

Open Work Session
Unfilled Deputy Director Positions
February 4, 2020

Mr. Wayne Strausburg, Director of Administration, and Mr. Weston Young, Deputy Director of Administration, came before Council. Mr. Strausburg said there is one Deputy Director position that is required by the County Code, the Finance Deputy Director, and that has not been filled yet. Mr. Holloway asked if it has been advertised, to which Mr. Strausburg responded, no, not yet. Mr. Holloway asked how long it has been vacant, to which Mr. Strausburg responded, it has been vacant since John Ellis retired. Mr. Holloway asked how long that has been, to which Mr. Strausburg responded, he forgets the date, but it has been awhile. He said they think they may be able to fill that internally, but he will be candid. He clarified, if they are going to advertise for that level position, they are not going to find a whole lot of people who want to get into the situation they have, to which Mr. Cannon responded, but they cannot just stop, and they need to fill that position no matter what. Mr. Strausburg said he understands that. He said the interesting thing is that the County Code is silent on the timing of that, but he understands it is required by the County Code, he is fully aware of that. Mr. Cannon said, if anything were to occur within the next month as it is right now, technically, the Finance Department has no Administration whatsoever, and that is not a very safe place for the County to be. He said he thinks the auditor's report reflected that to a certain degree, maybe a little less subtly, but he thinks that is where they are. He said what surprises him more than anything is that they have not even advertised because they are certainly not going to have someone walk in the door if they do not know the position is vacant. He said, to him, that leaves this County extremely exposed, and with the position of the County Attorney they are extremely exposed as well, to which Mr. Strausburg responded, however, they continue to keep the County operating on a day to day basis. Mr. Cannon said Mr. Strausburg says that, but it does not sound like it because they do not have a CIP, and they are not advertising for employees, to which Mr. Strausburg responded, he thinks not having a CIP is more a function of the State than it is the County. Mr. Cannon clarified, of course Council is not really aware of how well the County as a whole is functioning because they are hands-off when it comes to the actual personnel issues, so Council really does not know the status of the County. Mr. Strausburg said, from that standpoint, he thinks he is comfortable with the day to day operations of the County. He explained, they meet with their Department Heads on a regular basis, and he thinks, frankly, all of their Departments are doing a very good job of day to day operations. He clarified, what is problematic is their major projects and longer-term planning because they are, quite frankly, in limbo right now because of the Annapolis situation, the impending fiscal ramifications, and the disagreement between the Executive and Legislative Branches. Mr. Cannon said Mr. Strausburg said "the disagreement", but he thinks if the circumstances were not that the Council were legitimate in their concerns, they could go to the bond market, and they could do this funding they are reluctant to do. He clarified, if Administration truly felt they had a certified Finance Director, and they really felt truly that they had a certified County Attorney, they could move forward with whatever they would like to, but he thinks the reality of it might be that sooner or later they have to recognize, and he thinks they probably do recognize, that it would be somewhat of a reckless measure to take under the circumstances and the laws that are in place in Wicomico County, to which Mr. Strausburg responded, he is just being realistic. He clarified, he is simply saying that he knows, given the current circumstances, that this Council is not going to pass a Legislative Bill that authorizes borrowing of money because of the Council's opinion that the County Attorney and the County Finance Director are not duly appointed, and that is just reality, to which Mr. Cannon responded, it is not Council's opinion, it is a County Attorney's opinion, and the County Council's attorney's opinion, and Council has had no opinion whatsoever to justify the Executive's position. He reiterated, no legal

opinion, not one legal document to state that the Executive's position is valid. He said he thinks they have to look at where it is - the County Attorney says it is not valid, the County Council Attorney says it is not valid, so it is not valid. He said he thinks Administration would risk not the inaction on part of the County Council if they were to do anything, but would risk the fact that it could be potential fraud if they were to sign these documents and state that the Finance Director was the Finance Director, or the County Attorney was such. Mr. Strausburg said they are talking with Lindsay Radar about that as they speak to determine that because they are certainly not going to lend themselves to fraud, and he is certainly not going to go through the time, expense, and effort associated with getting a credit rating and going to the market only to find they cannot approve a borrowing Bill. He said they are just not going to do that because it does not make any sense.

Mr. Holloway asked, with talking to Lindsey Rader, are they trying to get them to make some kind of concession where they do not have to have that done, to which Mr. Strausburg responded, he is trying to get an opinion as to whether or not they can legally and validly pass Legislation to borrow money, and he does not have that opinion from her yet, but he has had discussions with her. Mr. Holloway asked how Lindsey Rader can give an opinion when the Charter says they cannot do that, to which Mr. Strausburg responded, the Charter does not say they cannot borrow money, but it is the language in the bond Legislation itself, not in the Charter. He said, if Mr. Holloway told Mr. Strausburg he wants him to borrow \$12 million dollars, that would be fine, to which Mr. Holloway responded, but they still cannot do it without an approved Finance Director. Mr. Strausburg said he does not know that because he does not have an opinion yet from bond counsel. Mr. Cannon said this has been going on for six to eight months, to which Mr. Strausburg responded, he is just telling Council where they are. He clarified, he does not have an opinion from bond counsel, but has had discussions with her, and is seeing whether or not there is a way they can really address this legally because they cannot do it any other way.

Mr. Taylor said he wonders if Council or a representative of Council should be part of those discussions so Council is current as to what is unfolding. He said that is just a suggestion, to which Mr. Cannon responded, Council will take that into consideration.

Mr. Cannon said he thinks they pretty much said everything there is to say, but, again, he thinks it would be very important that the Administration look at getting these Deputy Director positions filled, or at least get advertising out for these positions to be filled. He said he would have thought that some type of an ad would have gone out within the same week, and he thinks Mr. Ellis left two to three months ago. He said it is important to get ads out to at least see who is there because, again, he thinks it is leaving the County very exposed not to have those positions filled.

Mr. Holloway asked if there is anyone in the Finance Office who has the level of expertise to run the Department if someone did not show up tomorrow, to which Mr. Strausburg responded, they probably have other CPAs in the County who they would rely on in the interim for that, but he cannot tell Council with any level of certainty that they have that. He said he thinks they potentially have that over time, but he is not going to say they have it today at this moment. There was no further discussion.

Signatures on next page

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____ absent _____
Larry W. Dodd, President, District 3



John T. Cannon, Vice President, At-Large



Ernest F. Davis, District 1



Nicole Acle, District 2



Josh Hastings, District 4



Joe Holloway, District 5



William R. McCain, At-Large



Laura Hurley, Council Administrator