

**Open Work Session  
Compensation and Allowance Commission Report  
January 18, 2022**

Mr. Cannon said Council received the report from the Commission at a prior meeting with three recommendations. He said one was for the Executive's Office, the second was for the Council, and the third recommendation was for the Sheriff's Office. He then suggested they first discuss the recommendation for the County Executive of \$124,000.

Mr. McCain said the Council appointed the folks to the Commission to make the recommendation to the Council, and they have done their homework. He said they made recommendations to the Council at least the last two times. He clarified, not that exact amount, but for raising the compensation for the Executive, and he appreciates their work and he thinks they should follow their recommendation.

Mr. Holloway said he asked a couple of people to be on the Compensation and Allowance Commission and when he did he told them he probably would not agree with what they came up with. He said he will recuse himself from the conversation about the Wicomico County Councilmembers because he is planning to run for Council again, but he will have input on the County Executive. He said they have some examples of other Counties that pretty much mirror Wicomico as far as population and budget. He said Cecil County's Executive gets \$99,000, and they are the closest as far as mirroring Wicomico County. He said the Commission suggested a 40 percent increase in salary.

Mrs. Acle said she sent the Council the link to Frederick and Cecil County's pay scale for their Executive, and she had a chance to talk to both of those Executives to feel if that was appropriate. She said Frederick County definitely has a different demographic than Wicomico, so Cecil County is probably the closest when looking at the size of the Departments and what they are tasked with doing. She said she had a conversation with the Cecil County Executive and she felt that was an appropriate salary for what she is doing. She said she thinks what MACo put out in their suggestions for a County similar to Wicomico at \$99,000 is a better gage on what they set the salary at, and she feels much more comfortable with that.

Mr. McCain said Frederick County just significantly increased their Executive's salary to \$135,000. He said, even at \$124,000 as recommended by the Commission, that would be the second lowest Executive in the State of Maryland. He said Wicomico's was originally set in 2006 at \$85,000 and has never changed, and just simple CPI would put it beyond the \$124,000.

Mr. McCain said the other thing that is important to remember is that they are also going to talk about the Council and the Sheriff, and if they are going to reduce the Executive's salary, they have to reduce the Sheriff's. He clarified, they cannot have the Sheriff's salary being more than the Executive with all the duties of the Executive. He said the Executive oversees a significant number of Departments and their budget is \$160+ million dollars, and the Executive is the CEO of the County, so that kind of sets the bar that everybody else is going to follow. He said the Council appoints the Commission, they have done their work, and he thinks, at the end of the day, they should support their recommendation.

Mrs. Acle said, when she spoke to the different Executives, Cecil County's demographics are more like Wicomico County, but she hears what Mr. McCain is saying, and Frederick did a significant increase. She

said one thing Cecil County did not have that she liked from the Commission was the COLA increase, and she thinks that is also important to include.

Mr. McCain said, actually, Cecil has not had an Executive as long as Wicomico, to which Mrs. Acle responded, it has been longer. Mr. Hastings clarified, Cecil only became an Executive system six years ago. He said they were County Commissioners until 2016.

Mr. Holloway said Frederick County is probably one of the fastest growing Counties in the State of Maryland as far as population and its budget, but Wicomico's population is basically what it was ten years ago according to the census report, so it has not changed that much.

Mr. McCain said, even though he supports the compensation as recommended, he actually does not support the COLA recommendation. He said the Compensation Commission meets every four years, so he would leave it up to them. He said, if they think the recommendation should change in four years based on COLA, that is fine. He said sometimes linking COLA to the CPI can be a dangerous thing to do because it varies so much, but given the fact that the Commission meets every four years, the opportunity will be there to increase it again if they so choose. He said their reevaluation might be based on COLA to increase it, but, to him, they should let the Commission make that recommendation as that is in the Charter. He said, personally, he thinks the Council should just focus on the salaries and put them in place for four years until they come back with their next recommendation.

Mr. Cannon said he thinks the issue of COLA will probably have to be for another work session because they would have to have some type of State Legislature change because it is actually State statute that defines the increase process, and it is once every four years only, so legally, as it is today, they cannot give a cost of living increase on an annual basis.

Mr. Wilber, County Attorney, then came before Council and said that would go in the Charter for the Executive as far as COLA. Mr. Cannon asked if State statute says they can only do it once every four years, so they would have to change State law, to which Mr. Wilber responded, yes, as far as having the Compensation Commission make the decision every four years. Mr. Cannon said he does not believe the County itself can make incremental increases to the Executive or Sheriff based on State statute, to which Mr. Wilber responded, he recommends a number be struck and that they not put COLA in place as he thinks that may conflict with the four-year State law.

Mr. Cannon said the recommendation is \$124,000, so he would like to take a consensus. He said, if he understands it correctly, any decision the Council makes would then have to go on the ballot, to which Mr. Wilber responded, that is correct as far as the Executive as that number is in the Charter and it will go on the ballot. Mr. Cannon said, understanding that process, he knows they cannot give a multiple choice, and he does not think this Council should choose an amount just because the public would agree to it more easily, he thinks they need to make a decision on what they think is really a necessary number based on the responsibility. Mr. Wilber said the public will say yes or no at the election. Mr. Cannon said there is no wiggle room with the public, it will have to be one number, to which Mr. Wilber responded, it is one number with a yes or no vote.

Mr. Holloway said he thinks that is wrong. He said the Charter says it has to be a majority vote by the Council, so he does not think it has anything to do with the ballot.

Mrs. Hurley said there has been a little bit of confusion. She said Mr. Wilber is correct that the County Executive salary is stated in the Charter, but the second part of that provision gives the Council authority to increase it. She said it specifically says:

*The County Council may, by law passed by an affirmative vote of a majority plus one member, adopt the recommended compensation or a reduced compensation but may not increase the recommended compensation. Any increase or decrease in compensation, which becomes law during one term of Office, shall not become effective before the next term.*

Mr. Cannon asked, once the Council votes on it, do they vote on it to make it effective, or do they vote on it to move it forward to an item on the ballot, to which Mr. Wilber responded, he is going to change his opinion, and he will admit he was wrong. He said he thinks it is a Legislative Act by a supermajority of the Council. Mrs. Hurley said she thinks it could be a Resolution. She said she does not think it has to be a Legislative Bill because by law it can be either one according to the definition in the Charter.

Mr. McCain clarified, this goes into effect in the next term.

Mr. Dodd said, speaking of the Sheriff's increase, is the Council required to vote on that, or can that be done through another means, to which Mrs. Hurley responded, the Council can vote on it. Mr. Dodd asked if it is required for the Council to do it, or can the Sheriff do it himself by going to the Legislature, to which Mr. Wilber responded, he thinks the Council sets that. Mr. Holloway said the Council did it last time. Mr. Dodd said he had a discussion with somebody who told him the Sheriff can go to the State to get an increase, to which Mr. Wilber responded, he will have to look that up. Mr. Holloway said the Council handled it in the past, but he does not know whether it was required that they did it. Mr. Dodd clarified, his question was whether it was required.

Mr. Cannon asked if the process for the Sheriff would be a Resolution or a Legislative Bill, to which Mr. Wilber responded, a Resolution.

Mr. Cannon said, getting back to the County Executive, the recommendation was \$124,000 and they would want to have some type of consensus on that. He then asked for a consensus vote.

Mrs. Acle said, as she said, she would like to see that reduced somewhat to be equivalent to Counties with the same demographics as Wicomico.

Mr. Hastings said he is okay with the recommendation.

Mr. McCain said he supports the recommendation.

Mr. Davis asked if he can vote on this since he is running for County Executive, to which Mr. Wilber responded, he would say yes, he could. He clarified, Mr. Davis could always get a confirmation from the Ethics Commission. Mr. Davis said he will go along with the recommendation.

Mr. Holloway said he is more comfortable with \$95,000 or \$100,000, and he does not support \$124,000.

Mr. Dodd said he would be more comfortable with a lower salary, such as \$100,000.

Mr. Cannon said he is in favor of the recommendation, and they have four votes. He then asked if it requires five votes, to which Mrs. Hurley responded, it does. Mr. Cannon clarified, for a simple

Resolution, to which Mr. Wilber responded, the Charter says supermajority. Mrs. Hurley clarified, it says majority plus one, which is five.

Mr. Hastings asked if it could be an option to be put on the ballot at \$124,000 and then have the voters decide, to which Mr. Holloway responded, Mr. Hastings really wants it to fail.

Mr. McCain said he would rather see the Council make that decision, which is what the Charter intended, and that is why they have the Compensation Review Commission every four years. He said he just thinks they should come back with the Resolution, and if they do not have a supermajority, then they have to figure out a supermajority wherever that might land.

Mr. Cannon said he thinks they chose eleven very responsible individuals in this community who did a lot of work over several months and reviewed every single County in the State of Maryland, and they reviewed much more than salaries, and this is the conclusion they came to. He said he certainly personally would not want to second guess what their work was and what their final decision was. He said the Council can always have concerns and second guessing, but, overall, he has not spent months evaluating it. He said they will need another number if someone is not comfortable with the \$124,000.

Mr. McCain said three people mentioned \$100,000 and four people mentioned \$124,000, so if they go down the middle of that they can have a consensus, to which Mr. Holloway responded, to him, going down the middle would mean \$100,000. Mr. McCain said then he would go to \$124,000 and make it a Resolution and they will see what happens.

Mrs. Acle said, when they increase the Executive's salary she assumes they will make the Council's increase relative to the Executive if they are looking at the other Counties. She then asked, if they are doing this percentage increase, is it going to be consistent, to which Mr. Cannon responded, he does not think the percentages need to be consistent. Mr. McCain said they are two separate issues and they will deal with them separately.

Mrs. Hurley said the Acting County Executive is here and maybe he can speak to some of the responsibilities of that position that would help Council make their decision.

Mr. John Psota, Acting County Executive, then came before Council and said he wants to thank the Commission for all the work they did on this and the time they spent doing this. He said, as County Executive, basically a County Executive is the Chief Executive Officer of a \$170 million plus business with 25 funding departments, 19 departments that he interfaces with regularly, approximately eight on a daily basis, and almost 600 employees. He said he believes that was taken into account for the study, and that is the recommendation that came out. He said, if that gives any perspective as to what they get for \$124,000, then that is just a small idea of what a County Executive does.

Mr. Holloway said the County Executive also has the opportunity to have a County Administrator and an Assistant County Administrator, and they are the ones who basically do the day-to-day operations. He clarified, he knows the County Executive is involved in it, but they also have the opportunity, which they do not have right now, to have those people to do the day-to-day operations of the County. Mr. Psota said that is a good point, and that is the construct of the current Office, but his argument would be, as County Executive, the salary range would put the Executive in that Department. He said an Executive is not a figurehead, he is actually a Chief Executive Officer for the County. He said, to some degree they could say if they are trying to find talented people for the position, it is going to come with a cost, and

that cost is the salary they determine. He said, to some degree they can get someone with less experience leading the County forward, or, if they lower the salary, then to some degree they may get what they get.

Mrs. Acle asked if Mr. Psota is suggesting that if they increase the salary they are going to get a better qualified candidate running, to which Mr. Psota responded, he believes they will get a more talented pool of candidates, absolutely, because, again, this is not a ceremonial position, it is an actual boots-on-the-ground, working hard every day to take care of County business, which he will argue is ever increasing in speed. He explained, the speed of government, just like everything else, is becoming much, much faster, and the decision making process has to be made faster, and there are a lot of components and it is getting more and more difficult. He said he thinks they should have a salary that is commensurate with the job description.

Mrs. Acle asked what the job description is of the County Executive because she sees it as someone who represents the people and is in the community connecting with the people and advocating. She said she sees the Director of Administration and the Deputy Director as what Mr. Psota described, to which Mr. Psota responded, the County Executive oversees all of that, so they have to have a County Executive who understands where all the pieces fit and keeps everything in line. He said the job description for the County Executive is overly broad, absolutely, but he comes back to the fact that it is the Chief Executive Officer of the County.

Mr. McCain said any organization the size of Wicomico County in the private world that has 600 employees and a \$170 million dollar budget organizationally is going to have layers of management, so they are going to have vice presidents or deputy administrators, whatever they want to call them, that the CEO is responsible for. He clarified, that is kind of the point he was making earlier with the 25 Departments and 600 employees and \$170+ million dollar budget. He said it is a big operation, and the reality is, frankly, he thinks \$124,000 is very low. He said, in the private world they certainly will not find a CEO of a \$170 million dollar business earning \$124,000, he guarantees it would be substantially more than that, especially if they had 600 employees. He said, regardless, the Compensation Commission did their homework and did their homework correctly. He said they compared it to similar positions across the State and looked at it from several different perspectives, and, at the end of the day, they came up with a very reasonable compensation. He said he thinks it is a little frustrating for the Council to just arbitrarily start throwing numbers around when they appointed those people, so he just gets back to the Council is who appointed them and they should follow their recommendations.

Mr. Psota said, just for clarification on the 25 Departments, those are funding entities, and obviously the County Executive's Office does not touch the Library except as a funding mechanism, but, for all intents and purposes, 19 Departments, and about half of those he touches on a very regular basis.

Mr. Davis said right now they have one Acting County Executive and they do not have an Administrator. He said, when and if they get an Administrator, the salary for the Administrator is \$140,000, to which Mr. Psota responded, he believes there is a range. He said he has not seen the salary range that is coming out of the salary study; however, just as a reminder, the current construct because of the resolution is that he occupies those two positions – the Acting County Executive as well as the Director of Administration. He said, going forward he does not recall what the recommended salary is. Mr. Davis said, when Mr. Culver hired Mr. Psota, he hired him at a salary of \$140,000, to which Mr. Psota

responded, no, it was \$120,000. He clarified, actually, it was \$120,000 with a 5 percent COLA, which he takes advantage of.

Mr. Cannon clarified, the current salary is \$120,000, to which Mr. Psota responded, his offer was \$120,000 from Executive Culver in 2020 for the first year with a 5 percent COLA. Mr. Cannon said, so they are looking at a recommendation for the County Executive of less than what the County Administrator would be getting, to which Mr. Holloway responded, that has always been the case. Mr. Cannon said it has always been the case because they have always underpaid the County Executive.

Mr. Psota said, to Mrs. Aclé's point, it may have been a distinction made at the time to think maybe the County Executive is, to some degree, ceremonial, or is not as active as a County Executive needs to be in today's government world. He clarified, he cannot speak to when that was all implemented back then, but he can speak to it now.

Mr. Cannon asked if the positions of County Administrator and Assistant County Administrator will be in the salary study, to which Mr. Psota responded, he does not know for a fact. He said he believes it is, but does not know for a fact. Mr. Cannon suggested postponing this work session until they get the full result because he knows the results came in, to which Mr. Psota responded, they are in the process of concluding it and believes they are looking at the second meeting in February to present. Mr. Cannon asked if it would hurt to have this discussion at the first meeting in March as far as their timeline is concerned, to which Mrs. Hurley responded, Council can take action when they feel they are ready. Mr. Cannon said he thinks it may give them a better perspective after they have seen the salary study for all of the positions in Wicomico County, and then make this determination. He clarified, he knows the Commission has already made this determination for the Council, but since there is some angst among Councilmembers as far as following that recommendation, would everybody be willing to postpone this until they have that study, or do they not feel that is necessary, to which Mr. Holloway responded, it does not matter to him because he does not think he will be changing his mind.

Mr. Cannon suggested they discuss the Council salaries and, as far as the Executive and Sheriff, they can postpone that until they have a broader perspective through the study of what the recommendations are for salaries throughout the County as a whole.

Mr. Holloway again said he will recuse himself from the conversation about the Council.

Mr. Cannon said the recommendations were for the Council President position of \$25,000, Vice President \$23,000, and Councilmembers \$21,000.

Mr. Hastings said obviously this group did a good job evaluating what the salaries should be and what it looks like across the State. He said this is still very low, and it used to be updated every four years, but it has not been touched since before his wife was born, so it has been quite a while and it would be nice to update this. He said obviously they want a high salary because they want people to view it as a job and a position they take seriously, and he thinks this is still very low compared to the rest of the State, but he is okay with it being one of the lowest in the State since this is the recommendation the Commission went forward with. He concluded, he is good with these recommendations.

Mrs. Aclé said, referring back to Cecil County, they have very similar demographics and are charged with the same tasks, and their Councilmembers make \$25,000 although they do not receive benefits, which is different than Wicomico.

Mr. Cannon said they will do a consensus for the recommendation for each position.

Mr. Dodd said he realizes that he has not filed to run for Office yet, and, like Mr. Hastings said, it is for the next Council; however, the Council has not had an increase since 1994, so he is going to recuse himself from voting on this.

Mr. Holloway said he is planning on filing and running for reelection, so he will recuse himself, but, if he was to vote, he would vote no on this matter. He said this is not a career, he thinks it is done more to help the community. He said he had a Councilmember tell him he did not even know they got paid before he ran, and that is kind of how he looks at this job. He said he is grateful for the pay, but one thing nobody has mentioned through this whole process is the people paying the bill, the citizens. He said they are going through pretty tough times as far as a lot of people having to pay their bills, and he knows a lot of people got raises in the private sector and the public sector too, but there have been a lot of people out of work, and he just cannot see doing raises right now. He said he went along with the County Executive to a certain point, but he is not going to vote for \$124,000, and he just thinks this is the wrong time. He said this Body can do as much as they want to or as little as they want to, and he knows in the past they had some Councilmembers who did not show up to a lot of the meetings and they still got paid, so he is going to recuse himself, but, if he was to vote, he would vote no.

Mr. McCain said, if Councilmembers are recusing themselves they could have the entire Council running for reelection and this would go nowhere, so it would not even make sense to have the Commission and their recommendations. Mr. Holloway responded, the Charter says they have to appoint a Commission; the Charter does not say they ever have to do anything.

Mr. Mitchell said he does not think it is necessary to recuse themselves, it is up to them because it does not kick in until after the election. Mr. McCain said that is his point. He clarified, at this point, no one is elected, and it is the Council's job to vote as that is what the Charter says.

Mr. Wilber said there would be a difference if they were voting to raise their salary right now, and he thinks that would be an issue. Mr. Dodd said he understands that. Mr. Wilber said it is each person's choice if they think they need to recuse on any vote for anything.

Mr. Mitchell said, if they recuse themselves, they do not comment because they are saying they are not going to participate.

Mr. Davis said he has no problem with the recommendation.

Mrs. Acle clarified, this is for the additional \$4,000 for Councilmembers, to which Mr. Cannon responded, yes. Mrs. Acle said she thinks the recommendation is fine.


Mr. Hastings, Mr. McCain, and Mr. Cannon were all in favor of the recommendations.

Mr. Cannon said they have a consensus on the recommendations for the Council salary. He then asked if that is a Resolution or Legislative Bill, to which Mrs. Hurley responded, a Bill. Mr. Cannon asked if it requires five votes, to which Mr. Wilber responded, no, just a majority. Mr. Cannon said he thinks they can move this forward to the next meeting.

Mr. Cannon said, again, with the Council's approval, they will postpone the Executive and Sheriff for now until they get the study from the Executive, and they will schedule that for March. He clarified, the idea is to get a perspective of what the Department Heads will be making.

Mr. Dodd clarified, they will bring this back up in March and not February, to which Mr. Cannon responded, he believes Mr. Psota said it was going to be the second meeting in February when he would present the salary study to the Council.

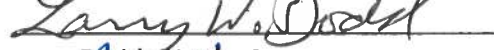
There was no further discussion.

  
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John T. Cannon, President, At-Large

  
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Ernest F. Davis, Vice President, District 1

  
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William R. McCain, At-Large

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Nicole Acle, District 2

  
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Larry Dodd, District 3

  
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Josh Hastings, District 4

  
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Joe Holloway, District 5

  
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Laura Hurley, Council Administrator