

The Wicomico County Council met in Legislation Session on Tuesday, July 7, 2020 at 6:00 p.m. in Council Chambers, Government Office Building, Salisbury, Maryland.

In attendance: Larry W. Dodd, President; John T. Cannon, Vice President; William R. McCain, Ernest F. Davis, Joe Holloway, Josh Hastings, and Nicole Acle.

Present: Laura Hurley, Council Administrator; Robert Taylor, Council Attorney; Levin Hitchens, Internal Auditor; and Lynn Sande, Executive Office Associate.

On motion by Mr. McCain and seconded by Mr. Hastings, the Consent Agenda consisting of the following items was unanimously approved:

- Legislative Minutes from June 16, 2020
 - Open Work Session Minutes from May 19, 2020 – Discussion on Declaring Wicomico County a Second Amendment Sanctuary
 - Open Work Session Minutes from June 2, 2020 – Discussion with the Board of Electrical Examiners
 - Closed Session Minutes from May 19, 2020 – Personnel Matter
 - Closed Session Minutes from May 19, 2020 – Consult with Legal Counsel
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Mr. Dodd introduced Mr. John Psota, Director of Administration. Mr. Psota said he enthusiastically looks forward to working with each and every one of Council, and the citizens of the County. He said he got started last week, and it has been like taking a drink out of a firehose, so please be patient. He said he is a phone call away and right next door, and he is here and available, and looking forward to working with each and every one of them.

Laura Hurley, Council Administrator

Mrs. Hurley said there is one change to tonight's Agenda, and that is the Work Session to discuss the proposed Legislation regarding the employment status of certain employees, which is postponed to the July 21 Council Meeting.

Resolution No. 47-2020 – Authorizing the County Executive to Accept a Grant Award in an amount up to \$18,120,304 from the United States of America Acting through the Federal Aviation Administration (FAA) under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) through the Airport Grant Program. Mrs. Hurley pointed out that this is a reimbursement grant, meaning that the Airport must spend the money first, and then it will receive the grant funding for the approved expenditures.

There being no discussion, on motion by Mr. McCain and seconded by Mr. Hastings, Resolution No. 47-2020 was unanimously approved.

Discussion with Mr. Chris Bitters, General Manager of the Delmarva Shorebirds:

Mr. Chris Bitters, General Manager of the Delmarva Shorebirds came before Council. Mr. Dodd said he knows this was kind of short notice, but, with the seasons changing and everything going on, and the future plans for the rest of the season with how they are going to use the field, maybe Mr. Bitters can make a quick summary. Mr. Bitters said he appreciates Council having him. He said he thinks everybody has heard the unfortunate news that the 2020 Minor League Baseball season across the country has been canceled. He said they can blame that on COVID, but, basically, Major League Baseball is unable to

provide them with players, which is what they do. He clarified, their Major League affiliates provide the players. He said, clearly, at this time, if someone is a baseball fan and is following along, they are having their own challenges just getting the Major League season up and running. He said Major League Baseball's projected opening day is July 23, and he thinks the Orioles opening day may be the following day. He said they are trying to test several thousand people, but he thinks they have had some holiday weekend hiccups with that. He said, to put Minor League Baseball in perspective, he knows most people here only think about the Shorebirds, which is great, but Minor League Baseball is a multilevel entity of eight levels, 16 leagues, 160 cities, and 43 states. He said, in an effort to try to send players to 43 states and 160 communities with testing and all of the things they are trying to pull off, he is assuming that is the directive on why they were unable to find players for them. He said, also, under the current orders per the Governor, even if they did send them players, they cannot have fans. He clarified, even if they were able to send them players, implement testing and all of those protocols, per the Governor's orders, currently they are not allowed to have spectators at live sporting events at this time. He said, with that, as an organization they will go 18 months with no baseball since September of last year, and they all hope that by next April they are back in a normal world and go from there.

Mr. Bitters said, to walk back a few months to talk about what they have been up to, obviously, over the past two to three months their staff has, like everybody, been trying to figure this out and planning for all scenarios. He said the scenario in the beginning was they would be shut down for a few weeks, then it was maybe a few months, and then to maybe being able to operate under socially distance guidelines and laying out the capacity of the stadium with six feet gaps between sections of seats for managing the fans. He said they have been collaborating a lot with their industry, but, obviously, that did not happen. He said they were basically planning for all scenarios, and the worst result came, which was the announcement that they would not be having a Minor League Season.

Mr. Bitters said, over the last two months when really everything shut down and they were in the midst of the shutdown, the stadium worked with PRMC to host a COVID testing site, and many of Council may have seen that as they drove by and saw the tent in their parking lot. He said their staff during that time, except for a couple, worked remotely as best as they could, but they are not really built for remote work when they are really built for being at the ballpark with their folks, but they worked remotely during that period of time. He said, in May, they also worked with the Wicomico County Health Department with Ms. Brewster and her team to conduct the mass testing that was held at the stadium as well. He said he thinks they tested 2,500 people over that three-day event, but one day was a rain out, so it was only a two-day event. He said that was successful and good. He said, up until that point, they were not able to do much, so they lived in a virtual world like everybody else. He said they hosted virtual 5k's, virtual happy hours, virtual everything one could think of, and he thinks pretty much everybody got tired of the virtual world once they went into a phase where they could get out of the house.

Mr. Bitters said, obviously, with the news last week that their season has been shelved, they have had some level of communication with all stakeholders, meaning their fans and people who have accounts with the team. He said an email went out to a certain group on Monday, and letters went out to their season ticket holders on Monday as well, so they should be getting those tomorrow or by the end of the week, and they will start follow up calls with those folks. He said everybody he has talked to has been great, and a lot of people want to continue to support the team. He said, obviously, if there is an account holder who needs a refund, they can call 410-219-3112 and let them know they need a refund. He said they have had refunds already, and he cuts checks every Thursday. He said, obviously, there are

people who have a lot of concerns, whether they are COVID related concerns, financial concerns, or health related concerns, but it does not matter to him what their concerns are if that is what they choose. He said, for those people who are willing to stick with them and make payments, he cannot get into the exact details of it because there are so many different types of accounts, but they have offered them opportunities to roll their accounts over to 2021, and he will call that an interest incentive based on the fact that whatever they have paid has gained some interest on it since, obviously, it is sitting with the Shorebirds. He said they have given their season ticket holders an option as well to take that interest and donate it to community groups, so there are two options. He said they have had fans who have offered for them to just keep their money and hope for next year because they know how difficult this will be, particularly as they hit mid-March when they are full steam ahead getting the stadium ready. He explained, a lot of money is spent between January and mid-March to order everything in the world, and then from April on they really make their money. He said it is going to be tough, but they will be fine, and he does not want any pity, as he told the newspaper the other day when they interviewed him. He said he is not going to talk about the financial side of things, it just is what it is. He said they have good ownership, and they have good management, so they will get through it. He said they have kept the majority of their fulltime staff employed, and their goal is to continue to do that as long as they can, and get through the backside of this together. He said they have a great staff this year along with their fans, and they will get through the backside of this together if they can, and hopefully come out stronger next April. He said, obviously, a big-time concern is what their world of live sporting events and mass gatherings will look like come April 2021. He said, obviously, that is a long ways away, but he reads the news, so who knows what that is going to look like, and it is going to be hard to predict the future.

Mr. Bitters said he is proud of the work their staff has done during this very challenging time, especially working remotely using personal computers and personal cell phones trying to reach out to fans, and a lot of their communication has been via email and social media.

Mr. Bitters said, moving forward, they are working with Ms. Brewster, Mr. Fitzgerald, Mr. Miller, and whoever else they need to work with on what types of approvals they have. He said he has read more government orders than he probably will ever care to after this year is over, and he has read more CDC guidelines and State Health Department guidelines since this has all gone on. He said they are able to now start hosting youth sporting events on a limited basis. He said, obviously, there are spectator regulations, but they have held a few of those with travel ball teams and other folks who like to use the field. He said they are working on a drive-in fireworks show, and hopefully he will have some news by the end of the week on a drive-in style fireworks show that they will be able to shoot and charge a price per car that will all be done with touchless apps where people can buy their parking pass on an app. He said they will come in and it will be scanned. He said they received tentative approval for movie nights on the field where they can socially distance by putting painted squares on the field, and families can have a pod, so they are evaluating that. He said, at this point they have to be prudent with what they do, both on the health side of things because they are stewards in the community, as well as a certain amount of risk in anything they do. He said they could probably talk to anyone who is running a business, and everything they are doing right now is costing a lot more because they need more staff with actually less people, and they need wipes, and disinfectant. He said they are planning some of that, and they have a staff meeting tomorrow to hopefully narrow that in. He said they have received a lot of calls on youth sports so far, so that has been good, and that will probably occupy most of the weekends between now and the end of October. He said they have had some calls from community groups that

may want to look to host outdoor events that might be easier to host outdoors than indoors, so they are still working through those. He clarified, not all of that is firmed up yet, but they are positive that they can create some good community activity and make it to the backside, and hopefully next April they are playing ball in a packed stadium if that is allowed.

Mr. Dodd said that is good news that the stadium is not staying idle, so it is great to hear there is something going on just about every weekend, to which Mr. Bitters responded, they do not have it booked, but the way the interest has been with certain folks who would like to use the field for travel tournaments, it seems like, if that is the way they want to go, it can go that way pretty quick.

Mr. Holloway said he knows there are quite a few softball leagues around the County. He then asked if anybody has reached out to them to give them the experience of maybe playing in a stadium for something they have not experienced before? He asked if that would be something Mr. Bitters thinks they would be interested in, to which Mr. Bitters responded, he would be very open to it if they are open to it. He said, again, he has not personally reached out, and no one has reached out to them that he is aware of. He said they have only been fully back in the office for about a week and a half now once the governor allowed nonessential places to open back up, but they are open to those types of things, and, obviously, there are some fees involved in that just covering their costs, but they are definitely open to it. He said he got an email from some type of archery group that is in town who thought the field might be a cool place to do that at. He said he has no idea about that, but, if they can use the space, they can make it work. He said the guidelines are the hardest things because some of the user groups have guidelines, and the hardest part for his staff is that they cannot just do what they have always done, and they have to think about lots of other angles. He said they are very open to any uses of the stadium. He said they have a very expensive field that was put in several years ago that they maintain, so, as long as it is not messing up the field, they are open to all ideas. He said that is why they are exploring movie nights, and with anything they are doing they are running it by Ms. Brewster, or whoever else at the Health Department she assigns to make sure they are on the up and up.

Mrs. Acle said she was just wondering if they are still doing the youth baseball camps, to which Mr. Bitters responded, they are not doing baseball camps right now. He clarified, they can do them, but they have not physically organized any yet. He said normally during the season it is easy because there are 30 guys in the locker room, so then they pay a bunch of guys to run a baseball camp, but now he does not have guys. He said there are some local Minor League players and local coaches he would like to reach out to to see if there is a way to put something together even on a very truncated basis. Mrs. Acle said they are very popular, to which Mr. Bitters responded, they love doing them, and they do a couple a year, but his challenge is that he does not have 30 guys in the locker room anymore who he can grab and say they are doing a camp, and ask who wants to sign up for it. He said it is something he would definitely love to pull off if there is an ex-athlete or somebody in town who is able to pull it off.

Mr. McCain said, before the COVID situation even started, Major League Baseball had already made changes to Minor League in terms of the elimination of several layers and teams, and fortunately the Shorebirds were not affected by that. He then asked if Mr. Bitters anticipates or has heard any kind of rumblings that this may change even further due to this now, because so many other things have changed, or is their focus at this point trying to save a Major League Season in some capacity, to which Mr. Bitters responded, he will explain what Mr. McCain is talking about for those who have not followed. He explained, their working agreement with Major League Baseball is governed by what is

called a Professional Baseball Agreement (PBA), and it is what defines their relationship with the Major Leagues. He said, in the offseason last year, Major League Baseball proposed to cut Minor Leagues from 160 teams down to 120, basically eliminating a level, and reorganizing teams from that level that were getting cut, and letting other teams go. He said it was roughly 42 affiliated Minor League teams going. He said he has never been given the list, and has only read what everybody else has read, but the Shorebirds were not on the list, and they are good to go as far as he knows. He said, with regards to the negotiations, nothing has been finalized with that. He said there were a lot of negotiations going on up until COVID hit, and he thinks Council all probably saw some very high politicians fighting for teams in their communities that were on that cut list, from presidential candidates to senators, to try to save their team because they believe Minor League Baseball is a valuable community asset. He said, for the last several months, everything he has heard is that the focus has been Major League Baseball getting their season up and running, so there has not been a whole lot of conversation where this is heading. He said it will head somewhere because he thinks the thought of contraction of Minor League teams is not going away, it is just on pause right now because they are so focused on trying to get the Major League Season running. He said his guess is, if they can get up and running cleanly, that conversation will happen very quickly. He said he thinks the challenge now with COVID is that some of those teams that had politicians fighting very hard for them may have lost some of that momentum they may have had at one point in time. He said he thinks they are still good here in Salisbury.

Mr. Holloway asked if there has been any analysis of what kind of financial hit they are going to take from all of this, to which Mr. Bitters responded, he will not be able to disclose that publicly, but it will be big. He said it is going to be significant, like really big. He said they have 16 fulltime staff members they are trying to keep employed. Mr. Holloway said Mr. Bitters said he has been trying to keep his employees busy, but are they going to experience any layoffs, to which Mr. Bitters responded, when COVID first hit they laid off a couple of people, and then had a couple of furloughs since then. He said he is hoping to bring those people back as soon as they have some direction on the 2021 season. He said normally by now they would already have their 2021 season schedule, so normally at this time of the year for him and half of his staff they are kind of one foot in the current year, and one foot in the next year a lot like the Council with their budget season. He said they have tried to take a long-term approach with their staff. He said they have a good staff, and they want to keep them together, but they have done some staff reductions as needed, so, obviously, some reduction in hours as well, but their goal has been to keep staff. He said the reality is, the more of these events they can have, the more hours he can give staff to work, and the more they can keep busy to keep things going. He said that is part of his motivation, not only being a community asset, but finding ways to keep the staff even more active than they are today. He said, obviously, without the official cancelation of the season they are plenty busy, but it seems like he has been busier during this COVID thing. He said he would rather they play games because it is less work than it is with COVID. He said the losses will be real, but, again, thankfully they have strong ownership and management, so they will come out the other side. He said the Minor League Baseball President indicated that up to 50 percent of the teams may not come out well on the other side without aid or selling, but they will be fine. There was no further discussion.

Resolution No. 48-2020 – Authorizing the County Executive to Accept a Grant Award in the total amount of \$2,000 from the Community Foundation of the Eastern Shore to Provide Emergency Housing in Response to COVID-19.

There being no discussion, on motion by Mr. McCain and seconded by Mr. Davis, Resolution No. 48-2020 was unanimously approved.

Resolution No. 49-2020 – Authorizing the County Executive to Accept a Grant Award in the total amount of \$58,008 from the United States Department of Justice (DOJ) under its Coronavirus Emergency Supplemental Funding Program.

There being no discussion, on motion by Mr. McCain and seconded by Mr. Davis, Resolution No. 49-2020 was unanimously approved.

Resolution No. 50-2020 – Authorizing the County Executive to Accept a Grant Award in the total amount of \$25,000 from the Maryland State Department of Education through the 2021 Preschool Development Grant Birth Through Five (PDG B-5) Program.

Ms. Michelle Bradley, Director of the Local Manager Board, came before Council. Mrs. Acle asked what the \$25,000 is allocated for, to which Ms. Bradley responded, in the budget they are implementing their strategic plan from the \$25,000 that was approved last year to develop that for the next five years. She explained, now that they have their strategic plan, this \$25,000 is going into that. She said some of it will be for advertising the program, training for workforce investment for early childhood educators, and stipends for substitutes from early childhood programs to attend meetings when they go back to in-person meetings. She said, if they have to hire a substitute to come to their meeting, a lot of times they are missing it, so they do not get the input from the early childhood care providers, so that is a big portion of it. She said website development is another portion of it.

Mrs. Acle asked if this is an MSDE grant, to which Ms. Bradley responded, yes. Mrs. Acle asked why the local government is applying for this, and why is the Board of Education not, to which Ms. Bradley responded, the Board of Education is not the Chair. She clarified, it is not specifically for the Board of Education, it is a mixed delivery system, so it is supposed to be collaborative. She said the Board of Education had it in its inception back in 2012 when it first came about. She said that was their first funding, but then it went unfunded from 2015 until last year. She said then, when the funding source became available, they asked the LMB if they would monitor, oversee, and apply for the grant for the collaboration, and they said yes because they have been a member of the council for a while, and it just seemed like a good position for them to sit in and be a neutral convener between public schools and the partners just for that equity piece.

Mrs. Acle then asked if it is a diverse Board. She said she does not remember who the appointees are. She further asked about the composition of the Board, and whether it is pretty diverse, to which Ms. Bradley responded, it is pretty diverse, though they could probably do better. Mrs. Acle asked if the County Executive appoints someone from his Office, to which Ms. Bradley responded, yes, that is one of the suggested positions. Mrs. Acle asked if that is as far as voting, to which Ms. Bradley responded, yes. Mrs. Acle asked who that is, to which Ms. Bradley responded, it was Mr. Weston Young. Mrs. Acle asked if they have anyone from the Spanish-speaking or Haitian-speaking community, to which Ms. Bradley responded, yes. She said they actually have Rosa Rodriguez from Telamon who just recently started attending in that capacity when they went out to recruit her because part of the strategies they put in place were to translate some of these early childhood developmental things in Ages and Stages into multiple languages so that when they took them to the library at their resource centers they would be available. She said they also have Natalie St. Farah, who is their Haitian interpreter, and she also works

at Kings Kids Academy, who is one of their partners, so she has been doing that for them. She said they have two representatives, but she acts in a capacity of translating and community outreach because she is very engaged with her community.

Mrs. Acle then asked, if someone wanted to apply to be on this Committee, is there an application on the website, to which Ms. Bradley responded, no, she does not think there has ever been an application. She said, when she went back and looked at the historical documents they had, there were letters of invite from Rick Pollitt, who was the Executive at the time.

There being no further discussion, on motion by Mr. McCain and seconded by Mr. Davis, Resolution No. 50-2020 was approved. Mrs. Acle opposed.

Robert Taylor, Council Attorney

Introduction: Legislative Bill No. 2020-05 – An Act to amend Chapter 29 of the Wicomico County Code, Article II, titled “Grant Funds” Sections 29-18 through 29-21, and to add Sections 29-22, 29-23, and 29-24 to provide for greater transparency and full accountability of the County’s allocation of grant funds.

Mr. Taylor said this was discussed at a Work Session, and there is a copy in the Brief Book that has the actual changes. He said this is a fairly extensive Bill, and the actual changed or new language is highlighted in yellow. He said he does not know if there is going to be any discussion of it tonight, but he has two general additions that he would like to suggest.

Mr. McCain made a motion to introduce Legislative Bill No. 2020-05; Mr. Holloway seconded the motion.

Mr. McCain said Mr. Taylor mentioned the Work Session, and he cannot remember that Work Session, frankly, but he knows they did not have anything in this detail. He said this is very extensive, as Mr. Taylor said. Mrs. Hurley said they had a Work Session on this at the last Council Meeting. Mr. McCain said it was pretty brief, to which Mrs. Hurley responded, that is correct, and this was not in Legislative Bill form at that Work Session, Council just had the text. Mr. Taylor said he believes what is highlighted in yellow was discussed at the Work Session. He said there have been some very, very minor typo type changes to it, but that is not what he referred to when he said he had a couple of other suggestions. He said he can go through those typo changes if Council wants him to, but he really does not think they change anything substantively.

Mr. Davis said the last paragraph in 29-18 says “From a grant other than an anticipated grant that Council has approved by amendment of the County’s budget to identify the general nature and source of the grant and the Department that will administer the grant, specify the revenue from the grant, and itemize the expenditure thereof by amounts and purposes of the grant subject to such conditions and restrictions as Council may impose upon the expenditure.” He then asked, if a grant is being proposed and the grant already has specific guidelines, how can the Council go and put in additional restrictions, to which Mr. Taylor responded, he thinks Council has the power to do that now. He said, if Council put something in as a condition that would be directly contrary to a condition in the grant, then, obviously, there would be a problem, but he would suggest not omitting the power to put in conditions and restrictions. He said one thing that was mentioned by Mrs. Acle at the Work Session was the ability to get updates on how the grant money was being used, and that would be an example of a potential condition that could be put in on the approval that would not, at least in his experience, negate anything

in the grant conditions that there be some sort of a periodic update to Council. Mr. Davis said grants already have that in there that they must have to report the expenditures and updates to where the grant comes from, to which Mr. Taylor responded, some do, but some do not. Mr. Davis said most of them do because they have to report that money as they are spending it, and they have to be accountable for it, to which Mr. Taylor responded, the County does, but there is no requirement to report anything to the Council normally. He said, for example, on the Airport grants, there is nothing in there that requires any kind of an update to the Council. Mr. Davis said he thinks Council is now starting to try to micromanage grants, and he does not think that is part of their job, that is for the Executive. He said, if Council starts micromanaging every grant, they will be here all night. Mr. Taylor said, just to respond to Mr. Davis' concern, Council does not have to do anything. He clarified, there is nothing in there that says Council has to do it, it simply gives Council the ability to do that, and they do not have to do it in any particular instance. Mrs. Acle said, if Council wanted to ask how a grant was impacting the community, if it was providing outreach, or any specifics on that grant, Council could ask those questions, to which Mr. Taylor responded, that would be a condition that Council could put in. Mr. Davis said they do that anyway, and they just did it a while ago. Mr. McCain said Council can always ask the questions, but, getting to Mr. Davis' concern, he actually made a note as well about striking this whole part where they talk about restrictions that the Council may impose upon the expenditure. He said it is fine asking questions, and it is fine addressing Ms. Acle's concern about giving Council information and updates, but Council putting restrictions upon a grant could be very problematic because many grants are very specific in terms of how they are supposed to be used.

Mr. McCain said he has a lot of questions because, at the end of the day, this is a total rewrite of the current procedure they have, so he thinks this could be a quite extensive Work Session to work through this total rewrite. Mr. Taylor said it is up to Council how they want to proceed, but it has been introduced for first reading.

Mr. Holloway said it does not matter really one way or the other, but he does not think this is going to be something where Council is going to demand this kind of action with every grant. He said he thinks it would be a situation where, if a Councilperson has questions or concerns when the grant is approved, they can follow up on it at a later date, and it gives Council the opportunity if they want to follow up on it. He said he is sure different Council people will have different interests in how grants are handled, but he does not see this happening with every grant Council approves, so he does not have a problem with leaving that in there. He said he does not think it is going to make a lot of difference as far as what gets done, but it gives Council the ability to say they want to follow up on a grant at a later date. He then asked Mr. Taylor if that is basically what this is doing, to which Mr. Taylor responded, that is the intention. He said the way it reads is Council "may" impose, it does not say "shall", it says "may". Mr. McCain said they are talking about two totally different things. He clarified, Mr. Holloway is talking about following up, and he does not think any of Council have a problem with that, but this is talking about putting restrictions on the grant at the time of the approval as Council can oppose upon the expenditure, and that is different. Mr. Taylor said there may be instances where Council may want to do that, so, who knows, because they are talking about the general universe of grants, not about any specific grant, and that is why it is in there, to give Council the power to do that.

Mrs. Acle asked, with the grant Council accepted from MSDE, could they ask the members on the Advisory Committee if that is in line with the grant, and would that be putting restrictions on it, to which Mr. Taylor responded, he is not familiar with that particular grant or exactly what Mrs. Acle is driving at,

but it would seem to him that, if she wants information about how a grant is going to be used, Council could put that in as a condition, both in terms of getting information, and also finding out whether those particular expenditure objectives were realized and met. He said that is the purpose of this, to give Council an opportunity to do what they might want to do. He said, as he said earlier, obviously, if Council put in a restriction that would be absolutely contradictory to the grant terms, then obviously there would be a problem, but because of the possibility Council might do that, they do not want to restrict their power, at least in his view. Mr. McCain said right now, with the way this is written, exactly what Mr. Taylor said is exactly what can be done. He clarified, Council could put restrictions on a grant contradictory to the specifications in the grant, and that is the way this is written, so Council either has to add something saying they cannot make restrictions that would be contradictory to the specifications in the grant, or they have to strike it, one or the other. Mr. Taylor said they could look at it the other way. He clarified, if Council wanted to put a restriction on it that was contradictory, they could just simply deny the grant, so how would it really be any worse than that? He said Council could just turn the grant down, to which Mr. McCain responded, that is not a good answer to the question. He said Mr. Taylor is saying he is promoting leaving in there the ability for Council to contradict specifications that are in grants, and why would Council want to contradict? Mr. Holloway suggested adding a sentence to the effect of, "as long as it does not contradict the grant," to which Mr. McCain responded, he would agree. Mr. Holloway said he looks at this where there might be somebody having a problem with approving a grant, but, if they have this in here, they can use this as a tool where somebody can say, as long as they can do this, they will vote for it. He then asked what Mr. McCain suggests, to which Mr. McCain responded, he thinks, at the very minimum, yes, they should have a statement in there saying Council cannot impose restrictions that are contradictory to the specifications of the grant. Mr. Taylor suggested adding that at the end of the sentence saying, "that do not conflict with the terms and conditions of the grant". Mr. Davis said he does not think Council has had any problems with any grants they have passed, and they have not had problems if they ask anyone to come back and update Council. He said they never have in the past, to which Mr. Holloway responded, so far. Mr. Davis said it has been no problem to get updates on them. Mr. Holloway said he thinks Mr. McCain's suggestion is a fair thing to add. Mr. Taylor said he will read that verbiage again, "that do not conflict with the terms and conditions of the grant," to which Mr. McCain responded, he is okay with that.

Mr. Dodd said he thinks the idea of this Bill is transparency and accountability if needed, to which Mr. Davis responded, accountability is already in the grant itself. He said there is accountability in every grant where they have to meet certain conditions.

Mr. Cannon said, looking at Section C, it specifically says "and to the extent not inconsistent with or prohibited by the terms and conditions of the grant," so that clause is already in here. Mr. McCain said he thinks C should be struck, actually, to which Mr. Cannon responded, it says exactly what Mr. McCain is recommending by saying Council may impose restrictions upon the expenditure of the grant to the extent not inconsistent with or prohibited by the terms and conditions of the grant, so that right there says Council cannot go that far. Mr. Taylor said they could just paste that same wording up into the portion that Mr. McCain was reading from earlier, to which Mr. McCain responded, actually, he liked the wording they had earlier because he thinks they are a little bit different. He suggested they leave it as Mr. Taylor recommended earlier. He said, if they are going to keep C, he thinks that is fine, but he still would keep that same language Mr. Taylor just added a minute ago, to which Mr. Taylor responded,

then he would use that down in C as well. Mr. Dodd asked Mr. McCain if he is okay with that, to which Mr. McCain responded, that is fine.

Mr. Taylor said the two items he has are just general suggestions. He said, in several places they have referred to designating the Department that would administer the grant, and, in some cases, he thinks that would be Agency. He explained, they have Agencies that are not Departments that get grants and administer them, so he thinks where it says Department they ought to just add "or Agency". He said there are a few instances where that language is used, so that would also be changed.

Mr. Taylor said he agrees that 29-19 is rather detailed, so he would suggest putting in a new subpart to that, which would be E, and would read "Council may waive any provisions in this section". Mr. McCain said he likes that suggestion because that saves him from striking B, C, and D. Mr. Dodd then asked if everybody is okay with E, to which there was a general consensus.

Mr. McCain asked why authorized was changed to anticipated in definitions. He clarified, authorized was struck, and anticipated was added in definitions in the actual Bill itself, to which Mr. Taylor responded, he thinks the basic reason is because they are not authorized until Council authorizes them. He said there are basically two types of grants, anticipated grants that are, essentially, listed in the budget, and then unanticipated grants that are not. He said, for example, they had at least one tonight that would fall into that unanticipated category, and they are going to have another one in a little bit involving the Airport grant. He explained, those are not in this year's budget, so they are basically coming in after the budget as essentially what they consider to be unanticipated, and that is the difference between anticipated and unanticipated, and why it was changed. Mr. McCain said, with that said, under the definition of unanticipated grant revenue, they struck the existing definition and added a new definition, but that new definition reads in the very first sentence, "From a grant other than an anticipated grant that the Council has approved by amendment". He said, if it is unanticipated, Council would not have already approved it, to which Mr. Taylor responded, the only reason it says unanticipated is to distinguish it from anticipated. Mr. McCain said the next part says, "that the Council has approved by amendment of the County's budget". He said it says that the Council has approved, but they would not have approved it if it is unanticipated, to which Mr. Taylor responded, he thinks they are maybe getting deep into semantics here, but once Council has approved it by amendment of the budget, then, yes, it has become approved as an unanticipated grant because anticipated grants are defined to be those that are approved in the annual budget document, so that is the difference to distinguish between those two. Mr. McCain said he is just trying to decipher how what is written is better than what was already written when defining unanticipated grant, and he is just trying to rationalize it. He said he kind of likes the existing verbiage more so than the replacement verbiage. Mr. Dodd asked how everyone else feels about that, to which Mr. Cannon responded, he is okay with it. Mr. Dodd said he is okay either way.

Mr. Cannon said he would like to make a point; in order for this to move forward, there should be a formal motion on the first recommendation referencing the limited restrictions on Council's part, and there are several sections where that would have to be implemented. Mr. Dodd asked if Mr. Cannon is saying they have to vote on each change, to which Mr. Cannon responded, a motion needs to be made on that change, and the second change Mr. Taylor suggested about adding Agency, just so they do not get lost in this process as this is not a Work Session, it is a Legislative Bill, and he thinks they need two amendments for that. Mrs. Hurley said the actual vote for the introduction has not been made yet, so if Council wants to postpone the introduction of the Bill to make these changes, they could do that, but

that is entirely up to Council. Mr. Dodd said it seems like Council has turned this into a Work Session, to which Mr. Cannon responded, but it has been somewhat productive, and they have gone this far, so they should continue with this discussion. He said first they should do the introduction, let Council continue with the discussion, and then they can postpone if they feel it is getting out of hand. Mr. Dodd asked if they should postpone this, to which Mr. Cannon responded, that depends on how much more they have. He said two amendments have been suggested right now. He then asked if there are any more being proposed, to which Mr. McCain responded, he has a couple more things to discuss, but, before they get too far, he agrees, so he will make the motion to make the first amendment. Mrs. Hurley clarified, they do not have to make a motion to amend because it has not been formally introduced yet, and she suggests perhaps making a motion to postpone the introduction of the Bill. Mr. McCain said then Council can make the amendments so they will be added to the Bill when they vote on it.

Mr. Cannon said he would strongly suggest Mr. McCain talk with Mr. Taylor to at least try to recognize what differences they might have so when it comes back to the table there will be less discussion.

Mr. Taylor suggested, since they have gone this far, they might as well go the rest of the way if there is anything else to be discussed rather than discussing that when they come back. Mr. Holloway said anybody who has any suggestions or concerns can contact Mr. Taylor.

There being no further discussion, on motion by Mr. Holloway and seconded by Mrs. Acle, Legislative Bill No. 2020-05 was unanimously postponed to the next meeting on July 21, 2020.

Levin Hitchens, Internal Auditor

Resolution No. 51-2020 – Adopting the Annual Audit Plan for the Fiscal Year Ending June 30, 2021.

Mr. Hitchens said this year he put ten audits and projects on the Audit Plan including Purchase Cards, Fuel, Payroll, Legislative Bills, Grant Expenditures, Vendors, Employee Classification System, Comprehensive Budget Review, and two that are continuing from the previous year to include Civic Center Events, which is underway now, and the Audit Manual update. He explained, the Purchase Card, Fuel, and Payroll audits were done very recently, but these are more comprehensive at more of the Department level because they found the controls were actually very decentralized in the previous audits. He said the Departments that oversee these programs basically just get information from the Departments themselves, so the goal will be to go to the Departments that have larger expenditures in these three areas to see what they are doing as controls.

Mrs. Acle asked how Mr. Hitchens comes up with the Audit Plan, and what goes into putting this together, to which Mr. Hitchens responded, he sends out surveys to Department Leaders; some send them back and some do not. He said they select audits from past years. He explained, the Vendor audit, for instance, has not been done since 2012, and that is a very important audit that probably should be done more often. He said they also talked to the external auditors, and also based it upon their observations from previous audits, and being involved in the County.

Mr. Dodd asked Mr. Hitchens to explain what the survey entails, to which Mr. Hitchens responded, the survey is a risk assessment asking Department Heads for the likelihood of certain events and their impact. He said he cannot remember off the top of his head what they all are because it is an 8-page survey, but it also asks if they have any suggestions. He said some Departments ask him to do consultations, but that did not happen this year, though it has happened in the past; for instance, the

Community Corrections was a consultation request. Mr. Dodd asked what happens to the Department Leaders who do not respond, to which Mr. Hitchens responded, nothing. He then asked Mr. Dodd what should happen, to which Mr. Dodd responded, there is a purpose for having an audit.

Mr. Cannon said he is glad to see Mr. Hitchens has the Grant Expenditures in there because he thinks that is very important to keep an eye on.

Mrs. Acle asked if this is also sent to all of the enterprise funds they have in the County, to which Mr. Hitchens responded, it was not sent to the Nursing Home, but he believes it was otherwise.

Mr. Hastings asked what Mr. Hitchens' goals and intent are for the Legislative Bills audit, to which Mr. Hitchens responded, a Councilmember asked for updates on certain Legislative Bills, and the Executive Administration suggested perhaps that was a better project for an internal audit. He said there are a few Bills from 2016 that he has not looked at extensively, but he is going to look at all the Bills from 2014 up to date to see which ones are quantifiable and can actually be measured to see if the County has complied with the new Legislative Bills, as well as what impact they have had on the County.

Mr. Hastings said he sees Mr. Hitchens has the revenue cap on the plan, to which Mr. Hitchens responded, the revenue cap is one they have done for a few years now, and they did it this year as well. He explained, it is just calculating the anticipated tax revenue in the budget, and determining whether they stayed within the revenue cap or not, so just kind of making sure they did not overestimate. He said it is basically a check and balance on the budget process.

Mr. Cannon said Mr. Hitchens is talking about updating the Audit Manual itself, and that was a huge undertaking by the first Auditor who came in, and she literally produced the whole document herself. He said he is not quite sure what her resources were, but he thought it was a very concise effort on her part. He then asked what Mr. Hitchens anticipates, because he has days not applicable, so is he going to just do it when he can get to it, to which Mr. Hitchens responded, it is actually pretty well done. He said he and Mr. Roser worked on it in the previous year, and they are waiting for legal review on it, but it is pretty well done already. Mr. Cannon asked if Mr. Hitchens anticipates any real problems, to which Mr. Hitchens responded, only if something comes back from legal.

There being no further discussion, on motion by Mr. Hastings and seconded by Mr. Holloway, Resolution No. 51-2020 was approved. Mrs. Acle opposed.

Public Comments:

There were no public comments.

Council Comments:

Mr. Hastings said he just wants to officially welcome Mr. Psota. He said it was great to see him today. He said he knows Mr. Psota has a lot to do and a lot to learn, and a lot to get up to speed on, but he really looks forward to working with him.

Mr. Hastings said he usually tries to give an update so everyone is aware, and, once again, they are continuing to wear their masks and try to social distance as much as they can even though it may not look like that on camera. He said, obviously, the COVID-19 situation is still a very serious situation, and they have had 41 Wicomico residents who are now dead because of it, and more than 1,100 people in

their County confirmed affected by it, so he wants to make sure they, as a Council, are still continuing to show as a Legislative Body that they still take this very seriously.

Mr. McCain said he wants to mention to the public that, as a result of some of the funding from the CARES Act, they have additional funding that has been made available through their Salisbury- Wicomico Economic Development (SWED) Office. He said there are grants available up to \$10,000 that are targeted at small businesses, and he believes it has to be businesses that are under 25 employees. He said a lot of these businesses missed that first wave of funding, but there is substantial funding available. He said they are taking applications that started early last week, and they have actually gotten 300 to date, so he just wanted to make the small business out there aware that there is funding available here. He said this money is specifically for Wicomico County businesses, so they can contact the SWED Office, or go online and fill out the application. He explained, they have to show that they have been affected at this point in this year compared to last year, but it is not near as onerous as going through the PPP process, and it is pretty simple. Mr. Dodd said he saw that email today, and they were asking for businesses to contact SWED. He then thanked Mr. McCain for bringing that up.

Council President Comments:

Mr. Dodd said he agrees with Mr. Hastings' comment about the masks. He said, when he is out in public, he sees everybody complying, so it is good to see the public wearing their masks, and that helps flatten the curve.

There being no further business, on motion by Mr. Hastings, seconded by Mr. Holloway, and unanimously approved, the Legislative Session was adjourned at approximately 7:00 p.m. to go into Open Work Sessions followed by a Closed Work Session pursuant to General Provisions Article, Section 3-305 (b)(1) to discuss the appointment of an individual over whom this Public Body has jurisdiction.

The Wicomico County Council met in a Closed Work Session on Tuesday, July 7, 2020 at approximately 7:45 p.m. in Council Chambers, Government Office Building, Salisbury, Maryland.

In attendance: Larry W. Dodd, President; John T. Cannon, Vice President; William R. McCain, Ernest F. Davis, Joe Holloway, Josh Hastings, and Nicole Acle.

Present for the Closed Work Session: Laura Hurley, Council Administrator, and Lynn Sande, Executive Office Associate.

The purpose of the Closed Work Session was to discuss the appointment of an individual over whom this Public Body has jurisdiction. No formal action was taken.

There being no further discussion, on motion by Mr. McCain, seconded by Mr. Davis, and unanimously approved, the Closed Work Session was adjourned at approximately 8:30 p.m. The legal authority for the Closed Work Session is General Provisions Article, Section 3-305 (b)(1).

Signatures on next page

Legislative Session Minutes

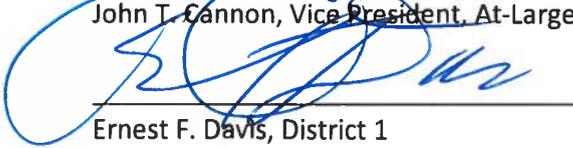
July 7, 2020



Larry W. Dodd, President, District 3



John T. Cannon, Vice President, At-Large

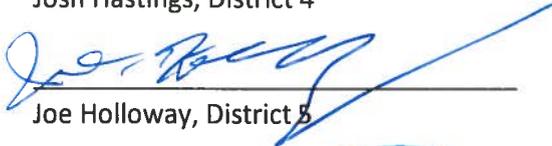


Ernest F. Davis, District 1



Nicole Ache, District 2

Josh Hastings, District 4



Joe Holloway, District 5



William R. McCain, At-Large



Laura Hurley, Council Administrator