

Open Work Session
Discussion on Emergency Declaration
March 17, 2020

Mr. Wayne Strausburg, Director of Administration, came before Council and said this situation will not resolve itself in seven days, so he suggests they adopt some Resolution that perhaps they revisit this situation at each upcoming County Council Meeting so they can deal with real time information and understand what the situation is, and then determine whether or not it is appropriate to continue the state of emergency. He said, by demonstration of what they are seeing at the State level, and, as a matter of fact, Governor Hogan said today that this coronavirus pandemic may not resolve itself until early summer, so he thinks they need a mechanism in place where they can stay in close communication between the Executive, the County Council, and the Governor's Office, and revisit this on a periodic basis, have real-time data and real time information, and make determinations as to what they can do in terms of continuing the state of emergency, which is really why he is there at the meeting. He said it will expire before the next Council Meeting, and they should not be in limbo.

Mr. Holloway asked if they can agree to do it by phone. Mr. Dodd asked Mrs. Hurley to go over what they discussed yesterday, to which Mrs. Hurley responded, Council can open up the meetings to the public via phone. She said she has been working with Mr. Dave Fitzgerald at Emergency Services on getting what is called WebEx where they can all call into a certain number and enter an access code, but that would also have to be provided to the public. She said they would request that the public mute their phones so they would not disrupt the discussions of the Council, and then they can proceed with the public meeting that way.

Mr. Dodd said Mr. Taylor had a comment in his email yesterday, to which Mr. Taylor responded, his only thought is that it might be simpler just to simply meet right here briefly, and not go through all of this administratively with the phone company because they are going to have to have it so multiple people can call in, not just one person, and they may want to be here for some other reason too. Mrs. Hurley said they would then have to open up the building to the public. Mr. Taylor said his suggestion would be to just schedule a meeting for the 23rd or something like that. Mr. Holloway asked if it has to be a supermajority or just majority to extend the emergency declaration, to which Mrs. Hurley responded, she believes it is just a majority, but she will need to look into that.

Mrs. Acle asked if they have pursued Zoom because that is something that is open to the public, and the administrator can mute them until it is Public Comment time. Mr. Taylor said there is an advisory from the Attorney General that came out last week in regard to doing some sort of a phone meeting, and he does not think it mentioned Zoom, but it does mention doing what Mrs. Hurley just described, generally, but there is an administrative setup time, and possibly even some cost, so it seems to him that the simplest way to do it is just to get together. He said they need a quorum, and it would be a majority of the quorum, so if one or two Councilmembers cannot attend, he does not think that would impede it. Mrs. Acle said they just cannot have any more than ten, to which Mr. Taylor responded, they can certainly participate over PAC14, and they can call in. Mrs. Hurley clarified, if they call in, they can have more than ten people on the phone, and they are opening it up to the public, and she is not sure of the exact number they can have, but she can look into that. She said it would be a large number of people

who could actually dial this number, enter an access code, and participate in the Council Meeting. Mr. Taylor said they would not have to have Public Comments on that because there is no requirement that they would have to have Public Comments. He clarified, they could have Public Comments if they want to, but it is not required.

Mr. Dodd asked if Council wants a public meeting or if they want to do it via phone, to which Mr. Holloway responded, public meeting. Mrs. Hurley said, just to clarify, in order to have a public meeting, this building has to be open to the public, to which Mr. Dodd added, just like today. Mrs. Acle said the CDC, the NIH, and the World Health Organization are recommending not congregating more than ten people, to which Mr. Dodd responded, they can do that. Mr. Strausburg said that is the latest guidance. Mrs. Acle said, if it is going to be more than ten people then they cannot meet, to which Mr. Cannon responded, there are eleven here right now. Mr. Taylor said, as a logical matter, they will probably have at most three people show up. He said it is not really a hot item. Mr. Dodd said that is a guideline, not the law, to which Mrs. Acle responded, no, it is not, but walking across the street with your eyes closed is not a law either, but no one is going to do it. Mr. Davis said they are already facing budget issues, and now they will be causing more expense, so what is the problem with just coming in here? He asked, how many people are really going to show up? Mrs. Acle asked if they are going to ignore all of the recommendations by the CDC and NIH?

Mr. Cannon said the purpose of the meeting is an emergency meeting. He then asked Mrs. Hurley if they are required to advertise the meeting publically, to which Mrs. Hurley responded, yes. She said they would have to do a press release, they would post it on the website, and notify all of the social media people. Mrs. Acle said they are going to ignore the recommendations.

Mr. Dodd said there are three Councilmembers who would rather be here to have the meeting. He then asked Mr. Cannon if he is okay with it, to which Mr. Cannon responded, he is okay with it. Mrs. Acle said she is not going to go against the guidelines. Mr. Dodd asked Mr. Hastings if he is okay with it, to which Mr. Hastings responded, he prefers looking at options to have better ways to have the public engaged and not be here. He said he thinks the more opportunities and options they give the public, the more they might take advantage of it. He said, whether it be WebEx or Zoom, or something like that in addition to having this, he thinks that would spread out more people, but he does like meeting in person. Mr. Dodd said this is a meeting just to extend the emergency, and it is not a meeting where they need Public Comments.

Mr. Holloway said they could look at it that they will probably need one staff member, and Mrs. Sande and Mrs. Hurley do not both need to be there for that, and they only need four Councilmembers, and they do not need the attorney there for that meeting, so what he would say in case somebody else shows up is try to get four Councilmembers and one staff member there to conduct the meeting. He said of course Mr. Dodd would have to be there because he is President, unless another Councilmember is in opposition to it, but that would cut their numbers down to five people so if someone happened to wander in they would not be over the ten, hopefully.

Mr. Dodd said he thinks they are doing a good job with their social distancing. He then asked if they want to schedule a meeting in-house.

Mr. Cannon asked if Mr. Strausburg anticipates Council will even need an emergency meeting in the next week or so, to which Mr. Strausburg responded, the Executive's emergency declaration expires seven days from yesterday, so it is going to expire, and it cannot be extended without Council approval. He said one thing Council could do today, and from a parliamentary standpoint he is not sure how they do it, but they could vote to extend the emergency declaration until the next Council Meeting when they could then update in real time because this is changing day by day. He said today they cannot by law have any more than 50 people congregating, but that could change next week and it could go down to 25, or down to 10, or down to nothing, so he is simply asking that Council authorize an extension of that emergency declaration until the next Council Meeting when they can take it up again. Mr. Dodd asked if Council can do that, to which Mrs. Hurley responded, they are in a Work Session. Mr. Taylor said it has not been on the Agenda, so that is a good question. He said the next Council Meeting is in three weeks, so it is kind of a coin flipper. Mrs. Hurley said her suggestion would be to have the Special Legislative Session and bring it back in a special meeting.

Mr. Cannon asked what would be the downside for the County if the state of emergency was not extended, to which Mr. Strausburg responded, the emergency measures they have put in place would be invalid as of the expiration of the seven day period, and that is just not realistic. He said this is not going to resolve itself in seven days. Mr. Cannon asked if Mr. Strausburg is saying that there are specifically very solid issues that after seven days they would have to revisit. He said he is confused. He then asked, if this stops after seven days, what would be the downside for the County, to which Mr. Strausburg responded, he would have to bring everybody back to work, and that would be endangering the employees, and it would be endangering the public. He said, just from a pragmatic standpoint, he just feels as though if they extend it for some finite period of time, and revisit it with real time data, they can make good decisions. He clarified, he is not saying to extend it for three months, but he is saying they have to extend it beyond the seven day expiration period because that just does not work from a practical standpoint. He explained, the Governor is trying to put a firewall around the geometric progression of transmitting the disease, so to the extent that they stop social interaction, they are stopping that geometric progression, and he thinks it is incumbent upon them from a public health standpoint to take common sense measures to ensure they are doing the best they can to keep the public safe.

Mr. Taylor said another thought on that is between now and, for example, if they were to meet next Monday, there might be some other Executive order that might amend that or change that, and they could extend the whole thing then rather than having to come back separately to do that.

Mr. Dodd asked what date they are looking at, to which Mrs. Hurley responded, Monday the 23rd. Mr. Taylor suggested they check with PAC14 so they can carry it. Mr. Keith Eagle with PAC14 then said he can be there, but he will check with the City of Salisbury because they have a 6:00 p.m. meeting, but he will be there whenever Council needs them. Mr. Strausburg asked if this would be a single purpose meeting, to which Mrs. Hurley responded, yes.

Mrs. Acle asked, just to clarify, this will be an open meeting, to which Mr. Holloway responded, yes. Mrs. Acle said she is not willing to take that liability. She then asked if she can call in, to which Mr. Dodd

responded, she does not have to attend. He said they have to have four Councilmembers, and he thinks they will have that. There was no further discussion.



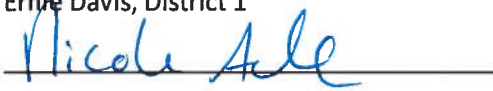
Larry Dodd, Council President



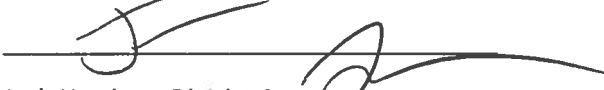
John T. Cannon, Council Vice President



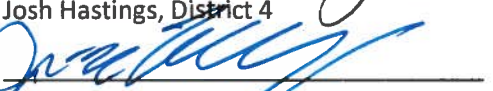
Ernie Davis, District 1



Nicole Acle, District-2



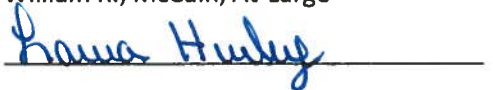
Josh Hastings, District 4



Joe Holloway, District 5

_____ absent _____

William R., McCain, At-Large



Laura Hurley, Council Administrator