

**Open Work Session
Charter Review Committee Appointment Process
February 2, 2021**

Mrs. Hurley said there is an outline in the Brief Book of items Council talked about at the last Work Session. She said some additional considerations were brought to her attention, so she put them at the end of the outline, and Council can talk about those and go from there.

Mr. Dodd said he talked to Mr. Hastings earlier today, and he requested that the February 16 meeting be a short meeting because he thinks there is going to be a lot of discussion since there have been a lot of names submitted. He said they are now open for discussion on how Council wants to handle this knowing they are getting a lot of names.

Mr. Hastings asked, for his own clarification, are they talking about 15 people as a maximum on this Committee of which each Councilmember choses two names? He further asked, what is the process, and will each Councilmember vote individually, to which Mr. Dodd responded, one of the recommendations was to do it like they did previously. He clarified, they discussed for each Councilmember to pick two members, and then the County Executive would choose the 15th person, but to be confirmed by Council. He said they do not want to go over 15 members because they think that is too many people, but there are several Councilmembers who discussed having an alternate list.

Mr. McCain said he needs some clarification too. He then asked, when Mr. Dodd said each Councilperson would chose two people, was he talking about recommendations, or was he insinuating that each Councilperson would just pick two people, to which Mr. Dodd responded, there was discussion for each Councilmember to nominate two people, and then Council would discuss if they want those people and then come up with a consensus on that.

Mr. McCain said the challenge for Council will be how they reach a consensus on the candidates because he thinks they are going to have a lot of candidates, which is a good thing. He said they are getting a lot of interest, which is good, and a lot of good, qualified candidates. He then asked how they will get from theoretically 25 applicants, including their own recommendations, to 15?

Mr. Holloway asked, when Mr. McCain said 25 applicants plus Council's recommendations, is he saying that someone does not have to apply to be recommended for the Committee, or should they have to apply? Mr. McCain clarified, he is saying they have opened the applications up to the public, so they are getting these applicants, and Council has made recommendations as well. He said some of those are probably one in the same, but some are not, and in the end they might have 30, but it appears very obvious that they are going to have more than 15.

Mr. McCain again asked how they will get from that large amount to 15, to which Mr. Holloway responded, he thinks Mr. Dodd said Council probably should consider two people from each District and then an alternate. He said, in the experiences he has seen with the last two Charter Review Committees, they had people drop out who did not fulfill their duties. He said, if they pick alternates to begin with along with the two they choose to be on the Committee, then they have the opportunity to come to the meetings, or at least read the minutes if they have not been to the meetings. He said, in case somebody does not show up due to health reasons, or whatever happens and they cannot come, such as work reasons, then an alternate could step in, so he thinks that would be a wise thing to do.

Mr. Dodd said they still need to identify how they are going to prioritize the list, and if they are going to vote on it, or are they just going to have a list and have everybody do their prioritization from 1 to 25, or whatever the list may be.

Mr. Holloway asked if Mr. Dodd is saying that Council needs to vote for each individual member, to which Mr. Dodd responded, he is not saying that, but it is a possibility, and it is an option.

Mr. McCain said he thinks Mrs. Hurley gave Council a little bit of a briefing on what was done a decade ago. He said he thinks Mrs. Hurley looked back and the Council at that time sort of voted on each candidate, to which Mrs. Hurley responded, in speaking to the former Council Administrator, the Council as a Body just went through each applicant and decided that way. Mr. McCain asked, when Mrs. Hurley says they decided that way, what was that way, to which Mrs. Hurley responded, just reviewing the resumes. She clarified, he did not go into details as far as the discussions and what the criteria were that the Body was looking for at the time, but he indicated that Council selected the individuals as a Body in a round robin type situation. She said Mr. Holloway was on the Council at that time. She then asked if that is Mr. Holloway's recollection, to which Mr. Holloway responded, yes. He said what he remembers is that they each put the names in of folks they wanted. He said they did not have as many applicants as they thought they would have because he thinks when they find out it is going to take a year, that kind of thins things out a little bit. He said each Councilperson put two names in, but they did not choose an alternate and he thinks that was probably one of the things they should have done.

Mr. Holloway said he guesses they are trying to decide if Council should vote on each member, or should each Councilperson put two names forward and that is it, or do they approve each name. He said he guesses that is the question on the table right this minute.

Mrs. Acle asked how many applicants they have? Mr. Cannon said that number should include the names that each Councilmember submitted. Mrs. Hurley responded, she did not bring the total number with her to the meeting.

Mr. Davis said, if someone is going to be on the Committee, they should have submitted their name, to which Mr. Cannon responded, they may have, but he does not know. He clarified, he is not sure whether they have or not. Mr. Holloway said they should so Council can at least review their resume. Mr. Davis said, even if each Councilperson wants to pick two people themselves, the person should still submit their name, to which Mr. Dodd responded, that is correct. He clarified, when Council originally discussed this, everybody threw in two names, but Council did not get a bio with that, so they should be required to submit a bio. Mr. McCain said he is not so sure about that, and he is only saying that because he thinks in his case he checked with those people to see if they were interested before he put their names in, but at that time, they just said each Councilperson should suggest two people. He said now each Councilperson will have to make the effort to make sure they go back to those people, to which Mr. Holloway responded, but if every Councilperson is voting on every person, they need some kind of a bio or resume. He said Mr. McCain might know the person, but he might not. Mr. McCain suggested Mrs. Hurley send Council a reminder to make sure they go back to their people. Mr. Dodd suggested they should check to make sure the person did not already submit an application or a resume.

Mr. Hastings said he thinks they probably are going to have close to 30 or more applicants just with the folks he has seen come in so far, and then the ones he knows are in the process of applying. He

suggested, as much as possible, Council should try to make sure that the applicants reflect the community, which is always an important goal. Mr. Dodd said he agrees with that.

Mr. Cannon said he is not so sure they want a Resolution for the appointment to be made on March 2 in case anything happens between now and then and they realize they need more time. He clarified, it sounds to him that they are planning on making a Resolution that has to be passed by the 2nd of March, to which Mrs. Hurley responded, she thinks that was the goal. She explained, the reason for that is it takes such a long time to review the Charter, so the sooner the better.

Mr. Cannon said, once all the names and biographies come in, Council will have very little time to go through a formal Work Session on a lot of these names, and he would say that the Councilmembers should come back with 20 of their top picks so that each Councilmember has 20. He said that list of 20 names should be shared with all the other Councilmembers, if they can legally do that. He then asked if that would be in a Closed Session if they share that type of information, to which Mrs. Hurley responded, it would be discussed in a Closed Session. Mr. Cannon asked if it a violation of any Open Meetings Act if Council combined all seven lists, and those seven lists were part of what they each put together? He asked if that would be any violation of the Open Meetings Act if Council shares the names with each other behind the scenes, to which Mrs. Hurley responded, she is going to redirect that question to Mr. Taylor. She then asked if Mr. Taylor sees that as a concern if Council were to share that by email, to which Mr. Taylor responded, he does not think so because he thinks the discussion could be in Administrative Closed Session. He clarified, he would like to double check that, so his answer is tentative, but he believes that it could be done that way.

Mr. Cannon said, if Council is going to meet in Closed Session, they could each bring 20 names to the table, and then somehow or another they have to parse through that, or Mrs. Hurley could look at it ahead of time. He said then Mrs. Hurley could say, for example, that six out of seven Councilmembers picked an individual. He said hopefully they will probably have about ten at least where all of Council can agree on the same people, and then they would probably only have to work through about ten more names, five of those being alternates, or however many alternates they choose. He then asked what that type of voting is called, which he really does not like, to which Mr. Hastings responded, rank choice. Mr. Cannon said they may have to go through rank choice for the rest of it. Mr. Dodd said he agrees, and he thinks that is a good idea.

Mr. McCain said the only thing Council wants to avoid is a situation where, for example, Mr. Cannon recommends two people, but at the end of the day, Council appoints their appointments, and neither one of the people are on there. Mr. Cannon said he personally would not care about that.

Mr. Holloway said that was what he was thinking when it was said that everybody would choose 20 names. He said he thought the purpose of this was that they were supposed to try to pick two people from their Councilmanic Districts, and the At-Large Councilmembers were to pick whoever they wanted in the whole County, and then they would put those names together. He clarified, of course they would have their other names if they did not agree, such as if he put two names forward and someone did not agree on one of them, or vice versa, and then they could go to the other names from their District.

Mr. Cannon said he thinks the choice of two people per Councilmember was simply a courtesy. He clarified, he does not think it really was trying to establish any formal process whereas they had to have two from District 1, two from District 2, etc. He explained, Council might very much regret that because

they could get some very qualified people, but have to leave someone out simply because they were not in a political District. He said he would rather have the best people as opposed to Districts since they are not necessarily representing that District because these are not social or Legislative issues. He said these are people who are going to make decisions on the efficiency of Government between the Executive and the Legislative Branches of Government, period, and they want the smartest minds available. He said he does not care if they live in Parsonsburg or Sharptown, or where they live, he will take all 20 from Salisbury as long as he knows that those are the best people they have.

Mr. Holloway said he thinks the way they did it before was to pick from Districts, to which Mrs. Hurley responded, that was not mentioned by Mr. Creamer. Mr. Holloway said he believes that is the way they did it before.

Mr. Cannon said, in looking at the people who were on the Committee when he was there, he does not think they represented a District. He repeated, he really does not think that, to which Mr. Holloway responded, they may not have, but the way they worked it before was to pick from Districts.

Mr. Dodd asked if Mr. Cannon was on that Committee, to which Mr. Cannon responded, yes. He said, again, he thinks that it really was not so much that they were picking people from their District, but each District representative was allowed two choices as a courtesy, to which Mr. Holloway responded, that is fine. He said Mr. Cannon is At-Large, so he can pick from anywhere in the County, but if he wants to pick two people from his own District, that is fine.

Mrs. Acle suggested they just wait and see how many applicants they get, to which Mr. Dodd responded, they are just discussing it right now with so many options on the table.

Mr. Hastings said he is probably going to look in his District as he knows more of the folks in his District. He said he is going to come prepared to advocate for the best folks in his District, but then he is also going to take a good understanding and rank in his mind where all the best minds are because that is really what they want to get.

Mr. Holloway addressed Mr. Cannon and said, do not take this the wrong way, but what Mr. Cannon is saying is that they could end up with 20 people from a municipality and nobody from the rural areas, or nobody who is a farmer. Mr. Cannon responded, again, it has nothing to do with Planning and Zoning, it has nothing to do with Legislative matters, or social matters, it is just people who are going to sit down and decide how efficiently the Legislative and Executive Branches of this Government are going to work. He said, if everyone of these 20 people are from Sharptown, he is okay with that. He said, if they happen to have a real large group of geniuses who all happen to live in one area, he is okay with that. He said they just need to make sure they have the best.

Mr. Dodd said his District is very rural and he has a lot of farmers, and he is going to try his best to make sure that they are represented with farmers. He said, as a matter of fact, there is one farmer who he has been trying his best to get him to put his application in, and they are interested, but he does not think he has submitted his application yet.

Mrs. Acle asked if they talked about a Chair, to which Mr. Dodd responded, they have not talked about a Chair yet.

Mr. Cannon said, with all due respect to the farmers, he does not think it matters whether it is a farmer or whether it is a contractor, to which Mr. Dodd responded, that is Mr. Cannon's feeling, and he understands. Mr. Cannon said they are looking for somebody who has some knowledge about how Government would effectively work, and if it turns out to be a farmer, that is great. Mr. Dodd said he certainly hopes the farmers know what is going on in this County, at least the ones he is talking to, to which Mr. Cannon responded, he is sure they do, but he does not think they need to isolate it by job description or demographic, or anything like that.

Mr. Dodd said, getting back to what Mr. Holloway said, he is talking about diversity, to which Mr. McCain responded, but he thinks they will accomplish that given the fact they have seven Councilmembers. He said he agrees with Mr. Cannon that they want the best people, but he thinks in that process of getting the best people it will be spread among the Districts. He said they are not all going to be from the same District, they are going to be from different parts of the County, especially with 15 representatives. Mr. Dodd said the way they are talking, he does not see them stuck on a certain individual or different demographic.

Mr. McCain said, from the standpoint of alternates, he thinks it is fine to have one or two, but he thinks Mr. Holloway mentioned four or five, to which Mr. Holloway responded, he was talking about each Councilperson having one alternate. Mr. McCain said he actually disagrees with that. He then asked why they need that many? He said the Committee members are supposed to be making a commitment, and it is fine to have one or two just in case somebody has an emergency. Mr. Holloway said Mr. McCain might be interested to see what the attendance was in the past years because he knows sometimes people had a hard time getting to the meetings. Mr. McCain said, with something like this, it is a commitment, and they are supposed to be making a commitment, so they do not need seven alternates. Mr. Dodd suggested they come up with some guidelines as far as attendance.

Mr. Holloway suggested they should have a pledge that the members of this Committee take. He said it is his understanding that, when they did the Electrical Board a few weeks ago, they had the members of that Committee take a pledge, so he does not know if that is something Council may want to consider.

Mr. Cannon asked if the Committee themselves have some guidelines established, such as, once they miss three meetings they are out.

Mr. Cannon said normally with Committees or Commissions they pick their own Chairperson, and they decide what Chairperson they want or do not want. He then asked if the Committee could possibly pass bylaws, or is that the Council's responsibility to pass bylaws, to which Mrs. Hurley responded, she does not believe the Charter Review Committee had bylaws in the past. She said she has not come across any, but perhaps that is because it is a temporary Committee where it is only going to be appointed for 12 to 14 months. Mr. Cannon said he would not want them to get in trouble whereas if somebody obviously has not shown up for three or four meetings, somebody has to say they are out, to which Mrs. Hurley responded, her thoughts on that are, once a Chairman is selected, then the Chairman can discuss those rules with the Committee. Mr. Cannon said normally the Chairperson is appointed by the Committee.

Mr. Dodd said one Councilmember thought the Council should appoint the Chair, but Mr. Cannon is saying that the Committee should, to which Mr. McCain responded, Council should be staying out of this as much as possible. He said the Charter says Council's job is to appoint a Committee. He said, once

Council appoints the Committee, then the Committee should elect a Chair like all Committee's do, and then they need to set their guidelines, etc., not Council.

Mr. Dodd asked how everybody feels about that, to which Mr. Davis responded, hands off.

Mrs. Acle said her concern is they will not all know one another, and they are going to pick a Chair from there, to which Mr. Davis responded, Council is not going to know them all either. Mr. McCain said that is fine if they do not all know each other. Mr. Dodd said it happens all the time. Mr. Davis said this group is going to meet often, so they will have to pick somebody among them to be in charge. He said Council is not going to know them all either, so why should they pick the Chair? He said, as Mr. McCain said, Council should be out of this as much as possible, and just pick the members and let them do their thing.

Mr. Hastings said they are the Legislative Body, and they are talking about up to 15 people coming from the Legislative side. He said the point within this Charter review is to understand the roles between the Executive and Legislative Branches, and Council needs to make sure they have representation on the Executive side. He said he thinks one thing Council will need to make sure of is that they have a good voice speaking for the Executive Branch.

Mr. Taylor said he has one comment. He said he looked at how Frederick County did their Charter review recently, and he does not know that this is the majority way, but it is the way he thinks they did it. He said they essentially selected the Chair and gave some guidelines to the Committee because they are essentially going to have a group of people who do not really know each other, and really are not even familiar with the process of what they are doing. He said he thinks that gets things started on a more even keel to do that. He said they are really there to review the Charter, and he thinks Council should put the ground rules in effect in terms of how they should be organized. He said, for example, if somebody misses meetings on a regular basis, they would be more or less automatically removed.

Mr. McCain said he will say again that Council needs to stay out of it. He said the Charter says that Council is to appoint a Committee and the Committee needs to set how they are going to conduct their business and select their Chair, etc. Mr. Holloway said he disagrees. He said he thinks Council should pick the Chair. He said it is not anything about being into it, but he thinks it will move the process a lot further because otherwise they would spend their first meeting or so deciding who is going to be the Chair. He said, in fact, their first meeting probably would not even have a Chair, so he does not know how that would make the first meeting all that effective, and his thoughts are that Council should pick the Chair. Mrs. Acle said she agrees, and she thinks Council needs to pick the Chair to give them guidelines and some kind of structure whenever they get started, to which Mr. McCain responded, Council has never picked a Chair for a Commission or Committee that he knows of. He said they appoint Commissions all the time, and they do not pick the Chairs.

Mr. Dodd then asked for a consensus on Council picking the Chair; Mr. McCain, no; Mr. Davis, no; Mr. Holloway, yes; Mr. Cannon, no; Mr. Hastings, no; Mrs. Acle, yes. Mr. Dodd said the majority has it. He clarified, four Councilmembers said the Committee will choose their Chair.

Mr. Dodd said, just to touch on what Mr. Taylor said, if the Committee was issued guidelines, all they are is guidelines. He clarified, the Committee can look at them, but they do not have to follow them because it is not the law. He said, for someone who does not know what is going on, it may help them, so it may benefit them, and he does not think it would hurt to give them some guidelines and let them decide if

they want to keep them or not, to which Mr. McCain responded, that is fine. Mr. Cannon said he agrees. Mr. Dodd said he thinks Mrs. Hurley has some guidelines, to which Mrs. Hurley responded, she does.

Mr. Holloway said, being that they are taking consensus votes, they should vote on how Council is going to pick the members. He asked if each Councilmember is going to bring two people in and one alternate, or is each Councilmember going to bring in two people and then just have two or three alternates? He said he guesses they need to take a consensus vote on that. Mr. Dodd said he thinks it was decided that if he submits two names, the majority may not want those names. He then asked if that is set in stone, to which Mr. Holloway responded, that is what he was just asking.

Mr. McCain said he thought they decided they were going to do a ranking where everybody puts in 20 names ranked, then narrow it down, and then they might want to pick one or two alternates from what is left. Mr. Dodd asked Mr. Holloway if he is okay with that, to which Mr. Holloway responded, he supposes, but it does not sound like he has much support on it.

Mr. Dodd then asked for a consensus on ranking; Mr. Davis, yes; Mr. McCain, yes; Mr. Cannon, yes; Mr. Hastings, yes; Mrs. Acle, yes.

Mr. Hastings said he thinks maybe they should have up to three alternates, but no more than that. Mr. Dodd said three to five, and he does not have a problem with five, but they can decide later, to which Mr. McCain responded, he thinks three is plenty. He said, as he said before, the Committee members need to commit to this, and that is why they put their names in. Mr. Dodd said he would just hate to see several people drop out and there not be enough alternate names, to which Mr. McCain responded, he does not think that is going to happen. He said he knows with the last Committee they did not have any issues with that, and he knows they took that job very seriously. Mr. Dodd said he thinks the discussion was that there were people not showing up. Mr. McCain said he does not think that was the Charter Committee, to which Mrs. Acle responded, when she looked back at the minutes, she saw there were probably two or three people who were consistently not there. Mr. McCain said he does not consider two a lot out of 15.

Mr. Holloway suggested they talk about the pledge, or is that a dead issue also, to which Mr. Dodd responded, he does not have a problem with a pledge. Mr. Hastings asked what kind of pledge Mr. Holloway had in mind, to which Mr. Holloway responded, basically that they would remain independent. He said he guesses they could look at the pledge that Mr. Wilber did for the Electrical Board and draft something off that. Mr. Cannon asked if Mr. Holloway is talking about swearing them in, to which Mr. Holloway responded, no, but he guesses they could be sworn in. Mrs. Acle said it is a commitment. Mr. Holloway then asked what Mr. Taylor's thoughts are on that, to which Mr. Taylor responded, as he said, he looked at Frederick County and he knows they used a pledge. He said it is essentially a pledge of impartiality that they are not representing any group of people, and that they would try to do the best for the County as a whole. Mr. Dodd said it would have been nice if they had a pledge to look at tonight.

Mr. Hastings said he has no strong feelings on the pledge, as he thinks people are going to speak for what they are going to speak for, or the groups they care about regardless. He said, to Mr. Holloway's point, he thinks it is important to have folks start off understanding that this is a new process and they really want to have substantive information and be as impartial as possible, but they cannot control what people do. Mr. Dodd said it would give them something to think about in the beginning.

Mr. Dodd then asked for a consensus on the pledge, to which Mr. McCain responded, Council should give them guidelines or whatever, and if a pledge is part of that, he is not sure why they are taking a pledge. Mr. Dodd then asked for a consensus; Mr. Davis, yes; Mr. Cannon abstained. Mr. Hastings said he has no strong feelings. Mrs. Acle and Mr. Dodd were both in agreement to have a pledge.

Mr. Taylor asked if Council wants him to send the pledge form to Mrs. Hurley and she can send it to Council, to which Mr. Dodd responded, yes. He suggested they also look at the one Mr. Wilber did as well because they may want to mesh them together. There was no further discussion.



Larry W. Dodd, President, District 3



Joe Holloway, Vice President, District 5



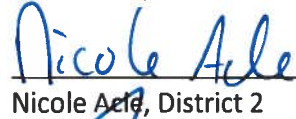
John T. Cannon, At-Large



William R. McCain, At-Large



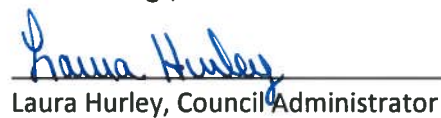
Ernie Davis, District 1



Nicole Acle, District 2



Josh Hastings, District 4



Laura Hurley, Council Administrator