meetings, to which Mr. Cannon responded, he can appreciate that, but, hopefully, it will not be an issue though. Mrs. Acle said she thinks, if they are all appointing someone from their District, there would be much more accountability. Mr. Cannon said he thinks a quorum would be a little bit easier to deal with, to which Mr. Brumbley responded, less people can be worse. Mr. Cannon said, if that person is constantly not there, Mr. Brumbley may want to talk to a Councilperson to tell them what is going on. Mr. Cannon then thanked Mr. Brumbley for taking the time to come to the meeting.

Mrs. Hurley asked Mr. Brumbley if they took minutes of any of their meetings, to which Mr. Brumbley responded, every meeting. Mrs. Hurley asked if they are posted anywhere, to which Mr. Brumbley responded, they were not asked to have them posted. Mrs. Hurley asked who she can contact if anyone wants a copy of the minutes, to which Mr. Brumbley responded, Chris Gosnell because she was the secretary. He said, at the very first meeting, they elected a Chair, which was himself, and they elected a secretary, and Chris Gosnell kept minutes of the meetings, and attendance, so that is all part of the record she keeps. Mrs. Acle said they should probably post those, to which Mr. Brumbley responded, they were not asked to publish any minutes of their meetings. He said, when they are discussing people, they have to decide what goes in the minutes and what does not. He said, when they are talking about individuals and what is on their application, that was something they decided would not be part of the minutes. He said that was always a no-no on other Boards and Committees he has been on.

Mr. Taylor suggested, at the next meeting when they discuss this further, they should just focus on item number one, and then go from there. He said he thinks Mr. Hastings is correct that November 1 is just a goal. He clarified, it does not have to be that date, but he thinks they still need to keep this moving because they want to get it introduced on both sides, and there still may be questions once they get to Annapolis with it. He said his thought is to just focus on number one, and then fill in the blanks on the rest of the items because he thinks they have pretty much gone over it. There was no further discussion.

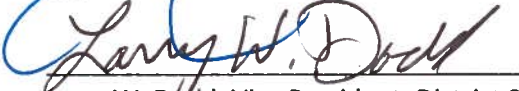
*Signatures on next page*

**Open Work Session  
Procedure for Filling a Vacancy on the Board of Education  
September 17, 2019**



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John T. Cannon, President




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Larry W. Dodd, Vice President, District 3

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Ernest F. Davis, District 1




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Nicole Agle, District 2

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Josh Hastings, District 4



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Joe Holloway, District 5

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William R. McCain, At-Large



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Laura Hurley, Council Administrator