

## **Open Work Session**

**February 1, 2022**

### **Further Discussion on Charter Review Committee Recommendations:**

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

Mr. Paul Wilber, County Attorney, and Mr. Mike Dunn, Committee Chair, came before Council. Mr. Dunn reminded the Council that he is just one of fifteen citizens the Council appointed to review the Charter, as the Charter calls for every ten years.

Mr. Cannon said the Council has had quite a bit of time to review the recommendations that came from the Charter Review Committee, and they have also emailed everyone the minutes of the meetings to get a better idea of how the Committee came to their conclusions.

#### **Article I. Name and Rights of the County (Sections 101-103)**

Mr. Cannon said there were no real approved motions on Article I.

#### **Article II. County Council (Sections 201-206)**

Mr. Cannon said the first Section that the Charter Review Committee came back to the Council with was 202a, and there was one question on 201b, and he believes maybe Mr. Hastings may have had some questions on that as well.

Mr. Cannon said, under 201b there was the districting procedure, and Dr. Basehart supplied a letter and he thinks he had some pretty good recommendations.

Mr. Dunn said, as Council knows, there is a Redistricting Committee that also just did its work. He said the Charter Review Committee looked at the current structure of the Council, which is five districts and two at-large members. He said Dr. Basehart presented his thoughts on that matter, and the Charter Review Committee looked at it, and it is one of the recommendations. He clarified, they did not recommend a Charter change, but they had some bullet points they wanted Council to look at over time, and that was one of the questions. He said the County Executive form of government came into play 16 years ago, so they have stuck with the five districts and two at-large members, and their only question was should that be something the Council looks at, and is that still the best way to serve the citizens of Wicomico County. He said, among the suggestions was doing seven districts of equal size, which perhaps might lead to another minority district that might be carved out. He said there were questions to make sure there is representation of the minority communities, and this might help with that. He clarified, the Committee did not make a recommendation other than simply pointing it out as something that perhaps should be looked into, maybe by a citizens group separate from what Dr. Basehart is talking about. He clarified, this is just talking about a function of government and how it works, and since they are looking at it, why not look at that question also?

Mr. Cannon said what they have in the Charter just talks about the fact that there will be a Redistricting Committee appointed, and does not establish how many members there are. He said it does not address anything as far as party affiliation, and he thinks this was a very broad letter in trying to address all of those issues. He then asked Mr. Wilber how they would assimilate all of that, to which Mr. Wilber responded, if they wanted to get more specific about that Committee, it could go in the Charter.

Mr. Holloway said he thought it was set up by the State several years ago that they would have five districts and two at-large. He said he knows the minority district was. He then asked if Legislation was passed at some point about the amount of Council people, to which Mr. Wilber responded, he does not believe so, but he would have to check on that.

Mr. Cannon said he thinks, outside of just the number of districts, what Dr. Basehart was talking about was how the Redistricting Committee was put together somewhat ad hoc where they just said a group of individuals appointed to serve, but the number of members was not defined in the Charter. He said he thinks they did it that way because that was the way they did it the last time.

Mr. Dunn said the Redistricting Committee, as Council knows, is a function of the census every ten years, so the Redistricting Committee looks at that question. He said the Charter Review Committee was talking about function of government and whether the best way moving forward is the way it is currently constructed, or just do five total districts. He clarified, their point was that they thought it was worth talking about, nothing more, nothing less.

Mr. McCain said he just thinks that is where they should leave it because he thinks it is a good point to be raised, but, at the same time, they have 20-some recommendations they are going to have to get really serious about.

Mr. Dunn clarified, so they are clear, they are not asking Council to think about that recommendation as a Charter change, they are saying to put it aside and perhaps at a later date, within a reasonable period of time, look at that question. He said he would be remiss if he did not say that, outside of the recommendations, these bullet point recommendations that have to do with function of government were just as important to the Charter Review Committee. He clarified, not now while they are trying to figure out these recommendations, but do not let this sit on a shelf as they felt strongly that some of these bullet point recommendations are things that should be looked at at some point in time.

Mr. Cannon clarified, his reason for bringing it up had nothing to do with the number of districts, but specifically on the Committee itself and the fact that the Charter does not define how many Committee members they have and whether or not they have to be registered voters, or whether they have to live in Wicomico County, so he is just putting that on the table for Council to opine on.

Mr. Hastings said, as they briefly mentioned Dr. Basehart's recommendations, he requested that maybe this go in the code, and maybe that would have to go in the Charter, but he would love to see something more permanent based off what Governor Hogan put together for a Redistricting Committee specific to that. He clarified, not that they need to discuss that now, but, as they are mentioning this briefly, he would love to see a nine-member committee with three democrats, three republicans, and three independents, and Basehart actually had some good recommendations. He said Dr. Basehart did his doctorate on that, which is how he got his education, so he would love if Council would follow that and move forward in that direction to try to prevent future partisanship.

Mr. Cannon suggested also making sure they have to be residents of Wicomico County and registered voters, to which Mr. Hastings agreed. Mr. Cannon then asked what the purpose would be of making sure they are registered voters just to serve on the committee, to which Mr. Hastings responded, to be actively engaged.

Ms. Acle said she hears what Mr. Hastings is saying, but she has concerns of all the unintended consequences when they change something that worked well. She said the Redistricting Committee worked well and they came back with good recommendations, and she thinks, when they start changing things that are not broken, a cascade effect can happen. She said it has not been an issue in the past so she does not know if it is something they really have to hone in on.

Mr. Hastings asked if this would have to go in the Charter, to which Mr. Wilber responded, if the Council wants to define the makeup of the Redistricting Committee, that would go in the Charter. Mr. McCain clarified, it does not have to. Mr. Hastings said he would rather it not have to be a Charter change.

Mr. Mitchell said, if they are going to define it and make it obligatory, it has to go in the Charter, but they can just decide to set their own rules up for the next time they have a Committee, to which Mr. Dodd responded, that is what they have always done.

Mr. Cannon clarified, he just thinks it is important to codify what they have and the fact that there may be nine members and whether or not they would be Wicomico County residents because right now it seems very arbitrary, to which Mr. Mitchell responded, he agrees, and if they are going to do that and make it something that is a requirement, it has to go in the Charter. Mrs. Hurley said they do that for the Compensation and Allowance Commission, and she believes it is mentioned in the Charter that they are required to have that Commission, but then the code actually defines it. Mr. Wilber said it could be done by Charter or code, to which Mr. Cannon responded, code is a lot easier, to which Mr. Wilber responded, it is a Legislative Act by the Council.

Mr. Holloway said, if they remember when they were going through this, the reason they had so many members is because the last Charter Review Committee had an attendance issue, so that is why they had so many this time because they were afraid they would end up with not enough people. Mr. Dunn said, representing the team of fifteen, they had great attendance, to which Mr. Holloway responded, this year they had a lot of people and everybody showed up. He said a few years ago they did not have as many people and hardly anybody showed up. Mr. Dunn said, for what it is worth, as the Chair, fifteen people is a lot of people. He clarified, he completely gets why they had fifteen and understands and supports that. Mr. Holloway asked if Mr. Dunn thinks it worked, to which Mr. Dunn responded, it worked, there is no question, but sometimes too big is too big. He clarified, they had a great Committee and Mr. Holloway's point is well taken.

Mr. Cannon said the next item is 202a where the Committee recommended adding a residency requirement for the County Council of two years in Wicomico County and a residency within the district for one year, and minimal age of 25. He said, in reviewing this, it is across the board if looking at other Counties throughout the State.

Mr. Holloway said, when it says residency within the district for one year, that creates a problem if there is redistricting and it takes somebody out of the district. He said Mr. Dodd is close to the line, and redistricting could have moved him into another district with a swoop of a pen, and he would have to step out for a term, so he thinks that is probably an issue.

Ms. Julie Giordano came to the podium and asked if she could make a comment as she was on the Committee. She clarified, she was on the Redistricting Committee. She said, in reference to Mr. Dodd, they were told to not shift it at all, so those lines could not have been touched, so she does not think

that would have been an issue. She clarified, she does not know how it is written there, but they were given strict instructions to not move anyone, including School Board members, out of their districts.

Mr. Holloway clarified, it could happen the next time. Mr. Cannon said he thinks that is a good point, so he thinks they will make a note that this is something they want to review as to whether or not the residency of one year for the district should be struck.

Mr. McCain said, if they strike that, they should strike the two years because he is not sure he would go with two years as he thinks one year would be fine. He then asked Mr. Dunn how they settled on two years, to which Mr. Dunn responded, again, he is just the Chair, so he is reporting the path of the Committee. He said this had to do with having an understanding of the County and it was simply, if they have lived here for a minimum of two years, by default they might know a little bit more about the County than someone who just moved within six months or a year. He said, while arbitrary, it had to do with requirements, and it was the same thing with the age. He said, again, it had to do with the thought process that, at a certain level, people get more mature, and maybe that is a better time to take up one of these seats, but that is where the thought process was on that.

Mr. Dodd said he does not have an issue with the time and residency as long as it does not affect an incumbent. He said he wonders if there is Legislation that would protect an incumbent because they could see an issue in the future. Mr. Cannon asked, in what way, to which Mr. Dodd responded, to make sure the lines are not moved because that could be intentional.

Mr. Hastings said he feels like the current law is sufficient and he does not think they need to take any of the recommendations from 202a, so he thinks they can skip all of them. He said they have 29 recommendations, which are a lot of ballot items, so, personally, he thinks they should just kill this one.

Mr. Cannon said he was not sure about the age requirement of 25. He said he thinks 21 is good because that leaves it up to the voters to decide if they are too immature to run.

Mr. Dunn responded, what Mr. Hastings just said is kind of how the Charter Review Committee hoped this would play out. He clarified, they were under no illusion or delusion that all recommendations would be put forward, so all they asked for, which is happening right now, was a discussion, and the Committee appreciates that. He said, whether Council agrees with what the Committee recommended or not, they ask that the recommendations are taken seriously, so they appreciate that.

Mrs. Hurley asked if there is a consensus to completely strike all of the recommendations in 202a, to which Mr. Cannon responded, he thinks what they are trying to do now is make a list of things they know they will have to revisit. He clarified, he would like to move through all of these and then they can have a final Work Session to go through it all again.

Mr. McCain suggested that, if there is something they have consensus on, they should just do it. He said, if not, they are just going to go through all of these and then come back and go through all of these again. He clarified, he is fine with revisiting this because they have had different comments, but there may be other items where they have a consensus.

Mr. Cannon asked if anyone wants to kill this entirely? Mr. Holloway then asked what 202a says now, to which Mr. Cannon responded, "No person shall be eligible for election to the Office as a member of the County Council or hold such Office unless he is a qualified voter of the County." He said there is no age

or residency requirement, so it is lacking. Mr. Mitchell said, to be considered a qualified voter, one has to be 18 years of age and have six months' residency. Mr. Cannon said this seems a little vague, so maybe they would override Mr. Hastings' recommendation to kill it entirely, but they would need a majority consensus. Mr. Holloway said they need time to think about it.

Mr. Cannon said 202d was to include felony with moral turpitude. He said currently it just says, "If a member of the County Council ceases to be a qualified voter of the Council or is convicted of a crime involving moral turpitude," so they suggested making it a felony involving moral turpitude. He then asked Mr. Wilber, because of the fact they have so many recommendations, would this be one where it would not make that much of a difference publicly, to which Mr. Wilber responded, if he were to rank them, this is probably one of the more minor recommendations. Mr. Cannon said this is possibly something they could pass on.

Mr. Hastings said he thinks this is less of an issue, but the question at hand for him is that there is a very real example that happened a month and a half ago in Cambridge with the Mayor where this individual is now going for Office, and actually made national news. He said, in a situation like that, what they are trying to get at here is putting a holder of Office at a high bar. He said the current law is a high bar, but he guesses that could be something minor. Mr. Wilber responded, crime could be a misdemeanor or a felony, and the felony word was the higher bar the Committee went with.

Mr. Dodd asked if the key word was "convicted?" He clarified, the Cambridge Mayor was not convicted yet, to which Mr. Hastings responded, yes, but they left Office because of this. He said he thinks felony makes sense. He said it is a higher bar, but whether or not that is the item they choose to put on the ballot is a different question.

Mr. Cannon said the question is if they want to keep it as a misdemeanor and felony or just a felony. He said, personally, if it is moral turpitude it is moral turpitude and he does not see the need to make it get to the level of felony, so he is fine where it is right now.

Mr. Mitchell said, if it is done the way they recommended, then it would have to be a felony. He said a lot of states refer to it as a felony or a crime of moral turpitude. He explained, moral turpitude is lying, cheating, or stealing, and they may not want someone on the Council who is convicted of a misdemeanor of lying, cheating, or stealing, but if it is a felony, they may not want them off even if it is not a moral turpitude. Mr. Cannon said he thinks, as an Elected Official, the higher the bar the better, and keeping it where it is sets a pretty high bar. Mr. Mitchell said a lot of states say a felony or a crime of moral turpitude. He said they could have a felony that is not a crime of moral turpitude, so they would be able to stay on. Mr. McCain said he was surprised it says felony with moral turpitude and thought it would have said felony or moral turpitude, to which Mr. Mitchell responded, that is his point.

Mr. Wilber said he agrees with Mr. Mitchell that it is any felony or a crime of moral turpitude, which could be a misdemeanor or a felony like theft of less than \$100, or theft greater than \$100.

Mr. Cannon said Mr. McCain is saying that maybe it should say convicted of a felony or a crime involving moral turpitude.

Mr. Holloway said the interesting part when he reads this is that somebody could commit a felony and it would take them two years to get to court, so they would be able to serve until they are convicted. He said he does not know what they could do to change that, but it could happen.

Mr. Wilber said he is aware of a situation where there was a conviction and the person had to step out of Office, but then it was reversed on appeal, so then they came back into Office.

Mr. Hastings asked if a felon in Maryland can vote, to which Mr. Wilber responded, yes. Mr. Holloway said a felon in Maryland can hold Office.

Mr. Cannon said, as of right now, it looks like there is interest to look at the change for the better, so they are going to add this to look at again, unless anyone wants to take a vote today on the wording.

Mr. Cannon said, next is Section 202, and they wanted to add the language “at the time of election,” which is in the heading of 202 where it says qualifications. Mr. Dunn clarified, this has to do with age. He said, for example, if they file at the age of 24 but by the time of the election they are 25. He clarified, if the Council is going to strike 202a, then 202 is irrelevant.

Mr. Cannon said 202c had no recommendations, but 202c was a question the Council had regarding teachers having the right to run for the County Council, and Mr. Wilber was going to review that with the Attorney General.

Mr. Cannon said 205a and 205b all tie into wanting to strike Section 206, to which Mr. Dunn responded, they all have to do with filling a vacancy should a vacancy occur.

Mr. Cannon said 206 references how they would hold a special election to fill a vacancy, and says that any person appointed more than 30 days prior to the filing deadline for the primary of an election shall serve until the first Tuesday in December and a special election shall be held contemporaneously with the primary and general election. He said he believes the reason the Council initially chose to take this position was because there was some concern among Councilmembers if someone is appointed after the first year. He said a perfect example was when Mr. Kilmer moved and Ms. Acle was appointed. He said, ironically, he thinks it was Mr. Kilmer who was concerned about the fact that, if someone was appointed a year after the Office was voted for, then someone is spending three years on the Council and that individual was never elected, so they have an appointed person. He said Mr. Kilmer felt there should be something requiring a special election so that the people can have the individual in Office who they choose to have, as opposed to an appointed person sitting in Office for the entire three years.

Mr. Dunn said Ms. Acle shared her experiences with the Committee, and, in her circumstance, she was simply representing that this was a very recent example of an election and an appointment, and then an election not long thereafter, and then another election. He said the Committee position was, whether the term is three years and nine months or nine months, just let the person the Council appoints ride out that term. He said there are costs involved with rolling out voting machines, etc.

Ms. Acle said there is something to be said how this is done Statewide with State Officials who leave Office and are appointed to the end of the term. She clarified, she does not think this is their top priority of Charter changes, but she definitely thinks it is something they should look at, and not just for Councilmembers, but for School Board members because they had a very similar instance with a School Board member.

Mr. Holloway said he thinks this is a priority because over the past 15 to 20 years they have lost a lot of Councilmembers one way or another. He said it could have been a lot worse than what it turned out timewise, but he thinks they need to address this.

Mr. Cannon said right now the Charter requires an election, but the Committee is suggesting eliminating that and letting the person appointed stay the duration of the term, to which Mr. Holloway responded, that is what he thinks they should do. Mr. Dodd said he agrees because it makes it difficult to get appointed for several months, run for election, and then in two years have to run for re-election.

Mr. Dunn added, it is difficult enough to find people who are willing to sit in one of these Seats, so if the Council thinks that the person they choose is good enough to sit there for six months, then that person should be good enough to sit there for three years and six months.

Mr. McCain said that leads into the suggestion that it say the Council "may" select from those recommendations, not "shall" select from those recommendations. He said, if they had twelve nominees, they could have six great candidates, so they should not be limited. He said they want to be able to discuss someone who they think should be eligible.

Mr. Cannon said right now they have the recommendation of amending Section 205 and eliminating Section 206, and Mr. McCain is making a suggestion in 205 where it says "shall" be filled by a qualified person. Mr. McCain clarified, he is not sure where they would put "may" because right now they have to pick from the four recommendations. Mr. Cannon said the "shall" says that the Council shall make their decision from the list from the Central Committee.

Mr. Dunn said the Committee discussed this, but it just did not rise to the level of adding that language, which is not to say there is not merit to it, it is simply going down the rabbit hole. He said there are a whole bunch of rabbit holes, and this one just did not rise to that level, but what is being suggested certainly seems reasonable, and many members of the Committee thought it to be a reasonable suggestion. Mr. McCain said, at the end of the day, he thinks it is a pretty simple change because, if there is a case where there are more, at the end of the day, they do not want to be boxed into a certain situation.

Ms. Acle asked if there was any other conversation around how the appointment process works as far as if it should be the Central Committee or should it be an open interview, to which Mr. Dunn responded, it really had to do with there being an increasing number of unaffiliated voters who are not democrat or republican, so the Committee recognized that right now the County only addresses democrat and republican. He explained, if someone is unaffiliated and their term with the Council ends, they think it is appropriate to add an unaffiliated independent replacement for that person as opposed to turning to the democrats and republicans. He clarified, they did not really have any deep dive discussions where Ms. Acle was leading, they were just trying to concentrate on the rise of unaffiliated voters should one get elected, and that he or she should be replaced by an unaffiliated voter as well.

Mr. Cannon said he agrees with Mr. McCain that it should say "may" instead of "shall" because "shall" sort of boxes them into a corner, very close to the corner they were boxed into when they were trying to appoint a County Executive. He said he thinks "may" would give the Council more flexibility. He then asked if they would have to make mention of an independent, or would they codify it so it says independent in there, to which Mr. Wilber responded, the thought was, if there was an unaffiliated member who left, that would be replaced by an unaffiliated person. Mr. Cannon said the idea is to replace "shall" with "may," and at the same time put mention in there of unaffiliated.

Mr. Mitchell said he thinks the purpose of having the Central Committee do that was to balance it out. He said they have the list, so if the remaining members happen to be majority of one party, they could not just pick somebody else and continue to stack that party. He said, by making it “may,” they go back to being able to do that again. Mr. McCain clarified, he is not suggesting it goes outside of the party at all. Mr. Mitchell asked, if the Central Committee is going to put up four from that party, would the Council dip in and pick someone else from that party?

Mr. Cannon asked if there is another Section that states it has to be from the same party, to which Mr. Wilber responded, yes. Mr. Mitchell said he realizes that. Mr. Cannon said they are just saying this would not lock them in to the four picked by the Central Committee.

Mr. McCain explained, if the Council thinks there are six great candidates and the Central Committee gives them four but there are two others they want to interview as well, they want to be able to interview them. Mr. Mitchell clarified, he is not trying to argue that, but he is just saying that the Council could then decide they are going to pick somebody who might be a republican or democrat, but since it is the Central Committee saying they are picking that person because they are not really with them, the opponents on the Council could pick them. Mr. Cannon clarified, they would still have republicans picking democrats.

Ms. Acle said there were some previous Councilmembers who talked about parties and when they start getting into appointing people, they can see the party discrepancy.

Mr. Holloway said, to Mr. McCain’s statement, if the Committee sends them four and the Council did not agree on any of the four, they could always ask the Committee to send four more instead of changing all of this up. He said that is the simple way to do it. Mr. Cannon said that was what they did on the last appointment process. Mr. Holloway said, instead of changing things up, they could say the four they sent do not suit and ask for more. Mr. McCain said that is why they need “may” in there. He clarified, with “shall,” they have to pick from the four. Mr. Holloway said it does not say they have to pick one of the four, it says the Committee has to send them, not that they have to pick one of them.

Mr. McCain said shall is shall, and that is his whole point. He said shall and may come up in court all the time, and if they want flexibility, they want may. Mr. Cannon said they could still ask the Central Committee to come back with four more, but if it really gets up against a deadline and they are not satisfied with those choices, then at least they have some alternatives. He said this would not take the decision away from the Council.

Mr. Hastings said they definitely need to add unaffiliated as they are seeing unaffiliates get elected across the country, and he thinks within the next ten years they will have someone elected who is unaffiliated, if not third party, so they certainly have to have a process there.

Mr. Cannon said he thinks “may” is important and he agrees that unaffiliated has to be recognized. Mr. Hastings said they make up 26 percent of the electorate. Mr. Cannon asked if anybody disagrees with this, to which there was no disagreement.

Mr. Cannon said they agreed they were going to strike 206, so they have 205 and 206 resolved.

Mr. McCain asked if there would ever be a case where they would need a special election, just in case there is something they are not thinking of where they would have to do a special election.



Mr. Holloway said, back in the early 1940s they had three members removed for moral turpitude and the Governor replaced them, so the Governor can always step in. Mr. Wilber clarified, that is addressed in the Charter where, if more than three vacancies occur, that is when the Governor steps in.

**Article III. The Legislative Branch (Sections 301-315)**

Mr. Wilber said Sections 312 and 313 are recommendations from Lindsay Rader that she thought would improve the bond sale process and the subsequent dealings. He said, in Section 312 she suggested language be added on the third line from the bottom where it says "Any part of any public local law authorizing," and she wants to add "or reallocating to projects not included in the original authorizing public local law proceeds of any bond certificates indebtedness" just to give the County more flexibility. He explained, sometimes there are bond issues where they do not spend all the money and they want to reallocate it to another project, and with this language the authorization would be clear. Mr. McCain and Mr. Hastings said they are both good with this recommendation. Mr. Wilber said Ms. Rader is bond counsel, and she is making recommendations she believes are in the best interest of the County's bond process. Mr. McCain said this has come up before, so they have had this issue, so he likes this language.

Mr. Wilber said, in Section 313, limitation on bond issues, Ms. Rader suggested two alternatives. He said the idea behind that was the terms of bonds used to be 30 years, but now some are 40 years, so she has suggested they put that degree of authority into the Council to approve bond issues up to 40 years. He said Ms. Rader offered two alternatives, but they are not highly different from each other, and if he had his choice, he would choose the second one. He said the language they would add is "except that the last installment of this series of any such bonds, certificates of indebtedness, notes, or other obligations issued to the federal government or the State of Maryland or any department, agency, or other instrumentality of either the federal government or the State of Maryland shall become due not later than 40 years after the date of issuance." He said he thinks that one is a little more defined than the first one, which was "or by any official of the County to which the County Council has delegated authority to make any such final determination to be paid on up to 40 years." He said, for those two categories, for bonds to the federal government or the State of Maryland, they could go up to 40 years, but others would have to be 30 years, such as bonds that would be sold to banks.

Mr. McCain said he does not know if this would fall in that category, but what if the County borrowed money versus a bond issuance, such as a USDA loan? He then asked if that falls into this category because right now USDA loans are 40 year notes, to which Mr. Wilber responded, he thinks that is covered because it says bonds, certificates of indebtedness, notes, or other obligations, so he thinks that is broad enough.

Mr. Holloway said he has a problem with extending their loans. He said it is like how they lend money now on cars longer than the cars last. He then asked what they are going to borrow money for that will last 40 years because their schools hardly last that long any more, to which Mr. McCain responded, this is a generational opportunity. He said they have USDA doing 2 percent fixed rates, so they do not want to walk away from that. Mr. Holloway said he understands what it is all about, to which Mr. McCain responded, they want that option on the table. Mr. Hastings added, this gives them more tools in the toolbox. Mr. Wilber clarified, this is Lindsey Rader's recommendation, to which Mr. Holloway responded, he understands who recommended it, but the closer they pay things off, the better off they are. Mr. McCain said that is not necessarily true. He said they are in an environment right now where they just did a bond issuance where they got 1.75 percent, so why would they want to pay that off

early? Mr. Holloway said they could do it for 30 years instead of 40 years and would still get the same interest rate and it would cost them less. Mr. McCain said, at the end of the day, they want all the tools in the toolbox, including 40 year notes if that is a tool.

Mr. Cannon asked if Council is in favor of Ms. Rader's recommendations, to which Mr. McCain responded, yes about being able to reallocate among other projects. Mr. Wilber clarified, Council does that anyway, but it is a more complicated process. Mr. McCain said he thinks they were all in agreement on that, but then the second part where they had two options, the first one Mr. Wilber read was the better one, to which Mr. Wilber responded, that is what he thinks. He said he likes that language better.

Mr. Wilber said Ms. Rader made one other recommendation for a new Section F in 313, borrowing authorizing:

*Any borrowing to finance capital projects must be authorized by an existing law of the General Assembly of Maryland or by a law of the Council adopted in accordance with this Charter as the same may be amended.*

Mr. Cannon said he is in favor with the recommendations. Mr. Holloway said he does not agree with the 40 years, but the rest of it is okay.

Mr. Cannon said there are a couple of serious issues they need to consider in Section 204, which are issues that he thinks the Council initially had concerns over. He said one was 204b, which says Compensation and Allowance Commission and it says that the Council shall establish a Commission to recommend the County Council and the County Executive compensation. He said the question is whether they should add the Sheriff to this. He said the Sheriff is obligated, just as the County Executive, to a four year obligation and can get a raise every four years. He then asked, since the Compensation and Allowance Commission looked at the Sheriff's salary, should they include it in the Charter? Mr. McCain asked if anyone knows why it was not in the Charter, to which Mr. Dunn responded, to the best of his recollection, they did not think about it because the Sheriff is not in the Charter, so they did not consider adding the Sheriff to the work of the Compensation and Allowance Commission. Mr. Cannon said he thinks the reason the question came up is because in State law it talks about the Executive and the Sheriff, so they are obligated to make that decision, so they should create an obligation for the Commission to help them with that. Mr. Dunn said he does not disagree. He said, if the Charter said the Sheriff, he is sure they would have looked at it in the same way, but it simply did not include the Sheriff, so he thought that was out of their obligation, but that is something the Council could take a look at.

Mr. Hastings said he is okay with that. He said State law says the Commission within 15 days after the beginning of the fourth year of the term of each Council, to which Mr. Dunn responded, about five years ago he was on the previous Compensation Commission, and they made the recommendation to move when the Commission does their work away from an election year because they find themselves having to deal with compensation in an election year, and it is just awkward. He said they attempted to look into that, but Mr. Wilber determined they were not allowed.

Mr. Cannon said maybe the Council will review going to the State and making a change before the next cycle, but it will not be this Council, it will be the next Council. Mr. Dunn said it places the Council in an awkward position and maybe the Compensation and Review Committee should be established on the front end of a term.

Mr. Cannon said 204.b4 talks about changes in salary of the County Council, but does not say anything about the Executive. He asked if they should correct this because it does not say anything about the County Executive, to which Mr. Wilber responded, it says Legislative Bill, so that is what they are using for the Council, and the Sheriff could be done by Resolution.

Mr. Cannon said, in Section 304c, the Council was somewhat relatively adamant in trying to address an issue where right now it says experts, consultants, attorneys, the Council may at its discretion, subject to the provisions in its budget or supplementary appropriation, by Resolution engage the services of experts, consultants, or attorneys to aid in its inquires, investigations, etc.

Mr. Cannon explained, the Council had a huge problem where they wanted to have a forensic auditor and they certainly did not want to announce through a Resolution that they were going to have a forensic auditor because then anyone who is subject to a forensic auditor would have their antennae go up and they would not have a case. He then asked if Mr. Wilber thinks this is something that should be changed so they would not necessarily have to be tied to a Resolution, to which Mr. Wilber responded, he is trying to think how they could authorize that but achieve the confidentiality Mr. Cannon is suggesting. Mr. Dunn said the Committee went down that road only in reference to the Council Attorney and County Attorney. He said they did not go down to these other categories Mr. Cannon is talking about. Mr. Cannon asked Mr. Wilber to get back to Council on that.

Mr. Cannon said the next item is 314a to delete the word "generally" and insert the words "unless for the purpose of inquiry or information." He said, as Council knows, 314a specifically is the real thorn in their side where it has been demanded that they could not talk to any Department Heads. He explained, if a constituent called about a problem with a road, technically, the Councilmember cannot call Roads to tell them there is a problem, they have to go through the County Executive. He said it is not often a really good answer to a constituent to say they are going to pass it on to the County Executive because the first thing they want to know is why they are elected and why they are representing them. He said it was recommended to delete the word "generally" and put in the headliner of "unless for the purpose of inquiry and information," which means it allows the Council to do inquiry for information.

Mr. Dunn said that kind of leads back into whether this is a people problem or a Charter problem. He said, if there are better lines of communication between the Executive and the Councilmembers, that is where the Committee was, but they are very aware that this is touchy and tricky territory. He said they thought by clarifying that a little bit it would provide a better opportunity for that communication, to which Mr. Cannon responded, they appreciate the Committee recognizing that.

Mr. Dunn added, the Council has honored the 15 people they appointed by doing what they are doing tonight, and the Committee appreciates it. He clarified, all they were hoping was that a serious discussion of their recommendations would take place, and on behalf of the Charter Review Committee, if the Council continues down this path like this, they will have 15 citizens very happy with just the fact there has been deliberation in a good way. Mr. Cannon responded, he knows the work the Committee did was fantastic.

There was no further discussion.

*Signatures on next page*

**Open Work Session**

**February 1, 2022**

**Further Discussion on Charter Review Committee Recommendations:**

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

  
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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 2i

  
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Josh Hastings, District 4

  
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Joe Holloway, District 5

  
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Laura Hurley, Council Administrator