

Open Work Session

School Board Nominating Commission's Recommendations on the Process to Fill a Vacancy on the Board of Education

February 4, 2020

Ms. Joan Smith, President of the Wicomico County Education Association and member of the School Board Nominating Commission came before Council. Mr. Cannon asked Council for any discussion as far as the recommendations and how they can work towards finetuning the Nominating Commission as to what their workload is going to be. McCain suggested they walk through the recommendations because he wants to make sure he is clear on what is being recommended. He said he sees some highlights, and it looks like the first item is changing the language as far as public hearings to say a minimum of one, to which Mr. Cannon responded, yes, there was a minimum of two, he believes, that were required. Ms. Smith explained, that gives opportunity to adjust the number of meetings to the number of candidates.

Mr. Cannon said the second recommendation says one member from the Wicomico County PTAs, but he believes they had many more originally with one from each PTA, to which Ms. Smith responded, they had one member representing the County Council of PTAs, but since there is no longer an official County Council of PTAs, the PTA for each school could presumably get together and nominate one person for that position. Mr. Cannon said that replaces the whole idea of the organization as a whole, and is in more general terms so the Wicomico County PTAs can get together and make that decision, and it does not have to be the organization that now is defunct. Ms. Smith clarified, it is for the parents to be able to participate in the process, to which Mr. Cannon responded, which he thinks was the original intent.

Mr. Cannon said the next section references the Wicomico County Executive Office shall provide staff and funding for the Commission, which is self-explanatory, but he thought an arrangement had already been made with the Board of Education and they were quite willing to supply staff and funding for the Commission. Ms. Smith said she is not sure how that worked out, but in the beginning it seemed as though the Board wanted to not be hands-on in the process and wanted the group to take the lead, so, with that, as she thinks Mrs. Acle pointed out at their last meeting, there is mention of that in the Bill itself. Mr. McCain said he did not think they needed to change anything in the wording regarding that, to which Mr. Cannon responded, he thinks the Board of Education was a little leery of getting too involved in it, as was Council because they were afraid there would be a conflict of interest, but he thinks Council felt the matter of supplying staff and funding for the Commission really was not going to be any type of a conflict, and it would probably work out just fine, so they probably will be good with that.

Mr. Cannon said the next recommendation was the Wicomico County Council shall appoint an individual to fill a vacancy on the County Board for the remainder of the term of the position they fill. He clarified, the highlighted area is "for the remainder of the term". Mr. McCain said the current regulation says it is until the next election, so the discussion centered around whether they should serve the whole term, and Council went back and forth on that too. He said he knows there were two sides to that coin where it seems to make sense to serve out the term, but then Mrs. Ashanti from the NAACP pointed out that then they could theoretically have someone serve almost a four-year term without technically being elected. He said Mrs. Ashanti expressed some concern about that, which was a legitimate point, but it is also a legitimate argument that they would serve out the term. He said he thinks they also had the discussion about being consistent with what they do with County Council, which, if they are appointed, they serve until the next election, and could be midterm. Ms. Smith said she believes that is what they

are doing now, to which Mr. McCain responded, yes, that is what they are doing now. He explained, for the public's purpose, what they do now when someone is appointed is serve until the next election.

Mr. Taylor said he has a drafting comment on that. He said, if the decision is to change it so that the person the County appoints serves the entire term, he would suggest using the language he suggested originally back in September. He said he thinks it does the same thing as what is stated at the very bottom of page 1 of this handout they received tonight of the minutes of the Nominating Commission's meeting of December 11, 2019. He said it does the same thing, and he will not get into the weeds, but there is language in the original Bill that was intended to make it so the person would have to run if they were appointed before the next election. He said, if Council wants to change that, then he thinks that should be taken entirely out, and it should be revised as he outlined in his memo. He clarified, it does the same thing, but it is just a different way of doing it, and he thinks it is a lot cleaner.

Mr. Ben Brumbley, Chair of the Nominating Commission, then arrived at the meeting and came before Council, and said he represents the PTA of Wicomico County. Mr. Cannon asked Mr. Brumbley to lead the discussion on other suggestions from the Commission, to which Mr. Brumbley responded, a lot of the items are what they discussed in previous Work Sessions with Council. He said, basically, there was discussion to take it down to 7 members or to leave it at 14, and it seemed everyone on the Commission wanted to keep it at 14 to make sure all the original agencies or townships were represented on the Commission. He said what they basically came up with is, if they have a member of the Commission who does not attend meetings or respond, that would have to go through the Chair. He explained, then the Chair would contact the County Executive, who would send a letter to whichever agency or township that person was representing and see how that area wanted to move forward, whether they want to reach out to that person, or if they want to suggest a new name. He said they left it that the County Executive would do that because the County Executive is the one who nominated the members of this Commission to County Council, so they thought it would be best just to go back to the Executive's Office.

Mr. Holloway said 14 members is a tough group to put together, and he understands why they are having problems getting 14 people to show up at a meeting. He said the first thing he would ask is whether those 14 different groups all want to be involved. He then asked if there has ever been anybody who is reluctant to even send anybody, or do they always seem to put somebody forward, to which Mr. Brumbley responded, he is not sure if the areas sending the representative are aware that their representative is not attending, so that is why they thought if the County Executive sent a letter to that agency or township, then they would be aware of the fact that their representative is not attending, and it would be up to them whether they wanted to appoint someone else to the County Executive and then go through the channels of coming to Council for approval. Mr. Holloway said the problem they will run into with that is that sometimes they are up against a wall timewise. He said if they have letters going back and forth and they are coming to Council to try to get it approved, and the Commission is trying to get somebody nominated, he sees that as being one of the issues. He said he understands the fairness of having a larger Commission because everybody wants to be well represented, and he understands that, but it just seems to him that it is tough. Mr. McCain said the Commission's suggestions as far as the representatives were discussed at a previous Work Session, and that 14-member Commission is very specifically spelled out in the State law as to what organizations they have to come from, so if they start carving certain ones out, then that will be a problem for the others. He said also it is his understanding that there was only one meeting where they did not have a quorum, to which Mr. Brumbley responded, yes, but there were still problems. He said, for example, and he is not saying whether this town's representative came or not, but if the Town of Fruitland thinks they are being represented and they are not, then the Commission thought they should be notified to let them know they are not showing up.

Mr. McCain said that is what the Commission addressed here, and he likes that. Mr. Brumbley said he thinks that would eliminate whether they serve out a partial term or until the next election. He said because of the way the Commission is made up, it is pretty much a good representation of the County and of the voters, so he thinks that kind of works around the issue of how long that person actually serves because of how many organizations and every township is supposed to be represented. He said, yes, they had trouble at one meeting, and they had another meeting where someone got there late and they were questioning whether or not they could conduct business, so it could be an issue. He said, if it is cleared up, there is an excused and unexcused, so the person is unexcused if they have not contacted the Chair and given the reason why they are not going to attend. He said that is when the Commission would move forward with contacting the County Executive and start those procedures. Mr. McCain said he thinks this goes along with item number three from the Commission where the Executive's Office would actually send the current members letters outlining what their duties and expectations are, and what their attendance requirements are, so he thinks that will also help the appointees realize the importance of attending the meetings. Mr. Brumbley said right now on this present Commission there are actually two members who have never been to a meeting, and have never responded in any kind of way to any email or anything sent out, but the Commission has not gone forward with anything because they wanted to get Council's approval on this before they took any action at this point.

Mr. Cannon said the next item suggests the County Executive should send out a letter to current members regarding job duties, expectations, and attendance requirements. He said some of what they are looking at is actually establishing greater policies within their organization, and not necessarily bylaws, but some type of manual for policy guidelines and procedures they want to follow. He said some of it may involve State Legislation as far as amendments, which would be next year, to which Mr. Brumbley responded, that is why they put these suggestions into different areas, and whether it would fall into rewriting a Bill into law, or if it is something the County Council could workout between the County Executive. He said the first items were what they felt should be changed in the Bill at the present time, and the rest are suggestions on how the County Council wants to follow up with that.

Mr. Cannon said number four just talks about that they should have to run for the elected position during the election that all Board members are being elected. He said, as number five states, even though the Commission wants them to run during a regular election cycle, the Commission suggested it also be staggered, to which Mr. Brumbley responded, they think that would be the best for the Board. He explained, with having 20-odd years of dealing with the Board of Education, right now it is possible to have a completely new Board, and the Commission feels to have that staggered they would never have the opportunity to have a completely new Board, and they would at least have some incumbents who could carry on the work and not have to wait for people to get trained and educated in what their job is and so forth. Mr. McCain said that one is a little problematic though because that argument would apply to the Council as well. He said, based on that argument, the whole County would do staggered elections, but they do not. He clarified, Council can all be replaced every four years just like the School Board can all be replaced every four years, and it is also very costly to do staggered elections. Mr. Holloway said Louis Reilly attempted to have that done with the County Council several years ago, but if they tried to do that, some Councilmembers would have to serve longer than four years to get that staggering adjusted, or less. Mr. Brumbley said the Commission is not there to work out the logistics for the County Council, they are dealing with the Board of Education. He said he thinks the Board of Education is handling and going through a large part of the County's money, and to have somebody who is elected and has no idea what their job is, or what the day to day activities of the Board of Education are, and spending that money, so he thinks overseeing what the actual School Board does is very important. He said, being this is just the first time a Board has been elected, if it is going to be done, it needs to be

done now. Mr. McCain said welcome to the world of elected School Boards. He clarified, that was the whole rationale behind having appointed School Boards for all of those years because they would try to get people who already had the knowledge and so forth, but the voters went to an elected School Board, so now they have an elected School Board, and it is whoever wins the vote, who may or may not have the knowledge. Mr. Cannon said Council will take this into consideration without a doubt because he is not quite sure why they landed on what they did, but it certainly is worth revisiting because he knows that was a large topic of discussion, even then. Mr. Brumbley said there has been talk in the community about it. He clarified, people have asked him what happens if a whole new Board is elected. He said he knows usually if there is someone going out they help the new ones in training with what their responsibilities are, but that is just something the Commission thought was worth looking at.

Mr. Cannon thanked them and said he remembers the lengthy discussion they started having until they decided maybe they should let someone else handle this who maybe had a better idea of what the Commission needed, and that was the Commission. He said he knows they have taken a lot of time to put this together, and Council appreciates it and will keep them abreast of what they do, when their Work Sessions come up, what resolutions Council comes up with, and where they decide to have this all come to rest. Mr. Hastings said he assumes that would be a Bill for the 2021 Legislative Session, to which Mr. Cannon responded, yes. He said they could certainly sit down and go through it and decide how much of it is going to have to be County policy as far as what they want to establish locally knowing full well that the first few items that were on the list would certainly have to be prepared and ready to go to the State of Maryland for amendments if they choose to do that. There was no further discussion.

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