CAMBRIDGE MATTERS - 2021-06

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With the formation of Dorchester Citizens for Better Government, many in Dorchester County may wonder what it is; what is a County Charter; and what are the problems that the group is trying to solve?

As mentioned in a press release earlier this month, the Dorchester Citizens for Better Government is a group seeking to change the current Dorchester County Charter to help make the day-to-day work of the county staff be more effective, efficient, and responsive to the citizens of Dorchester County. In order to do that, portions of the current charter need to be modified.

So, what is a county charter? Ballotpedia says it this way. “A **chartered** … county … is one that possesses a unique set of laws that forms the legal foundation of its local system of government. The actual legal document that articulates these laws is called a charter. Charters stand in relationship to a county… the same way that a state constitution does to a state or a federal constitution does to a nation. They define the powers and functions of elected officials as well as the organization and procedures of local government”.

Now what is it that the Dorchester Citizens for Better Government is trying to solve? A simple but incomplete answer is that a majority of the current County elected leadership is not following the County Charter as it was intended, but it is more complicated than that.

Dorchester County is controlled by its Charter. Under the Charter, the County Council is both the executive and legislative branch of government. As such, the County Council that is led by its President is required to do certain things, some of which they are not doing and some of which should be done by the County Manager but are instead being done by a majority of its elected leadership.

An example of this problem is that a majority of the elected leadership has taken away the day-to-day decisions on how to run the county from the County Manager and is making those decisions their own without bringing some of the issues before County Council for discussion and vote as required under the Charter. While there are too many issues to go through in detail here, let’s look at a few of them.

Charter Section 409 reads in part as follows: “Review of Administrative Structure. ….at least every four years …., the Council shall have made an evaluation of the organization, functions, powers, and duties of each department, agency, and office in the executive branch of the Government. The evaluation shall address the efficiency and effectiveness of programs, services, and administration.”

Has the community ever seen one of these evaluations? Have any of them ever been done? The every 4-year evaluation was to have started in 2006 at the latest. That means that at least 4 of them should have been done by now. If you have one, please send me a copy.

Charter Section 603 reads in part as follows:

“Charter Review Commission.

(a) A Charter Review Commission shall be appointed by the Council no later than three months following the Council's installation after the general election of 2010 and every 10 years thereafter, …. The Commission may also be appointed at such other times as the Council, in its discretion, may determine. …

(b) The Commission shall review the provisions of this Charter and make recommendations as to the necessity for deleting, adding, or amending its contents. ….

(c) The Commission shall make its report to the Council at a public hearing not later than May 1 of the year following its creation.”

2020 has come and gone, and no Charter Commission was appointed. It was only mentioned at the most recent County Council Meeting. The word in Section 603 that is repeated often is “shall”. “Shall” means it must be done and not that it is done at the pleasure of County Council or its President. The County Council can do it at “other” times, but those other times would be in addition to the requirement of every 10 years.

By starting this process now, if it is in fact done, the Commission that should have been appointed in 2020 would have to make its report under section c by May of next year. In addition, under the Charter, the County Council does not need to undertake any of the recommendations of the Charter Commission. Given the consistent 3-2 votes on many issues of importance to the County and its residents, what do you think the chances are that a majority of the County Council would vote in favor of changing the current Charter?

The next sections of the Charter define the General Executive Powers, Non-legislative sessions of Council, and Executive Duties.

“402. General Executive Powers.

**The executive powers** vested in the County by the Maryland

Constitution, the laws of Maryland, and this Charter **shall be vested**

**in the Council which shall be the executive authority of the County**.

403. Non-Legislative Sessions. (a) **To exercise executive powers, the Council shall sit in nonlegislative session at least once each month and any additional days the Council may determine. ….**

404. Executive Duties.

The **Council shall be responsible for proper and efficient**

**administration of the Government** and shall **ensure that acts,**

**resolutions, ordinances and laws pertaining to the County are duly executed and enforced.”**

What the above language means is that if County Council is going to exercise its Executive authority it has to meet in open and public session and make those decisions. The President or another member of County Council that may be in the majority cannot simply make those decisions on their own without them being discussed and decided during an executive session and after a vote of the County Council.

Under Section 405 of the Charter, it states that “(a) The Council shall appoint a County Manager who shall serve at the pleasure of the Council. Except as otherwise provided in this Charter or State law, all departments, agencies, and offices of the Government shall be subject to the direction, supervision, and control of the County Manager **under the authority of the Council**.”

Since the last election, a majority of the County elected leadership has read the bolded language to mean that it gets to make the decisions for and in place of the County Manager without having the required executive meetings of County Council to discuss and vote on those matters. While such a process effectively has and does undercut the authority of the County Manager to run the day-to-day operations of County Government, having three of the elected officials, individually or together, making management and administrative decisions without holding executive sessions of Council creates ongoing and significant dysfunction within and among the members of County Staff.

For instance, if the County Manager directs a department head to do one thing and the Council President directs the same department head to do it differently, to whom will the department head listen? So far it has been the elected officials and not the County Manager.

Why would that be? The first two subsections of Charter 405 provide the answer remembering that the County Manger acts “under the authority of the Council”.

Those subsections state “**The County Manager shall**:

(1) Direct, supervise, and coordinate the administrations and

functions of all departments, agencies, and offices of the

Government, except as may be otherwise provided by law or this Charter;

(2) Except as may otherwise be provided in the Charter, hire, suspend, and remove all heads of departments, agencies, and offices of the Government, **subject to approval by the Council;**

To say that the language of this portion of the Charter is at best confusing, would be an understatement. To say that county staff is reasonable in being confused as to whom they should respond to – County Manager or Council President – would be perfectly understandable.

While there are other issues of concern that the Dorchester Citizens for Better Government will be raising, another glaring issue is the failure of the current council by votes of 3-2 to allow the citizens of Dorchester County to watch the County Council meetings on TV or over the Internet . This issue and request have been raised multiple times only to be met with the response by the 3-2 majority that Dorchester Citizens, some of whom live a long way away from where County Council meets, must come to the County Office Building to watch, and possibly participate in the meetings or listen to it over the phone.

Hearing the meetings over the phone, as is currently done, is simply unsatisfactory. Having a government that is transparent is what is needed, and one way to help make that happen is to have the Charter require that the meetings be televised or shown to the public over the Internet.

While there are other issues to be addressed that I have not raised here, in order to make the changes that are needed for better government, the changes must first be written and made part of a petition that has a summary explaining the changes. Once that is done, the petition form must be shown to the County Election Board for approval after which signatures will be sought from county residents who are registered voters.

Once 20% of the registered voters have signed the petition and that has been documented, then the proposed changes will be placed on the ballot for November 2022 at which point the citizens of Dorchester County will be able to vote on the changes. If a majority of the voters vote to approve the changes, they will then become part of the amended Charter for Dorchester County and will give direction to future elected leaders on how they are to run county government.

As the Dorchester Citizens for Better Government moves forward with next steps, I will be back to provide details of what will be proposed in the way of changes to the County Charter.

Thanks for reading.

Steve