

Open Work Session
Discussion on Compensation and Allowance Commission
October 5, 2021

Mrs. Hurley said Charter Section 204 requires the County Council to establish by law a Compensation and Allowance Commission that is to recommend to the County Council the compensation and allowances to be made to the members of the County Council and the County Executive. She said the County Council established the Compensation and Allowance Commission by Legislation, and that is codified in the County Code as Chapter 18 titled "Compensation and Allowance Commission."

Mrs. Hurley said the County Executive has historically submitted the names of the nominees to the Council for confirmation, but last week she notified the staff in the County Executive's office that Council had not received any names yet for confirmation. She said, on Monday evening, she received an email from the Acting County Executive stating that is not the County Executive's Office role - establishment and deliberation of the Commission, the Resolution of the Commission, or any Bill passed by the County Council relating to the Commission's recommendation, and that the Compensation and Allowance Commission is the charge of the County Council. She said she has spoken to the Council's Attorney, Mr. Mitchell, and he seems to think the Council has the authority to move forward with selecting individuals to serve on this Commission. She said the Code and the Charter are silent on how that process is to take place, so she is seeking guidance from Council on how to move forward. Mr. Dodd asked if this requires a Charter amendment at some point, to which Mrs. Hurley responded, no, it does not.

Mr. Mitchell said the real problem is in Chapter 18, as it simply says the Commission shall be appointed, it does not say who appoints. He said normally one would think the Council would appoint, but like Mrs. Hurley said, historically, the County Executive has nominated, and that is a normal way of doing it; the County Executive nominates and Council approves. He said some of the Resolutions adopted appointing people over the years have erroneously said Charter Section 413 provides that the County Executive will nominate, but it does not. He said the language is basically that they will be appointed, it does not say who will do it or how they do it. He said the big key is that all the different things that tie this to the County Executive making the nomination all refer to things that are in the Executive Branch. He said, when looking at what this Commission does, it is very independent, so it is much different than most boards and commissions, and that is because of its role. He said it should be independent from the people who it is going to recommend on their salaries. He said he has looked at what is called the Citizens Advisory Board that the County Executive appoints, but basically that is different. He said it kind of looks like this because this commission only meets periodically, but this is kind of a permanent deal, as it meets periodically every time that period comes up, whereas the citizen commissions are usually for a particular purpose, they run their course, and they are over with. He said he does not think it qualifies for that, so he thinks it is up to the Council to make its nominations and go from there.

Mrs. Hurley said this is time sensitive because the Commission is to submit a report to Council within 15 days after the beginning of the fourth term of Council, and December 7 is the first Tuesday in December, so that is when the beginning of the fourth term starts. She said 15 days after that is December 22, and there is a Council meeting on December 21, so ideally they would submit their report at that meeting.

Mr. Dodd asked if they can make appointments at the meeting, to which Mrs. Hurley responded, she suggests advertising starting tomorrow. She said she drafted a public notice, and the application period would run through October 15, which is the Friday right before the Council meeting on October 19. She said she thinks it is a good idea to have a closed work session before the meeting on October 19,

perhaps at 9:30 a.m., and during the Legislative Session approve a Resolution making the appointments so they can get to work right away. She said otherwise they will have to wait another two weeks. Mr. Dodd asked if everyone agrees to an early session on October 19, to which there was no opposition.

Mr. Dodd asked how many members, to which Mrs. Hurley responded, 11 members and Council decides the Chair.

Mr. Cannon suggested sending letters to the individuals who previously served to let them know this period has come up again to see if they are interested, just in case they do not see the advertisement. Mr. Dodd asked if Mr. Cannon is talking about members from the last Commission, to which Mr. Cannon responded, yes.

Mr. McCain said it would be good to have some consistency on this committee. He said he served on the committee when he was in between Council service, but he knows that it is also important for guidance in terms of information when it comes to Executive salary, for example. He said he remembers they had all of the information from all the counties that had Executives and their populations, and they had a chart that had the salaries of the Executives, as should be in any kind of compensation study. He said they had the same thing for the counties for Councilmembers as far as those that are similar in size, and they had what their duties were because it differs in some counties compared to others because it can be a charter county or a non-charter. He said it was very peer oriented, as it should be, but they need that guidance, and that is where it would be good to have some repeats serve on the Commission.

Mrs. Hurley said she spoke to Dr. Memo Diriker because she was concerned that they would not have enough time, as he was the Chair of the last Commission, and she wanted to know how much work was involved and how long it would take. She said he thinks it can be done by the deadline, and he mentioned that he has a database to get the information.

Mr. Hastings said they talked about maybe raising the salary for the Sheriff. He then asked if that is something the Commission can review, to which Mr. Dodd responded, Council can ask them, but the Sheriff's Office can be done separately. Mr. Hastings then asked if it is appropriate to ask them, to which Mrs. Hurley responded, the Charter says the Commission is to review the salary of the County Councilmembers and the County Executive, but historically the Commission as a courtesy to Council has done research on the Sheriff's salary.

Mrs. Acle asked if the Commission in the past has researched the Board of Education members, to which Mrs. Hurley responded, she does not think they have done that in the past.

Mr. Cannon suggested keeping in mind in what Mr. Taylor told them, which is any increase for the Sheriff has to fall exactly in line with the increase for the County Executive and the County Council. He clarified, they cannot give the Sheriff a raise in the four year interim. He said the Charter Review Committee is reviewing whether the Charter can be amended to add the Sheriff, and he would hope so. Mr. Dodd said it was discussed with the Sheriff once before about looking into an increase, to which Mr. Cannon responded, the State law requires that it be done in the fourth year.

Mr. Mitchell said he talked with Mrs. Hurley about this and there is really no penalty if Council does not make the deadline. Mr. Dodd clarified, there is not a penalty, to which Mr. Mitchell responded, no. Mr. Dodd said it would be nice to make the deadline, to which Mr. Mitchell responded, Council should obviously try to make the deadline.

Mr. Hastings said he remembers listening the last time Council had this talk and he thought that whatever the recommendation is, it should not start at the beginning of the next four years, but the following year. He said, if someone is running for Council again or running for another Office, it looks like they are giving themselves a pay raise. He said the only way he can imagine to break that is to say Council is voting on something four years out, but he does not know if they are able to do something like that, but it would be helpful. Mr. McCain said that is a Charter amendment.

Mr. Cannon said he thinks it follows the same guidelines as State law. He then asked Mr. Mitchell to check the State statute to see if it has to be done in the fourth quarter. Mrs. Hurley confirmed that it is State law. Mr. Dodd said Council discussed doing it at the beginning of the term and that way it is four years down the road. Mr. Hastings asked if the State law says it has to be done at that point in time, or can it take effect four years later, to which Mr. Cannon responded, he thinks the law says the fourth year before the new term begins, so they would be putting it into effect that next year.

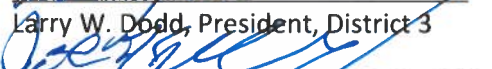
Mr. Dodd said either way they are not giving themselves a pay raise because they have to get reelected, to which Mr. Hastings responded, that always happens. Mr. Dodd said everybody feels like they are giving themselves a pay raise.

Mr. Dodd said he thinks it was 1992 or 1994 since the last increase for Council. Mr. Hastings said the reason is because no one wants to look like they are giving themselves a pay raise, so, in his opinion, it needs to be addressed if it can. Mr. Cannon said that would be a charge for Mr. Mitchell to look into. Mr. Mitchell asked if Council means without changing the Charter or Statute, to which Mr. Dodd responded, yes. Mr. Cannon said they are talking about voting this December for four years later. Mr. Hastings clarified, it would take effect not for that Council but the next Council. Mr. Dodd said it would be nice if Council could do it after they start their term, and that way it is four years down the road.

Mrs. Hurley said she will advertise the public notice stating that the Council will accept applications until October 15. There was no further discussion.



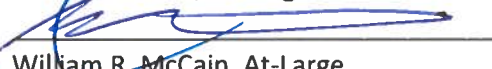
Larry W. Dodd, President, District 3



Joe Holloway, Vice President, District 5



John T. Cannon, At-Large



William B. McCain, At-Large



Ernest F. Davis, District 1



Nicole Acl, District 2



Josh Hastings, District 4



Laura Hurley, Council Administrator