

Open Work Session
Discussion with Legal Counsel on Administrative Closed Session
February 1, 2022

Mr. Mitchell, Council Attorney, said Council may be aware that an issue came up this morning as to whether this could be conducted as a Closed Session under the Administrative exception. He said it is a pretty close call, but, talking with the Council Administrator and the Internal Auditor, it appears what is really going to happen is not an Administrative function so much as a staff report. He explained, the Internal Auditor is going to lay out some status issues, where he is planning on going, and things like that. He said the Council, even with a quorum, does not qualify for Open Meetings regulations as long as the Council recognizes that the session is being conducted by the Internal Auditor. He clarified, they can question him and participate, but they cannot amongst themselves start coming up with policy and Legislation issues. He said the Internal Auditor is just going to report to the Council and they can find out information from him, and within the Open Meetings Act that is not a problem.

Mr. Holloway said he read the concerns. He then asked if there are any big secrets that Mr. Hitchens is going to reveal that justify closing a meeting, to which Mr. Hitchens responded, he would not have this meeting in Open Session if that is what Mr. Holloway is asking.

Mr. Cannon said he will abide by Mr. Mitchell's recommendation, and they have legal advice supporting it, so they will go ahead.

Mr. Mitchell said, when he talked to Mr. Hitchens earlier today, he said there was a level that he could give Council in Open Session, but, depending on what questions Council might have, he may not be able to fully answer them in Open Session, so that is why it is Closed.

There was no further discussion.



John T. Cannon, President, At-Large



Ernest F. Davis, Vice President, District 1



William R. McCain, At-Large



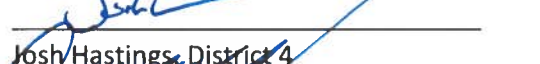
Nicole Acle, District 2i



Larry W. Dodd, District 3



Josh Hastings, District 4



Joe Holloway, District 5



Laura Hurley, Council Administrator