

Open Work Session

Proposed Charter Provisions for Discussion with Charter Review Committee

February 16, 2021

Mr. Taylor explained, he was not aware until Saturday morning, from an email he got Friday afternoon but did not see until Saturday, that there was going to be any discussion on this today, as he thought it was going to be at the next meeting in March. He said there are 31 items and some of them are pretty cut and dry, but others are pretty involved, and, in his opinion, warrant looking at Charters from other Counties just to see how they do things. He explained, that takes a lot of time, particularly to put it in a convenient form for Council or the Charter Review Committee to look at. He said he did that in four or five instances, and he thinks he sent four of them to Mrs. Hurley, but he does not know if they have been sent on to Council. He clarified, it is not imperative to decide those points today or even to decide how Council wants to proceed in evaluating these 31 items, but they can get started, that is for sure.

Mr. Taylor said, before discussing any of the specific items he has looked at in detail, there was one item on the list that, frankly, he did not quite understand what it was for, and it happened to be #29 – censorship of Councilmembers. He said he talked to Mrs. Hurley a little bit this morning about this, and he does not know whether that means censor, meaning they cannot say something and if they do there are going to be penalties, or censure, which is getting a smack on the wrist because they do not like what the Councilmember did. He said clarified, he does not know how to approach this until he knows exactly which it means because they are different items.

Mr. Dodd asked if any Councilmember would like to comment on that, to which Mr. Cannon responded, from his perspective, he would think this is really a typo and it should be censureship, which would be more inline with any other government agency. Mr. Taylor said he looked at many Charters, and he is not aware of any other County Charter that has this. He clarified, there may be, but he has not looked for that particular item, and thinks it is pretty unusual in local government. He said he understands they have this higher up on the hierarchy of government, and he thinks they have seen at the federal level in the last week what a three-ring circus it can turn into, to which Mr. Cannon responded, he thinks what they are seeing at the State and federal level is just part of what the law allows, and he thinks that is what the purpose of this is.

Mr. Cannon said, in perspective, these 31 recommendations are just recommendations that have come to the Council over the last few years, and this is not a mandate for the Committee, these are just items that can be given to the Committee for them to make those decisions. Mr. Taylor responded, it would seem to him that if it is going to be given to the Committee for either of those grounds there should be some specification as to what it would address. He clarified, would it just be they did not like what the Councilmember did or said and therefore they are going to smack them on the wrist, or is there going to be some objective criteria for what the Councilmember or Executive can be censured for.

Mr. Cannon said Mr. Taylor makes a very good point, and there is another item listed that he thinks tries to address the concerns about any violations and what recourse Council may have with the Executive. He said he thinks Mr. Holloway, Mr. McCain, and Mr. Dodd could affirm this, but this is somewhat similar to the fact that in the past there were Councilmembers who created certain violations. He said he thinks the most egregious violation was the violation of a Closed Work Session, but Council has no

recourse, and there were several instances where it has occurred in the past and there has really been no recourse, so he is pretty sure that is what they are looking at here.

Mr. Dodd said, when Mr. Cannon mentioned Closed Work Sessions, nobody is supposed to discuss it beyond that Closed Work Session, and information has been leaked out in the past. Mr. Cannon said there are certainly minutes throughout the past that would reflect that, whereas, there were violations of Closed Sessions, but there really has been no recourse. He said Mr. Taylor made a really good point because the clarification should be a little greater, to which Mr. Taylor responded, he thinks what Mr. Cannon just said dovetails back into censure. He said there is a question around the country on Closed Session meetings as to whether a member is actually precluded from discussing what was said in the Closed Session. He explained, the Act says that the meeting has to be held in Closed Session, but it is silent on anything else, and there is a First Amendment issue there because there is ample Supreme Court authority. He said one of the cases, *Bond versus Floyd*, was actually mentioned on Saturday during the impeachment hearing, and it is very clear that members of a Legislative Body have almost a super-First Amendment right to speak about public matters. He said he thinks anything they do along these lines is going to be kind of treading very narrowly on the First Amendment if it has to do with something somebody says, or perhaps even their actions, so he just points that out. He said, in any event, if anything is going to be done, he would think Council would want to say what it is they think somebody should be censured for so it is not just an open item.

Mr. Holloway asked, if they censure somebody, what are the ramifications? He clarified, what would they be doing other than just saying the person has been censured? He asked if there is any punishment that is going to be aligned with it, or is it just a slap on the wrist or something to try to embarrass someone, to which Mr. Cannon responded, that is a good point, and he thinks if the Committee wants to take this on, they could probably look to see exactly how it is handled with other Counties, or at the State or federal level. He said, from what they have discussed on a national level, he thinks it appears to be more of a token gesture. He said sometimes they take Committee appointments away, but of course the Council does not have Committee appointments, so there may be a varying degree of what they may or may not do, and that might be a blessing for some people. He said there are different rules too, and he thinks either Council could review that, or the Committee might want to review that. Mr. Dodd said it sounds like it could be something as simple as a public slap on the wrist.

Mr. Taylor said, getting back to some of what he had a chance to look into in some detail, and items that have been somewhat hot topics or at least publicly discussed a bit, item #2 on the list – Qualifications - Should Wicomico County teachers be allowed to serve on the County Council? Currently County and State employees are prohibited from holding Office. Mr. Taylor said he looked at all the County Charters provisions, qualifications, and prohibitions for Councilmembers, and this would apply to every Charter County. He clarified, every Charter County has Councils, but they do not all have County Executives. He said, by and large, though he thinks there is one exception. He explained, there is a pretty widespread list of prohibitions for Councilmembers who are serving on the Council to serve in other government related positions and employment, so Wicomico County is not alone, certainly, in that regard. He said the only County he could find that seems to be absolutely wide open is Baltimore City, which for this purpose is considered like a Charter County even though they do not have an Executive. He said that is all he could find, so it would appear to him that Wicomico is pretty much in the mainstream as they are now, and he has that listed with all the different provisions from the Counties.

Mr. Taylor said, tied into #2 is #4 in reference to vacancies, and there are variations across the board where some Counties have very detailed provisions and involve a list of people from the State Central Committee if the person is a member of a party. He said a few of them require public hearings, but some are just at the opposite end. He said, again referencing Baltimore City, if there is a vacancy in Baltimore City, the procedure is, after public notice, the City Council by majority vote by its remaining members shall elect a person to serve for the remainder of the unexpired term of the former incumbent. He said there is another County very similar to that, and there are a couple of other Counties that have it a little bit more involved and involves getting a list from the State Central Committee and going from there. He said it seems to him like there is a spectrum; there are jurisdictions that essentially want to have it done quickly, and there are others where it gets prolonged to go through all of these different hoops that are provided. He said Wicomico has seen, he thinks, in just the last couple of years that sometimes jumping through those hoops itself can be very time consuming, and, to some extent, controversial, so he guesses it is all about where they want to be; do they want to be at one end or the other end, or in the middle? He said Wicomico is roughly in the middle right now. He said there is another aspect of this that is very interesting, and that is a special election. He said, up until a few years ago, if a Council position became vacant it had to be filled for the entire term, and they could not have a special election during the remainder of the term. He said that was changed, and he thinks it was a State Constitutional amendment to where they can do that now. He said some Counties just provide that if the vacancy occurs during the first three years of the four-year term, they just go to a special election and do not go through the process of getting a list from the Central Committee and having hearings. Mr. Dodd asked, when Mr. Taylor says special election, is that the next presidential election, to which Mr. Taylor responded, it could be simultaneous, but it does not have to be, and they could just hold a special election. He said, for example, five of the seven seats on the Council are District seats, so he would assume in that case that it would just be a District election and would not be Countywide because the District seats are filled by the District voters only. He said, if it was At-Large, it would of course be a Countywide election. He said it seems to him that there might be some people who would view that to be the ideal way to do it. He said there is a cost to hold the election, but it could essentially be the quickest. He said they could have the election pretty quick, so they might want to consider that because, if the idea is that the electorate should have a say in who fills the vacant position, that covers that ground 100 percent, whereas the other methods do not. He clarified, the only way in which it is handled by the voters of a District or At-Large is by holding that special election or dovetailing it like Wicomico County did this year with the presidential election. He said there are a lot of things to look at, and that is why he thinks it helps to look at all of the Counties and not just one County that happened to make a change or tweaked something a little bit and now is doing it another way.

Mr. McCain said he thinks Mr. Taylor's comments are very educational, but since Council has not appointed the Committee yet, are they a little bit ahead of themselves? He clarified, he would love for the fifteen people who are going to be appointed to hear the comments Mr. Taylor is making. He said Mr. Taylor is educating Council, but they are not the ones making those decisions, the appointed Committee will be. He said, at this point, these are just a list of things they have been keeping tab of over the last couple of years, so he does not want Mr. Taylor's research and well-made comments to go to waste and be unnoticed because they do not have a Committee yet. He then asked if they are one meeting ahead of themselves with the proposed Charter discussion that they are going to pass on to the Committee, to which Mr. Dodd responded, he thinks what they are doing is going through the items and striking the ones that they really do not need to discuss, or to pass on as a guideline. Mr. McCain said

the Committee can take up anything they want, so he does not know if he wants to strike any of them, even if he agreed with them or not, just to give the Committee the opportunity to consider them, to which Mr. Dodd responded, he agrees with Mr. McCain, but he thinks most of the Committee members will be going in blindly and not knowing what to look at. Mr. McCain clarified, he is still saying they should get this list, but they do not have a Committee yet, and Mr. Taylor is giving some good advice, but there is no one to give it to at the moment. Mrs. Acle said this is something Mr. Taylor could share with the Committee once they are established. Mr. Holloway said minutes are being taken, so they will be able to read whatever Mr. Taylor says. Mr. Taylor said there is another aspect to this where typically the Council Legislative Body will put things on the table for the Committee that it is particularly interested in having reviewed for the potential change, and, on these items for example, if Council is happy with what they have, then take it off the list and have the Committee look at other things. He clarified, if the Committee wants to look at it, that is fine, but in his experience, particularly in Salisbury and some other Counties, that is how it is done, and that is why he has done this. He clarified, he is not trying to give advice or recommend one way or another on the two items he has mentioned, but he suggests they look at the panoply, the broad spectrum of other Counties, and see if there is anything in there that might appeal as another way to do it, but not necessarily a better way.

Mr. Taylor clarified, he suggests Council discuss all of these items, but not decide today because they cannot go over all 31 of the items.

Mr. Taylor said he also looked at the same thing for the County Executive, as there was quite a bit of discussion and comment about it this past summer, so he has spelled out how all the different Counties do it, and, again, there is a range of how it is done, and that is another one of the items he prepared. He said another item is qualifications and prohibitions for the County Executive, which is another aspect they discussed a lot this summer. He said he will point out that there are two provisions that are not in Charters that could bear on this, and a provision in the Maryland Constitution Declaration of Rights, Article 35, that no person may hold at the same time more than one Office of profit created under the Constitution or laws of this State. He said there is also a common-law doctrine of what is called incompatible positions that Public Officials cannot hold a Public Office and then another position that is incompatible with that Office, and that is spelled out in this. He said he thinks there are a lot of things that have to be considered when they get into these areas, and that is why he has done this. He said these are the more complex ones, and he does not have them all, but he has some of them.

Mr. Taylor said another item that is in a couple different places has to do with property tax limitations. He said there are five Counties in Maryland that either have a property tax revenue cap like Wicomico does or they have a rate cap, and it is indicated in his notes and also in what he has prepared. He said Montgomery County's Charter amendment items this year shifted from a revenue cap to a rate limit cap, and Talbot County made several changes. He explained, Talbot County's revenue rate cap was essentially the boilerplate for Wicomico's where the folks in Talbot County came here and suggested it, and a group of folks petitioned and got it in Wicomico's Charter. He said, up until the November election, the two provisions were exactly the same word for word, but are no longer that way because Talbot County changed theirs in that they took out the CPI aspect of the cap. He clarified, in other words, their tax revenue could go up by the lesser of CPI increase in the prior calendar year or 2 percent. He said for the last four or five years Wicomico's has been less than 2 percent, but sometimes it is more than 2 percent, but often times it is not, but Talbot has taken that part out. He said because Talbot needs money for a new Sheriff's Office and some other County improvements, another thing they did

was an override of the remaining limit. He said the tax revenue cap rate actually turns into a tax rate because they have to set the rate so they are within the cap, but Talbot now allows an override for a period of five years on that rate up to a penny per \$100 because they want to generate more revenue. He said another thing Talbot did that is more or less a housekeeping type amendment is they have provided that, in doing calculations as to what the tax base is, they use the State constant yield tax rate data. He said Wicomico does that, but technically, if they go by the exact language of the Charter, that is not how they should do it. He said the reason Wicomico does it is because they would have to go through an endless amount of calculation to do it any other way and would spend days doing the calculation. He said Talbot has conformed their Charter to what the practice is, and, at least in his view, that one change is a no brainer, and Wicomico ought to do it too so they conform their Charter to what they are doing.

Mr. McCain said, when Mr. Taylor was talking about the rationale for getting rid of the CPI, it was also because they did not consider the CPI to be the appropriate measure because that is a measure of consumer goods and services, not a measure of governmental services, such as healthcare costs going up and things of that nature. Mr. Taylor said that is a good point, but he thinks the bottom line in Talbot County is that they need more revenue, and that is why they did the override.

Mr. Taylor said there are other items on the list that he thinks would behoove Council, the Committee, and the public to have a looksee at how it is done elsewhere. He said an example certainly worth looking at is removal of the County Executive for health reasons. He said his recollection is that it has to be six months, essentially, of inactivity, and he noticed that some Counties do not have a six month period, it is much shorter, or in some cases none at all where if the County Executive becomes incapacitated he can be removed, essentially, immediately. He clarified, they would have to go through some procedural steps, but they are talking about days or weeks, not six months. He said commonsense tells him that, if they can do without a County Executive because he is inactive or incapacitated for six months, it is almost like saying they do not need a County Executive if he is not going to be there for six months.

Mr. Taylor said item #13 is forfeiture of Office by the County Executive - Should this provision be expanded? He said he does not know what the expansion has in mind, so he does not really know about that. He said there are a couple Counties that have a removal provision for other than health reasons, but it does not seem to be the majority view of Counties, but there are some. He said they cannot recall a Public Elected Official in Maryland. He said there is a Constitutional prohibition for that, but removal is different from recall. He explained, a recall is a vote of the public, and removal is something that apparently can be done because it is done in some Counties in the sense that they have it in the Charter.

Mr. Taylor said there are some items he thinks are more or less straight policy. He said #17, for example, asks if this Section should provide for an in-house County Attorney, and he is not aware of any Charter that provides for that. He said, of the Charter Counties, with one or two exceptions including Wicomico, there is no in-house County Attorney. He clarified, there was in the past, but not now. He said he knows the practice generally is to have an in-house County Attorney, but there is no requirement to do that.

Mr. Taylor said one item asks if the County Attorney should review all contracts of the Legislative Branch of government. He said, again, this is more or less a straight policy matter, and it would seem to him that if there were to be some specific requirement, there probably should be some floor under which it does not need to be done because there are a lot of contracts that are, essentially, peanut amount contracts, and they are on standard business forms that cannot be varied anyway if they want to deal

with that particular vendor. He said, when they get above a certain amount, he is just throwing out thoughts, but the main thought is whether they want to provide that or not. He said, if Council feels that the Committee should look at that, then he thinks it should be on the list that goes to the Committee.

Mr. Taylor said another item is to update Charter sections that refer to Article 25-A of the Local Government Article, but he thinks that is a misprint because Article 25-A is an old part of the code that was repealed and replaced by the Local Government Article. He said there are still has a lot of citations to Article 25-A, but he thinks there could be a housekeeping amendment for things like that.

Mr. Taylor said another item is the context about he/she. He explained, right now most provisions talk about him and he pronouns and not he/she, so if they want to do that, it could be revised. Mr. Dodd asked if that is something Council can do without going on the ballot, to which Mr. Taylor responded, no. He explained, if they are going to change anything in the Charter, it has to be done by referendum. He said he looked at the last five or six cycles where Charter Counties make changes every two years and in some cases he saw just a general housekeeping type amendment that does not spell out on the ballot each and every item, but just says to make changes to conform to the current version of the State Code. He clarified, in other words, just a generic type description of what is being done.

Mr. Cannon asked if the Charter currently states that any reference to he is nongender, to which Mr. Taylor responded, honestly, he does not know, but he has heard people mention that instead of saying he, just to be nice, at least the current view of what is nice, it should not just say he, it should say he or she. Mr. Cannon said he thought at the beginning of the Charter it refers to the fact that any mention of he is actually nongender, and it reflects he, she, or whatever it might be, to which Mr. Taylor responded, it might, but he is looking at what has been brought up that Council thinks should be changed. He clarified, he personally does not care, but this is something that could be put in general housekeeping. He said there are probably some other changes of that kind not having to do with gender, but just generally, that probably need to be changed or modernized to some extent, and those could also be part of a batch Charter amendment. He said he can find a lot of things like that just going down the list.

Mr. Taylor said #21 - Clarification of benefits programs – Does this mean changes to benefit programs must be approved by the Council? He said he did not look at that this week, but looked at it last summer and believes it is pretty clear in the Charter that changes in benefit programs is a Council matter, and that is the way it had always been done in the past as far as he can tell. He said he looked back about five or six years at changes, and they were always done by the Council with the exception of this most recent one where they changed the 457B plan where pretty significant changes were made that were not made by Council. He said, in fact, Council did not know about them until after they were made.

Mr. Taylor said #22 deals with a question that came up on if the word compensation includes pension payments - Can a former County employee serve as a Councilmember if he or she is receiving pension payments? He said, when he was talking about some of the prohibitions for Councilmembers he should have mentioned that several Counties provide that, even though a current County employee could not be on the Council, if they are retired and only receiving pension benefits, that does not disqualify them, so there are provisions, and Council will see that in the material he provided, so that could be done.

Mr. Dodd said Mr. Taylor does not need to go through every single one of the items, to which Mr. Taylor responded, sooner or later he thinks they should, but if Council wants him to take it up at the next meeting, that is fine too. Mr. Dodd said they can discuss the rest of the items at another time.

Mr. Dodd said, since Council is not going to be able to discuss the process in Closed Session, they can talk about how they are going to select these members, as there were 44 applicants. He then suggested someone start talking about that, to which Mr. McCain responded, they already did that. He clarified, that was a Work Session at the last meeting. Mr. Dodd said he thinks somebody had some changes they wanted to discuss, to which Mr. Holloway responded, he wants to talk about it. Mr. McCain asked Mrs. Hurley if Council can do that because they talked about how they were going to select the Committee at the last Open Work Session, and have already told the public, to which Mrs. Hurley responded, it was discussed in a Work Session, but there was not a formal vote. Mr. Dodd said it was just a Work Session. Mr. McCain said the Agenda says "Discuss Provisions for Charter Review," and that is what was advertised to the public. He said they have not advertised to the public that they are now going to start over discussing the process. Mr. Holloway asked if Mr. McCain wants to put it on the Agenda for the next meeting, to which Mr. McCain responded, no because they have already done so. Mr. Holloway clarified, they did not take a formal vote, to which Mr. McCain responded, they went around the room and took a majority vote and said that was how they were going to do it. Mr. Holloway said it was a consensus vote, not a formal vote, to which Mr. McCain responded, they have done that. Mr. Cannon clarified, a consensus vote is what they are going to do in a Work Session, and that is what was taken, to which Mr. Holloway responded, he understands that, but some information has come forward since they took their consensus vote that he thinks Council ought to discuss. He said, if Council does not want to discuss it now, that is fine, and he will just ask the Council President to put it on the Agenda for the next meeting. Mr. Cannon said Council is going into Closed Session to make their choices, so how are they going to put it on the Agenda for the next meeting if they are going into Closed Session today, to which Mr. Holloway responded, he did not think they were going to vote on their choices today.

Mrs. Acle said she has also had citizens reach out to her with different questions, and she would like to discuss them just to get clarification. Mr. Holloway asked Mr. McCain if they can talk about it, or if he would like to try to shut it down, to which Mr. McCain responded, he is still waiting for the answer of whether they can even do that. Mrs. Hurley said it sounds to her like they need another Work Session.

Mr. Cannon said he still has a question for Mr. Taylor on the topic of this Work Session, but he thinks Mr. Hastings was ahead of him. He then suggested Mr. Hastings ask his question.

Mr. Hastings said, getting back to what they were going over, the more he hears all these comments, he thinks this is something the Committee itself should lead. He said he kind of feels like they are getting ahead, but he does not know how they get to the point where they help because there may be a whole lot of items that the individuals who will be on the Committee will think are important. He said these items are just what Council has collected, what they have heard, or what people have told them over the years, and are not any particular priority, so, as much as possible, the Committee could lead on that and then come back to Council to ask for clarification as to what they think is important.

Mr. Hastings said he has a question on that process, just so he is clear, and so the public is clear. He then asked if the recommendations this group puts together then come back to Council to approve to go to the ballot, or does it come as one question that goes onto the ballot? Mr. Dodd asked Mrs. Hurley if that process happens after the Committee makes their recommendations, to which Mrs. Hurley responded, once the Committee makes their recommendations, Council will review the recommendations, and in the past they have had Public Hearings on what they want to put on the ballot. She said they will

approve it by Resolution, and it then goes to the County Attorney to certify, which normally happens in August. She said, once that process is done, it will go on the November ballot.

Mr. Taylor said, just to amplify that a little bit, the Committee's recommendations, as Mrs. Hurley said, will come back to Council, but Council can essentially do anything they want. He said they can take a recommendation and put it on the ballot, which is the certification Mrs. Hurley mentioned where the County Attorney essentially writes a ballot question which is sent to the Election Board, and that is how it gets on the ballot. Mr. Hastings asked, could this theoretically be 30 questions, or just one question, to which Mr. Taylor responded, some of them probably could be combined. He said, for example, there were a couple on Council that could probably be combined as one item, or all the housekeeping items he mentioned could certainly be a package. He clarified, when this report comes back, the Council can do anything they want, including referendum items of its own that the Committee does not recommend at all or even recommend against. He said many Charter Committees will have a majority report and a minority report, and sometimes more than one. He said, essentially, as far as the Council is concerned, going forward on the ballot, the Council has a freehand and it is not in any way tied to what the Committee does. He clarified, the Committee makes recommendations, and he is not suggesting they should not be considered, but that does not mean that they are automatically followed. He said he thinks there was a misunderstanding in a new article about a month ago where the suggestion was made that anything the Committee recommends goes on the ballot, and that is incorrect.

Mr. Dodd asked, would the recommendations all come back in a list of amendments for the ballot, to which Mr. Taylor responded, that would be the normal practice, and he can send Council some reports from other Counties. Mr. Dodd clarified, he knows what they have done in the past themselves with amendments, but he was just wondering about the Charter Review Committee itself.

Mr. Holloway said one thing they have to keep in mind is the amount they put on the ballot because they reach a point where it gets very confusing, so they have to try to limit it to a certain amount, to which Mr. Dodd added, it can also be expensive.

Mr. Cannon said he thinks the important decision Council is going to have to make is how far they go with this. He clarified, he has always said that the Charter as a whole needs to be completely redone, and when it goes to the ballot, possibly the public would be voting on a new Charter. He said it is not totally incomprehensible as it is what they did when they first created the Executive-Legislative form of government, and they may need to look at that again. He said he thinks the greatest disservice to the Committee, which he experienced the last time he was on the Charter Review Committee, was the fact that they turned in numerous what they thought were very important Charter amendments that needed to be considered, but, similar to what Mr. Holloway suggested, the Council at the time only chose maybe three of those recommendations specifically because they did not want to inundate the public with too many questions on the ballot, and that is very valid. He said he thinks the most important question Council has is how they are going to take these 32 items and get that to the public on a ballot, and there will be more that this Committee will recommend. He said they can only combine so many, but he understands what Mr. Taylor is saying.

Mr. Cannon said the other thing that is just as important is whether or not Council wants the Committee to recommend fiscal policy changes, or whether Council wants the Committee to include changes to the revenue cap in their recommendations, or anything in there that might state that in order to do a capital improvement in Wicomico County it has to go to referendum first and no longer be a decision of the

Executive-Legislative Branch of government. He said there are certain lines he thinks they need to delineate as far as how far they go and a reminder again because everyone is saying this should be apolitical, which there should be no political involvement at all, but the Charter as it is today, as has been stated in this room, clearly states that it has to come back to the Council for final vote. He said these types of guidelines are important for this group to understand as far as how far Council wants them to go. He clarified, they would not want the Committee to spend three days on a revenue cap if Council has no inclination whatsoever to make that change as a Council.

Mrs. Acle then asked Mr. Cannon if when he was on this Committee previously they had someone there guiding them with recommendations and telling them that they were only going to be able to put so many forward that would go on the ballot, to which Mr. Cannon responded, not at that time. He said they just in good faith sent the changes to the Council that they thought were important, and of course when the Council cut it down to three they thought that was not the best thing to do, but they recognized the fact of how overwhelming it could be with the general population.

Mr. Cannon said, again, Council has to make that decision whether they are going to change the Charter in its entirety or whether they are going to have to selectively throw 42 amendments out there.

Mr. McCain said it is looking like they could be talking about the possibility of about 30 or more changes, and once they get into that many changes, it really starts taking the form of whether it should be a revised Charter. He said he does not know if that is something they are able to do to be voted on as a revised Charter, or if they have to be done in these bits and pieces. He said it is the Charter Review Committee, so he does not think Council can dictate to them that they cannot look at a certain item, whatever that item might be. He clarified, he just does not think Council can or should tell them not to look at something. He said, given this many changes, it is starting to sound like it is almost a revised Charter as opposed to bits and pieces.

Mr. Holloway said maybe they should change it from a Review Committee to a Revise Committee because this thing is taking on a whole new set of legs. He said, if they are talking about completely rewriting the Charter, Mr. Cannon said that is what they did when they went to the Executive form of government, but he does not think they did exactly that. He clarified, they did form an Executive form of government, but they did not change a lot of the other things in the Charter, as they have seen over the past years where things keep popping up that are in the Charter that do not fit with the Executive form of government, so they have had that problem. He said this has been charged as a Charter Review Committee, and he thinks if it is put out there that they are going to change the Charter completely as far as even having a new Charter, the folks who have volunteered for this are probably going to be in for quite more of a job than they thought they were. He clarified, not that they would not want to do it, but it seems it is going to be a lot more time than what they were looking for, and he thinks they need to take their time as a Council to decide what they are going to send the Committee and how they are going to form all of this.

Mr. Taylor said he will answer Mr. McCain's question and maybe give some general background information too. He said they could do a revised Charter, it can be done, but it is obviously time intensive. He said the story on the Charter from day one is that the Charter was actually enacted back in the 1960s. He said they did not have the Executive form until about 15 years ago, and when they did the revision to change over to the County Executive, they did a complete Charter, but essentially it was tweaking to the County Executive form, and there was not much change other than that. He said he

happens to have a copy of the 1960s Charter, and it may be the only one in existence. He said he got it online actually, and many of the provisions go back to the 1960s Charter with very little change. He clarified, there have been changes, but a lot of it, he would guess probably more than 50 percent in textual volume, goes back with almost no change at all. He said that is one reason he thinks why they have some of these matters that seem like they are a little antiquated now. He said, if this is going to be done on a broad basis, it is going to take a lot of work to do it right, but they could still do it and tweak it like they did. Mr. Holloway said that would not just take the work of this Charter Review Committee, it would take a lot of legal background work to be done also. He said the Charter Review Committee can send a lot of suggestions in to be done, but if there is background work done, sometimes they are going to find out it cannot be done because it is not legal to do it that way. Mr. Taylor said there is another aspect of this in the sense that it seems like they have a lot of time to do a full review of the Charter, but they do not. He clarified, they do not have to wait ten years to do a full review of it, so if Council decides in two or three years' time that they want to do a full review and put it on for referendum other than in this ten year cycle they use for the Charter Review Committee, they can do that, so it does not mean it is impossible to do it now or they have to wait another ten years, and he just points that out.

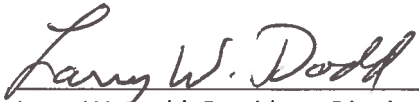
Mr. Hastings said he thinks what is clear is that they do have a lot of items and he thinks anyone who has been paying attention over the last four years especially knows there are a lot of things they need to think about and maybe part of the reason why there are so many items is because in the past they did not take on what this Body should have. He said they are not even 20 years into switching over to an Executive-Legislative form, so he thinks they need to have a more substantial process and whomever Council chooses to be a part of this certainly needs to be very committed. Mr. Dodd said he agrees.

Mr. Cannon said Mr. Taylor had a lot of great input today, and he would love for him to email that information to the Council so they can really look at it and review it. Mr. Taylor said he sent it to Mrs. Hurley, to which Mrs. Hurley responded, she got an email from Mr. Taylor last night on some of the information, but she does not think she got all of it. Mr. Taylor said there should be four different items, and there is a fifth he finished up this morning, and he will send that to Mrs. Hurley. He explained, it is hard to pull these items out and get it into the format he was using, and he probably should have used a little bit of a different format, but it is legible and he is sorry it is a little ragged here and there, but he thinks Council will be able to get through it without too many headaches.

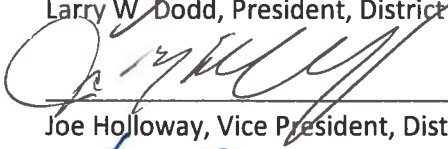
Mr. Dodd asked Mr. Holloway if he has another comment on the process, to which Mr. Holloway responded, Mrs. Hurley said Council cannot discuss it and they will have to have another Work Session. Mrs. Hurley said Council can amend the Agenda to add a Work Session today, and that requires a supermajority vote, or Council can add a Work Session to the next Agenda. Mr. Dodd then asked Mr. Holloway if he wants to do it at the next meeting, to which Mr. Holloway responded, he can ask to amend the Agenda today to discuss it if he gets a supermajority vote. Mr. Dodd then asked if Mr. McCain wants to amend the Agenda, to which Mr. McCain responded, Council has already discussed this, and he is opposed to making any changes. Mr. Davis was also opposed. Mr. Cannon asked for clarification on the amendment, to which Mr. Dodd responded, it was to re-discuss the process of how Council is choosing the members. Mr. Cannon suggested it be put in the form of a motion and a second with a supermajority vote.

On motion by Mr. Holloway, seconded by Mrs. Acle, and by roll call vote, Mr. McCain, nay; Mr. Davis, nay; Mr. Cannon, nay; and Mr. Hastings, nay, the motion to add a Work Session to the Agenda to discuss

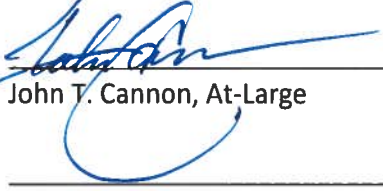
the process of appointing the members of the Charter Review Committee failed. There was no further discussion.



Larry W. Dodd, President, District 3



Joe Holloway, Vice President, District 5

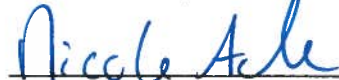


John T. Cannon, At-Large

William R. McCain, At-Large



Ernest F. Davis, District 1



Nicole Acle, District 2

Josh Hastings, District 4



Laura Hurley, Council Administrator