

## **Open Work Session**

### **Charter Review Committee Recommendations**

- **Article I. Name and Rights of the County (Sections 101 through 103)**
- **Article II. County Council (Sections 201 through 206)**
- **Article III. The Legislative Branch (Sections 301 through 315)**

**January 18, 2022**

Mr. Mike Dunn, Chair of the Charter Review Committee, and Mr. Paul Wilber, County Attorney, came before Council.

Mr. Cannon said the first part is nothing more than administrative motions that the Committee made among themselves. He said, in looking at Article II, Section 202.A, the recommendation is to add a residency requirement for the County Council of two years in Wicomico County and residency within the District for one year, and to add the minimum of 25 years of age. He then asked if these are in line with other counties, or did the Committee just make those recommendations, to which Mr. Dunn responded, there was a lot of discussion about those recommendations, but he is representing 15 members of the Charter Review Committee, and this particular item passed unanimously. He said he is not sure that there was a whole bunch of data crunching done on this. He said he thinks this was more of a discussion that it might be a good thing to require a residency within the District and two years of living in Wicomico County. He explained, the thought was that, if they were new to the County, running for County Council right away may not be a good idea, but if they had lived here for a few years and got to know the lay of the land, that might be a nice idea, as well as the minimum age. He said the Committee also recommended a minimum age of 30 for the County Executive in Section 4, and the thought was that experience might be a good thing. He clarified, he is not saying there was science behind it, as 25 and 30 were relatively arbitrary numbers.

Mr. Hastings asked if Council is going to review the recommendations item by item, to which Mr. Cannon responded, right now they are scheduled to review Articles I through III, which is very minimal, so that is what they are reviewing today. Mr. Hastings said he has comments that he wrote for each one, but he can hold them until the end if Mr. Cannon wants him to, to which Mr. Cannon responded, he was suggesting chronologically, but there do not seem to be any comments on Section 202.A.

Mr. Hastings said the Committee did a great job in giving them a big tree that they need to trim, and they obviously cannot fit everything onto the ballot, but the residency requirement could be an issue. He said he thinks the residency requirement for two years is fine, but the residency requirement of one year within the District could be an issue when there is redistricting every ten years. He explained, that could be an issue if someone lived in District 3 and suddenly they are now in District 2. He said he does not think there should be an age restriction of 25 years of age or anything like that. He said those are his thoughts on Section 202.A, but if Council has to strike one thing, he would not mind letting that recommendation go to the wayside.

Mr. Cannon said Council can let it go by the wayside or they can amend it.

Mr. McCain clarified that Mr. Hastings is talking about the age requirement, to which Mr. Hastings responded, age and residency requirement.

Mr. Cannon asked Mrs. Hurley to keep a running list of the recommendations Council wants to review again, but Section 202.A will certainly be reviewed again in another work session.

Mr. Dunn said one of the things they determined as a Charter Review Committee was not to give their priorities, so they just put everything forward and then, just like Council is doing now, leave the discussion as to what Council wants to move forward. He said Mr. Wilber had some thoughts about putting the recommendations on the ballot.

Mr. Wilber said he recommends they do the ballot questions by Article with subparts to them, so that way it may be six ballot questions with subparts. He explained, for example, Article II would have three or four subparts to it depending on what Council comes up with.

Mr. McCain said that makes it all or nothing for that article, so if there are six subparts it is not like three could be combined and three would not, it would be all six or zero, to which Mr. Wilber responded, that is the negative of doing it that way, but the negative of making each one a ballot question is they could have 25 ballot questions, which is an issue too for the public. Mr. Mitchell suggested they could pick subparts that are no longer useful if they do not pick the rest of them in some instances.

Mr. Hastings said he has a comment on Section 205.A & B. He said there is a special election described in Section 206 to fill a vacant seat and the recommendation is to eliminate that section. Mr. Dunn said Mrs. Acle was kind enough to share her experience, and this is not being changed for her, but her circumstances were very unique. He explained, as Council may recall, Mrs. Acle was appointed to a vacant seat on the Council and because of how the language is currently written in the Charter, she then had to run for Office again. He said she had to run again less than a year later, so the Committee thought that was an interesting thing, and recommended that be changed. He said, at the end of 205.A and B the last sentence says "unless there is a special election as described in Section 206," so they are eliminating that sentence, and they are eliminating Section 206 completely. He clarified, if someone is appointed to fill a vacancy, that person should fill the vacancy for the entirety of the term. He said the Committee thought it was a little burdensome and cumbersome, and, as they all know, it is difficult to get people willing to serve. He said, if an appointment is made for any seat, they thought the person should fill the seat for the remainder of the term.

Mr. McCain said he is not sure that was the intent of the Charter. He said he is not going to speak for the people who wrote the Charter, but when they said the next election, he had always been under the auspices they were really thinking the next County Council election, but it just did not happen to say that. He said, in that same section, the process to fill the vacancy itself was challenging to say the least, but he has always said they need to change one word. He explained, when there are four people recommended by the Central Committee of whatever political party, it says Council "shall" elect, and that should say "may" elect. He said it would be great to see 15 people apply, and whichever Central Committee would then recommend four people to Council, but in an ideal world there could be six or seven highly qualified people. He said there could be someone Council thinks is a good candidate, but Council cannot even consider that person because the Central Committee has to nominate those four people. He clarified, he thinks the Central Committee should still participate and make their recommendations, but it should say "may," not "shall" in Section 205.A in the third line down.

Mr. Dunn said there was not a consensus among the Committee members to do what Mr. McCain is talking about, but Council can read their comments in the minutes that are well detailed.

Mr. Cannon said the purpose for the special election is, when they have an individual who is appointed, that person will represent their constituents for possibly three and a half years, but they are not elected.

He explained, the reason is to bring it back to the true sense of democracy where they do not have someone appointed representing the citizens and the citizens are given the opportunity at the next election cycle to vote for that individual. He clarified, that is why Section 206 is in the Charter.

Mr. Dodd said this section was changed not too long ago, to which Mr. Cannon agreed. Mr. Dunn said the Charter Review Committee is aware of that and there are more than a few things that they addressed that had recently been changed, but they figured everything is open for discussion.

Mrs. Acle said, when she was not able to attend the Charter Review Committee meetings, she watched them on PAC 14, and there were several members who talked about only allowing Councilmembers of the same party to select a replacement of that party. She then asked if there was any other discussion on that topic, to which Mr. Dunn responded, one change they added, which is next on the list, is that the Charter currently does not address the possibility of an unaffiliated member of the Council, such as Independent, so they made a recommendation to do that. He explained, the Committee felt that, while a Central Committee of either the Democrat or Republican Party would make its recommendations based on having to be a member of that party, each of the members of the Council should vote. He clarified, instead of just the republican members of the Council voting on a republican nominated replacement, or the democrats just voting on a democrat nominated, they felt that everybody on the Council, regardless of what party, should vote for the recommended candidate. Mrs. Acle said some of the previous Councilmembers said they are going to pick the worst person so they do not get elected if they are of a different political party, so the dynamics of that conversation were very interesting, to which Mr. Dunn responded, that is called politics, and all they can do is address the Charter.

Mr. Dunn clarified, if Council agrees to put these recommended changes in Section 205 on the ballot, it would then make Section 206 redundant, but their recommendation is to just appoint the person for the remainder of the term.

Mr. Mitchell asked, was there any consideration on the special election as to how long the person appointed would be serving before the next regular election? He clarified, in other words, if it is going to be three and a half years, maybe they would want to have a special election, but if it is only going to be 18 months, maybe not. Mr. McCain said he thinks that is mentioned in the Charter, to which Mrs. Hurley added, the Charter says 30 days. Mr. Mitchell says it says 30 days and that gives them the chance to register for the election. Mr. Dunn responded, Mr. Psota's acting appointment will be for the better part of two plus years, so when Council made the decision to choose Mr. Psota, they knew it was going to be a pretty significant balance of the term, so whether it is six months or whether it is three and a half years, the Committee thought it would be better to just appoint the person with the full understanding that he or she would be serving out the remainder of the term of the person they were replacing.

Mr. Dunn said Sections 312 and 313 are recommendations from Ms. Lindsey Rader, the County's bond counsel. He said she made a whole series of recommendations that he would highly encourage Council discuss with Pam Oland and Mr. Wilber as they have to do with extending the borrowing time from 30 to 40 years, which is becoming the standard practice. Mr. Wilber said Ms. Rader felt, for bonding, the County could make some adjustments that would make her job and the County's job easier in terms of floating bond issues. He explained, they have the never-ending issue of all the bond proceeds that may not be spent on projects that are listed in the bond, so they have to be reallocated to other projects and there is a whole series of changes to make that process easier. Mr. Dunn said, instead of the Charter Review Committee trying to go through the recommendations, they sent them to Council and said good

luck with that. He clarified, they are in agreement that Ms. Rader is really good at her job and probably the things she is recommending are certainly worthy of consideration by Council.

Mr. Cannon asked if Ms. Rader's recommendations will come to Council, to which Mr. Wilber responded, they are in the package. He said it is called "Suggested Amendments to Wicomico County Charter Concerning Borrowing Powers" and is a Funk and Bolton memo from July 2021, and references several sections. He clarified, if it is not in the package, he will forward it.

Mr. Cannon said there is a recommendation in Section 314.A to delete the word "generally" and insert the words "unless for the purpose of inquiry or information," and he assumes this is giving the Council a little more altitude in talking to Department Heads. Mr. Dunn said it currently reads "Generally. Neither the County Council nor any of its members shall." He said he forgets how the conservation came about, but they changed it to remove the word "Generally" and thought to strengthen it to say, "unless for the purpose of inquiry or information," meaning members of the Council do not generally need to look at one, two, or three, but should have a purpose in mind before Councilmembers go down that road. He said this is just a small change that might make things a little bit better.

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

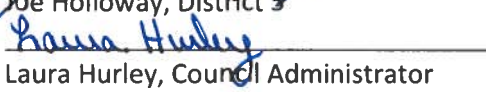
  
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William R. McCain, At-Large

  
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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