

The Wicomico County Council met in Legislative Session on Tuesday, August 4, 2020 at 6:00 p.m. in Council Chambers, Government Office Building, Salisbury, Maryland.

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

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

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

- Legislative Minutes from July 21, 2020
- Open Work Session Minutes from July 7, 2020 – To Discuss the Purchase of 810 Second Street, Delmar, Maryland
- Open Work Session Minutes from July 7, 2020 – Legislative Bill 2020-04 – Budget Bill Exhibit
- Closed Work Session Minutes from May 5, 2020 – Consult with Legal Counsel

A proclamation was presented to Riley Bozman in recognition of achieving Eagle Scout.

Laura Hurley, Council Administrator

Public Hearing: Resolution No. 57-2020 – to Amend the Fiscal Year 2021 Capital Budget and Fiscal Year 2021-2025 Capital Program to Confirm the Maryland Water Quality Financing Administration (MWQFA) Loan Funding for the Airport Water Main Extension Projection as \$2,928,292, and to Confirm the \$1,500,000 MWQFA Grant for the Same Project, and to Confirm the Grant and Loan Funding of \$4,428,292 for the Design and Construction of the Airport Water Main Extension.

Mrs. Hurley said a notice was published in the Daily Times stating that a Public Hearing would be held this evening.

Mr. Dodd opened the Public Hearing. There were no public comments. Mr. Dodd closed the Public Hearing.

There being no discussion, on motion by Mr. McCain and seconded by Mr. Davis, Resolution No. 57-2020 was approved. Mr. Holloway abstained.

Resolution No. 58-2020 (SM) – Authorizing Alban Tractor, LLC (DBA Carter Machinery) as a Sole Source Vendor to Provide Proprietary Parts for the County's Caterpillar Machinery in Fiscal Year 2021.

There being no discussion, on motion by Mr. McCain and seconded by Mr. Hastings, Resolution No. 58-2020 was unanimously approved.

Reconsideration of Resolution No. 56-2020 – to Correct the Purchase Price for Property Known as 810 Second Street, Delmar, Maryland from \$38,000 to \$35,000.

Mrs. Hurley explained, this Resolution was approved at the last meeting held on July 21, 2020. She said there was an amendment to the Resolution to remove the \$3,000 donation, but the purchase price in the Resolution was not changed, so this Resolution is back on the Agenda to correct the purchase price shown in the Resolution.

On motion by Mr. McCain and seconded by Mr. Hastings, Resolution No. 56-2020 was unanimously reconsidered.

On motion by Mr. Holloway and seconded by Mr. McCain, Resolution No. 56-2020 was unanimously amended to change the purchase price from \$38,000 to \$35,000.

There being no discussion, on motion by Mr. McCain and seconded by Mr. Hastings, Resolution No. 56-2020 was unanimously approved as amended.

Resolution No. 59-2020 (SM) – Authorizing JG Parks & Son, Inc. as a Sole Source Vendor to Provide Proprietary Parts for the County’s Western Star Fleet in Fiscal Year 2021.

Mr. Nick Rice, Purchasing Agent, and Mr. Mark Whitelock, Acting Director of Public Works, came before Council. Mrs. Acle asked what the Western Star Fleet is, to which Mr. Whitelock responded, it is basically a roll off truck. He said Solid Waste has a mix of International, Peter Built, and Western Star trucks, and the Western Star trucks are used for the recycling bins and those types of things.

There being no further discussion, on motion by Mr. McCain and seconded by Mr. Davis, Resolution No. 59-2020 was unanimously approved.

Resolution No. 60-2020 (SM) – Authorizing Vermeer Mid Atlantic, LLC as a Sole Source Vendor to Provide Proprietary Parts for Vermeer Equipment in Fiscal Year 2021.

Mr. Nick Rice, Purchasing Agent, and Mr. Mark Whitelock, Acting Director of Public Works, came before Council. Mrs. Acle asked what Vermeer equipment is, to which Mr. Whitelock responded, it is used in the brush pile, and is a big, heavy-duty grinder for grinding all the brush that comes into the landfill.

There being no further discussion, on motion by Mr. McCain and seconded by Mr. Davis, Resolution No. 60-2020 was unanimously approved.

Resolution No. 61-2020 (SM) – Authorizing W.H.O. Manufacturing Company as a Sole Source Vendor to Provide OEM Parts for the W.H.O. Tub Grinder in Fiscal Year 2021.

Mr. Nick Rice, Purchasing Agent, and Mr. Mark Whitelock, Acting Director of Public Works, came before Council. Mrs. Acle asked what the W.H.O. tub grinder is, to which Mr. Whitelock responded, it is another grinder in their brush pile that is basically for the bigger stumps. He said the Vermeer grinder will take large pieces of tree, but it will not take a full stump, but this grinder will. He said it is an older machine, and they keep it basically just to grind stumps. Mrs. Acle thanked Mr. Whitelock for his explanation as the public does not know what these items are either.

There being no further discussion, on motion by Mr. Davis and seconded by Mr. McCain, Resolution No. 61-2020 was unanimously approved.

Resolution No. 62-2020 – to Change the County Resident Agent Registered with the State Department of Assessments and Taxation from R. Wayne Strausburg to John D. Psota, Director of Administration. Mrs. Hurley said State law requires the County to designate a resident agent to accept service of process for Wicomico County. She said Mr. Strausburg was previously designated as the County’s resident agent, but he retired as of June 30, 2020, so this Resolution is appointing the new Director of Administration as the County’s resident agent.

Mr. Dodd asked how this will affect Mr. Psota's Acting County Executive title, to which Mrs. Hurley responded, she does not think it affects it at all, and he would still accept service as the Director of Administration.

There being no further discussion, on motion by Mr. Hastings and seconded by Mr. Davis, Resolution No. 62-2020 was unanimously approved.

Resolution No. 63-2020 – Approving the Engagement Letter dated June 5, 2020 between PKS & Company, P.A., and Wicomico County, Maryland, for Fiscal Years Ending June 30, 2020, 2021, and 2022.

Mrs. Hurley said Council previously approved an engagement letter dated February 10, 2020 that referenced a June 17, 2019 audit scope, and the June 17 letter referenced the March 2014 audit scope. She said the engagement letter before Council this evening is dated June 5, 2020, and is updating the audit scope that was previously approved by Council.

Mr. Michael Kleger, CPA, came before Council. Mrs. Acle asked what the difference is in these two letters, to which Mr. Kleger responded, the main changes were related to audit standards, which changed related to independence requiring PKS to state specifically what their role is in management decisions, which, essentially, is nothing since they are independent auditors. He said they also added a section in the engagement letter regarding COVID-19, which was reviewed and approved by legal counsel for the County, and they made some changes based on his recommendations. He said those were really the only significant changes to the engagement letter. Mrs. Acle asked if PKS will be auditing the COVID funds, to which Mr. Kleger responded, the Federal stimulus funds were added, as well as the fact that, from an audit standpoint, some of their procedures may change because of the way they have to audit remotely in some cases, so they added that paragraph just to stipulate the terms and conditions for the audit. He said those were the only major changes from the last engagement letter.

Mr. Cannon asked if Mr. Kleger is anticipating any additional funds due to the responsibilities of COVID grants, etc., to which Mr. Kleger responded, from an audit standpoint, no. He said he does not think the fees are going to change. He said, as stated in the letter, if they anticipate anything, they will run it by Council for preapproval before they incur those procedures, which is the intention with that paragraph.

There being no further discussion, on motion by Mr. McCain and seconded by Mr. Davis, Resolution No. 63-2020 was unanimously approved.

Robert Taylor, Council Attorney

Introduction: Legislative Bill No. 2020-06 – To Amend the 2020 Operating and Capital Budget to Increase the Wicomico Youth and Civic Center Budget in the Amount of \$530,000 by Transferring \$200,000 from the Recreation and Parks Prior Year Fund Balance; by Transferring \$75,000 from the Recreation and Parks Current Year Budget Savings; and by Transferring \$255,000 from the General Fund Contingency. Mr. Taylor said he has some concerns about this Legislative Bill.

Mr. Steve Miller, Director of Recreation, Parks, and Tourism, and Ms. Pam Oland, Deputy Director of Recreation, Parks, and Tourism, came before Council. Mr. Holloway said he understands from the COVID situation that the County's revenues are going to be greatly impacted at the Civic Center. He then asked what point they think these transfers will carry them to, to which Mr. Miller responded, the transfers they are addressing are for FY20, so that would have carried them through June. He said, for this year, a

lot depends on what happens in this current year because, obviously, there are still concerns of limitations with events, but this just addresses last fiscal year. Mr. Holloway asked if they anticipate having to come back and ask for more money out of contingency in the near future, to which Mr. Miller responded, it is hard to say, but he has concerns with the FY21 budget for both the Civic Center and Recreation and Parks. He explained, nearly three-quarters of their budget is derived from user fees, program fees, and rentals. He said they do not know what is going to happen, but, if they are looking at another shutdown or scaled back ability to do activities, that is going to be a concern, but to know what that is going to be and what number, at this point they do not know. Mr. Holloway asked what steps have been taken so far for savings at the Civic Center, to which Mr. Miller responded, they have several positions that will remain vacant as cost savings, and they have limited projects and operational expenses to the extent they can. He said they have not brought in any part-time people, so they are handling everything with the fulltime people they have. He said the bigger problem, honestly, is revenue generation, and they are trying to reinvent themselves without having the ability to sell tickets and those types of things. He said they are brainstorming different ways to do things they are permitted to do where they can generate revenue, and that is the biggest challenge they have.

Mrs. Acle said she was wondering if Mr. Miller engaged the Public School System and the use of the Civic Center for any type of remote learning. She said she knows the private schools are staying open. She said she is just wondering where all of these kids are going to go even with the after-school programs the County hosts. She said it is very concerning that the County is not going to be hosting those programs because the schools will not be open, to which Mr. Miller responded, that is a concern they have as well. He said they rely on the schools for their indoor and after school programming, but they have not had extensive conversations as far as using the Civic Center for a learning type atmosphere. He clarified, to his knowledge, that conversation has not happened.

Mr. Cannon said there is \$200,000 from Recreation and Parks prior year, and then there is \$75,000 from the current, and then, in addition, there is \$255,000 from contingency. He then asked if that is from the current contingency, to which Ms. Oland responded, from 2020 contingency. Mr. Cannon then asked, if these are amounts that are affecting the prior year FY20, would that require Council to now amend the 2021 budget? He clarified, this confuses him, but the amounts that are carried forward into FY21 are now no longer the same amounts, so would that require Council to also have to go back and amend the operating budget for FY21, to which Mr. Taylor responded, he believes it does, and the reason for that is because there are two Charter sections that apply. He said one is Section 708, and that relates to last year and transfers of funds between Departments and within Departments, and, essentially, either of those transfers had to have occurred in FY20, and, of course, since they are here tonight, they did not. He said then there is another Section that, once the fiscal year ends, in other words, when FY20 ended on June 30, essentially, any remaining monies flow back into the general fund with the exception of anything that has been earmarked. He said, for example, if they have a bill they just have not paid, or if a bill comes in on July 3 for expenses in June, but that has not happened, so he thinks what has to happen here is, basically, he thinks the budget for this year has to be amended to bring funds in to pay the deficit, essentially, from last year because no money was moved around last year to cover it. He clarified, it is possible that some or all of it could have been, but the fact of the matter is that it was not, so he thinks this is the way to do this under the Charter. He explained, quite a few years ago Council had quite a discussion about this Section 708 and actually amended it, and it was passed in referendum in 2018, so he thinks the long and short of it, and the simple way to do it, is to just amend this year's

budget and stick more money in to cover a deficit from last year. Mr. Dodd asked how that would affect this Legislative Bill tonight, to which Mr. Taylor responded, it would have to be done differently. He clarified, they would have to amend, essentially, this year's budget to put money in to cover what is, essentially, leftover outstanding bills from last year.

Ms. Oland, said in her years of working in government between here and her prior employer, the fiscal year itself is not closed until the audit is complete, they have paid all their bills, and have completed their audit associated with those bills for that fiscal year. She explained, they have the ability, if Council so desires, to make changes to the budget because the budget is part of the audit process that then gets presented in the audit report. She said this Legislative Bill will allow them to amend the budget and reflect the status they want to show for the audit because, if this does not go through, then, yes, they do have a deficit. She said they would have an overspending of budget, which will be noted in their audit, and they would get a comment of some sort. She said, having left the public accounting world awhile ago, she does not remember exactly what that would entail, but they would get a comment in their audit for having overspent their budget. She clarified, the budget itself is still available to move because they make payroll payments after the year, they make audit adjustments after the year, and they make expense payments after the year. She said, if the budget was a static thing at June 30, those things would not be able to happen. Mr. Dodd said what Ms. Oland is saying makes sense.

Mr. Taylor said the only problem is that they can look at this from an accounting sense, and they can do anything with their books, move money around, or whatever they want, but the problem is they have Charter provisions which are, essentially, legal provisions. He said the other Section he was referring to is Section 710 entitled Lapsed Appropriations, which begins, "Unless otherwise provided by public general laws, all unexpended and unencumbered appropriations in the current expense budget remaining at the end of the fiscal year shall revert to the County's general fund". He said that is, essentially, simple automatically operating language. He said he mentioned there is a possibility of encumbering something, but he does not think that applies here because most of this money is being moved from different Departments into another Department, so encumbering is not really a factor. He clarified, it is not that the money cannot be paid and the bills cannot be paid, it is just that, to comply with their Charter requirements, which are black and white, the appropriate way to do this is to appropriate money in this year's budget to cover a deficit from last year.

Ms. Oland said, again, in the accounting world, the close of a fiscal year does not mean that on June 30 nothing more can be done to their books. She said she readily admits she is not a lawyer, she is an accountant, but she would interpret that language to mean that the books are still open because they are still open for June 30 until the audit is complete. Mr. Dodd asked if they are working on the audit now, to which Ms. Oland responded, Council just passed the engagement letter, so they will be starting their work, and typically that work takes place starting in September. She clarified, she has not seen the schedule yet this year, but typically they start working in September and complete it in the November to December timeframe. She said there are things that can come up during that process that affect the books and records, so they are not yet closed, and the year itself is not yet done, and that is how she would take that language.

Mr. Cannon said he would imagine that policy is most undoubtedly followed except for the fact that when something needs to come to this table that is such a large transfer, such as over half a million dollars, it is coming to the Council's table because it has to have a special process in order to be

transferred, which he thinks are over and above the day to day transfers or spending that may occur in June, July, August, and September. He said he thinks it needs to be amended to say transferring \$255,000 from FY20 general fund because it does not state that it is FY20 in there. He said, again, to him, if they are taking \$255,000 from last year's contingency, the budget Council just passed says there is \$255,000 that has been transferred into FY21, and he thinks that leads to some confusion. Ms. Oland responded, again, with these numbers, they have the spend down of their fiscal year. She said, until that fiscal year is closed, that contingency that sits there on June 30 has not yet rolled to 2021. She explained, they had contingency that was appropriated from the available balance to appropriate for 2021, but it did not because Council passed that budget in April, and they had no idea how much contingency they were going to have remaining. She said the contingency that was budgeted for 2020 was a set number, and she went into the system today and there is \$767,000 of contingency that has not yet been appropriated to spend for fiscal 2020. She said, if this budget amendment happens, \$255,000 of it would be spent from that \$767,000. She said, when the audit is complete, then it would roll back into the available funds to be appropriated by Council. She said this \$767,000 has not yet been appropriated. She clarified, it has been appropriated in 2020, but it has not been appropriated in 2021. She said there is separate money that has been appropriated in 2021.

Mr. Taylor said the only problem with that is the contingency mentioned, and by plain operation of the language he just read, the end of the fiscal year is June 30 regardless of what an accountant wants to say it is. He said that is just plain simple English. Mr. McCain said, what Mr. Taylor read said those differences go into the general fund, so how is that different from what Ms. Oland is saying? He then asked if that is what Ms. Oland is basically saying, to which Ms. Oland responded, she is saying that money needs to be appropriated in 2020 so that, when the audit comes out, they have not overspent specific line items in their budget because, without this appropriation, there is going to be a loss greater than what their budget anticipated. She said their budget was built on a balanced budget like everybody else's was, and at the end of a fiscal year their encumbrances roll forward. She said, as soon as those encumbrances roll forward, which happens after they close down the last payments, and which they have not yet done for fiscal 2020, those encumbrances then become part of their budget, and they would immediately have an unbalanced budget in their Department. She said that is the difference that Mr. Taylor was commenting on between the \$600,000 and the \$530,000 they are recommending be transferred because they already have an unbalanced budget, but they are allowed to be unbalanced by those encumbrances. She said she is only asking for what she believes is going to be the rest of the unbalance that they are going to end up showing at the end of the fiscal year.

Ms. Oland explained, Mr. Miller came to Council back in March and mentioned they had a rough start to their fiscal year, and they would be coming to Council with this. She said, unfortunately, the number became a whole lot bigger because they had to stop all operations in mid-March because of COVID, but they still had all their payroll and benefits, and that is primarily what generated the additional loss from what Mr. Miller came to Council with in March. She said they prepped Council that this amendment was coming, and they were hopeful they could give Council this information sooner, and if it had been a normal fiscal year, they would have been able to know what their additional revenue was for the rest of the year and come to Council with a budget amendment, but it has not been a normal fiscal year, basically, since the day after Mr. Miller came to Council. She said they have had zero revenue come in, and no ability to cover their day to day expenses, and what they have presented to Council in addition to what Mr. Miller presented to Council in March is their day to day expenses.

Mr. Holloway said he does not think there is any question whether they need this money. He said they need the money to keep the doors open as much as they can, but he thinks what they are seeing here is a fallacy between the financing and the Charter. He said, in the past few years, they have had enough incidences with the Charter not agreeing with some of the other things that are being done, so he thinks that is where Mr. Taylor's concern is. He said somehow or another they need to make this work, but they need to make it work so it follows the Charter. Ms. Oland said, again, she would say that the words "accounting closed" would tell them that they are not yet closed. She said June 30 has not yet been closed because they are not done with June 30. She said they are still making payments, and they are still looking at all of their books and records to make sure every receivable that is on those books is appropriate, so, if that stuff is not closed, how is the fiscal year not closed? She said, as an accountant, that is how she views that. Mr. Dodd said he is not an accountant, and he is not an attorney, so he is confused.

Mr. Taylor said what they are talking about here is not the normal process. He clarified, Ms. Oland is mentioning about having some items that are outstanding that are paid after the end of the fiscal year, but that is not what they are talking about here, they are talking about major movements of money between different Departments, and the Charter covers that, and that is the problem. He said, in other words, they have a legal standard in the Charter that they are supposed to follow. He said, as far as having an unbalanced budget at the end of the year, that is certainly not a crime. He said budgets are intended to be balanced when they are passed, and they sometimes do not end up that way. He said, typically, or more often than not, they have a surplus at the end of the year where they take in more money than they spend. He said, in this particular Department it is not that way, it is because of COVID, so it is not like somebody went out and made a lot of ridiculous expenditures. He clarified, nobody is saying that at all, and nobody is saying that it should not be paid, but the proper way to do it is to take the money and appropriate it properly under the budget, which means appropriating it this year to, essentially, pay carry over bills.

Mrs. Acle said, as a small business owner, what Ms. Oland is saying makes perfect sense to her, and this would just turn into an auditing nightmare. She then asked if Council needs to discuss this with another auditor? She clarified, she trusts Ms. Oland's opinion because she has seen that happen. Ms. Oland responded, she disagrees with Mr. Taylor's interpretation of "closed". She said, in other realms, she has made budget amendments to prior years before an audit is done, but she cannot swear that it has not been done in the County because she has not gone back and checked the books and records, and this is the first time she has had to do it for one of the Departments she is responsible for.

Mr. McCain said the books are not closed on the County on June 30. He said, after June 30, they are working on closing out the books, much like what Ms. Oland is doing right here in her Department, to which Ms. Oland responded, she is trying to make it so that when they close those books they have the budget so that there is not this discrepancy between what they spent. Mr. McCain said he totally gets what Ms. Oland is saying.

Mr. Hitchens said Mr. Cannon's original question was whether fiscal year 2021 had to be amended, and he is not sure it would because the fiscal year 2020 amendments they are trying to do just balance their budget out, so there should be no carry over. He said there may be some line items that need to be redone, such as fund balance and things like that, but it should not affect their fiscal year 2021 budget. He then asked Ms. Oland if that is correct, to which Ms. Oland responded, yes. She said, if this

amendment is done in 2020 as it is currently written, 2021 would stay as it currently is presented based on what has been passed by Council, but if this is not passed as written, then 2021 will be impacted, and their audit will be impacted. Mr. Hitchens said he does not know the answer to this, but he is happy to speak with PKS this week and get back to Council. He said, essentially, it seems that they have to find a balance of whether they want to challenge the Charter according to Mr. Taylor's interpretation, or not challenge the Charter and possibly get an audit finding. He said he thinks PKS may be able to give them some guidance on what kind of finding that would be, and if it would be significant or not. He said maybe it would be worth taking the finding and not challenging the Charter, and that is the decision Council has. He said, on top of all that, and he hates to throw another wrench into it, but it is a Legislative Bill, so it will not take affect for at least 60 days from now, and that puts them out to mid-October or early November. He then asked if that would be a problem for the audit, to which Ms. Oland responded, it should not be. She said, from emails she has received, she knows they are trying to make this year's audit quicker, but last year's audit got signed off in January, and she believes in the other five years she has been here they have all been signed off in December, so any changes that took affect in October would still be a part of what they are getting as their final numbers. Mr. Hitchens said, as long as it is not going to delay them, he is sure they could look at the Legislative Bill and figure that in. Ms. Oland said, again, this is her opinion, but she does not expect them to do their sign off in October this year, she would expect November or December.

Mr. Cannon said Mr. Hitchens makes a good point of the fact that this is an introduction, so Council could go ahead and move forward with the introduction. He said then by the time this goes to the Public Hearing and comes back to Council to make the decision to pass the Legislative Bill, they may want to pass it with amendments to help find some compromise with what Ms. Oland is telling Council, with what Mr. Taylor might suggest, and with what Mr. Hitchens might come up with up. He said that would give Council a lot of time. He clarified, Council wants to move this forward, and they want this settled for them, and they know they are trying to do their due diligence. He said he does not know if he has ever seen something to this effect being done going back to a prior budget to this degree, so it is kind of new to everybody. He said the only thing he suggests is moving forward with the introduction, but he wants to amend some of the parts of it to more clearly define which fiscal year they are really talking about. He said he thinks they can get that part correct tonight without compromising any of the Bill.

Ms. Oland said she is looking at the Legislative Bill in front of her, and in the first part in big capital letters it talks about amending the 2020 operating budget. She said the next paragraph also talks about the 2020 budget, and then the third paragraph also says 2020's budget, and they are going to amend Civic Center, Recreation and Parks, and general fund contingency. She said those do not individually say 2020, but part of the sentence before that does. She suggested they could add "from the 2020 Recreation Parks prior year fund balance and from the 2020 current year" if Council feels it needs more specificity, but it is in the first part of the sentence saying that it is 2020. Mr. Cannon said, as he said before, he finds this very difficult sometimes, and it confuses him very easily. He said, when they say prior year fund balance, he wonders whether they are talking about the 2020 prior year fund balance, which is money transferred from FY19, and then they say the current year budget, so that is 2020 current year fiscal year budget. He said, when he reads current year, he is thinking 2021 going back, and transferring from general fund contingency does not say where.

Mr. Taylor suggested any changes could be made when this comes back up because there probably will be others.

Mr. McCain said he likes Mr. Cannon's idea of introducing this because Council will get another crack at this. He said Council can get some answers to a lot of these questions because he does not want Council to make an amendment, and then have to turn around and amend their amendment. Mr. Dodd said that is a good point. Mr. Cannon said that is fine with him.

Ms. Oland said, if Mr. Hitchens would like her to join in on the conversation with PKS, she will gladly join in, to which Mr. Dodd responded, he thinks that is a good idea.

Mrs. Hurley said the Public Hearing can be September 1, 2020 at 6:00 p.m.

There being no further discussion, on motion by Mr. McCain and seconded by Mr. Davis, Legislative Bill No. 2020-06 was unanimously introduced.

Public Comments:

Mr. Darren Lombardo came to the podium and said he is here on behalf of the Delmarva Parent-Teacher Coalition. He said he is a fellow member, and he wants to share some information with Council this evening in regards to the Wicomico County Public Schools making their decision on closing the schools. He said a couple of weeks ago the Board of Education decided to close the schools, and before they did that, they provided a survey to see what parents thought. He said the parents were presented with three options on the front end - distance learning, hybrid with a combination of school and home learning, and then traditional learning. He said, when he went into the survey, it did not give the option for traditional, so parents were very confused by this. Referring to his handout, he said they can see in the middle of page 1 that they were only presented with the option of hybrid or virtual only. He said he guesses the results of those surveys concluded, and the Superintendent and the Board unanimously voted to have complete virtual school for half of the school year. He said they were wondering what metrics the school system used to determine their outcome, so, with that said, they were perplexed, and they have not seen any publication of those results, so they decided to launch an independent survey to poll parents to see what they really thought.

Mr. Lombardo said, if Council looks on page 2, they can see the survey, which asked some very simple questions, but some additional questions that the Board of Education, perhaps, overlooked. He said they got some pretty good feedback, and there is a question at the end of the survey that says, regardless of your choice above, if the school opened for those parents who want their child to be in class, and provided virtual learning for those parents who want their child to remain at home, do you support a parent's right to choose what is best for them? He said it is a yes or no answer, and they have the results based on a sample size of 1,082 surveys. He said, of those surveys, some parents have multiple children, so they had a pretty good feedback. He said they broke it down, and they can see that, of the parents, 29.63 percent said open the schools, 18.42 said hybrid, and 51.95 percent of parents said to keep schools closed. He said, for the survey of parents who are teachers in the school system, 51 percent said to open the schools, 13.9 percent were in favor of hybrid, and 35.71 said to keep the schools closed. He said then he comes down to the teachers, of which 19.8 percent said to open the schools, 16.29 percent said hybrid, and 64.53 percent said to keep the schools closed. He said they then put an average across all the groups to see that 33.30 percent were for opening, 15.97 were for hybrid, and 50.73 were for keeping schools closed. He said then of course there was the question of, regardless of your personal choice to open the school and provide virtual for those who want to remain home, 80.95 percent answered yes, and 19.05 said no.

Mr. Lombardo said there is all sorts of data here, and Council can look at this when they have some time, but he found it real interesting that, of the people who are teachers only, and do not have children, there is a drastic difference there, which shows that there is an outside influence somewhere. He said the document Council has before them explains that, so he will move on.

Mr. Lombardo said the bottom line is that 50 percent of those surveyed favored opening the schools at some capacity, so that tells them something, whether it is hybrid or just flat out open the schools. He said, with all things considered, their recommendation is to open the schools Monday through Friday. He said those parents who want to send their kids to school can do so, and those parents who want to keep their kids home can do so. He said, by doing that, 50 percent of the school, based on this survey, anyway, would reduce the school size by 50 percent, so the social distancing would be addressed by that alone. He said he talks about how this can be achieved in his document. He said each class can have a web cam and audio feed that remote students can join their class in real time using Zoom. He said another option is for teachers who do not want to return to school can be assigned to instruct students who remain at home, and the teachers who want to return can instruct those students who return to school for in-class instruction. He said, with that said, the Wicomico County Board of Education is receiving \$262 million dollars for the 2021 school year, plus the additional CARES funding. He said, in that budget, they agree to do certain things and carry out instruction for the students of this County. He said, if they are not opening up schools for half of the school year, if they choose to go that course, it is their responsibility, and it is the County's responsibility to see that they do this as well, to return millions of dollars to the federal, State, and County levels for the funds that are not used because their overhead is greatly reduced. He said, as Council will recall looking at the new budget, there have been several positions added, new guidance counselors, and all sorts of things that were added this year with he believes approximately a 3.8 percent increase to the overall budget. He said there are a lot of things that will not be used in that projection, so he just wanted to share that with Council, and he wants to encourage the Council to see to it that those funds are used appropriately and not misappropriated.

Mr. Vincent Shapanus came to the podium and said he is a retired lieutenant commander in the United States Navy, he is a computational physicist, engineer, and educator. He said he has taught in Maryland, and he has taught in Montana, and while he was on an Indian reservation he did what he is trying to do here tonight as they asked him to advise them on various issues that he has the expertise to provide. He said he has done a lot of computational analysis on the COVID-19 infection rates, and also the disease-specific mortality rates. He said, as of today in their County, there have been 1,302 people who have been infected. He said he thinks that the disease-specific mortality rate in the County is just around 100, or maybe more. He said he figures people look daily at what goes on with the number of people who are infected in the United States. He said the population of the United States is roughly 331,157,000, and that population increases daily by approximately 5,000. He said the disease-specific mortality rate in the United States is the number of people in the population who have died from COVID-19 divided by the population. He said, when they take the numbers and divide the number of people who have died, according to COVID-19, and divide that by the population, the disease-specific mortality rate is 0.043 percent plus or minus 0.005 percent. He said that is miniscule. He said, if they want to look at the County, they take the 1,302 individuals who are infected and divide that by the total number of the population infected, and then take the number of people who have died from the illness, which is 100, or maybe more, and then divide that by 331-million people.

Mr. Shapanus said he thinks that this disease has been blown out of proportion in a lot of different ways, and when they look at the numbers, it is disconcerting because the number of the infection rate seems to increase, and it is about 1 percent. He said the infection rate is 1 percent in the United States. He said 1 percent of the population is infected. He said the number of individuals who recover from basically the number of individuals in the United States who are not affected by the coronavirus is approximately 99.56 percent.

Mr. Shapanus said he is here to offer another alternative to reopening the schools. He said, if they go to CDC.gov, they will find that the CDC has laid out every possible precaution and guideline to all of the schools in the United States on how they can safely open schools. He said himself, as a teacher and a parent, wrote an article for the Institute of Research and Development of Education on July 19, and he said that the safest approach is to not reopen the schools, but he has changed his mind as he has continued to look at the numbers scientifically. He said they really do not validate closing the schools down completely. He said, with using the social distancing and maybe perhaps opening up the schools for those parents who want to send their children to school, or for parents who want to keep their children at home, he thinks that is the hybrid model that their County and the Wicomico County Board of Education should consider. He said he thinks there are adequate funds to do it, and if they need additional funds, they can get it through the CARES Act. He said they can buy tablets, they can buy cameras, and they can do whatever is necessary, and he thinks they should be offering that choice to the parents and the teachers because, as a teacher, he will volunteer to teach. He said he does not feel a threat to the virus. He said some teachers are concerned about it, and he understands that because they look at the numbers, they see the numbers, it is constantly in the news, and it is scary business. He said, when someone is a computational physicist like him, the numbers tell him a different story, and he just wanted to offer that to the County Council for consideration because they really need to look at that, and that is what he thinks. He said the information is there on the CDC site, and he thinks that, if they follow the CDC recommendations, he thinks they can come up with a hybrid plan to offer reopening the schools to those who want the schools reopened, and allow parents who do not want to send their kids back to school to allow them to have them at home in the program where they do remote learning. He said he thinks that would work out, and he thinks that teachers who are parents will want to go back, and want to take their kids back to school, and they are willing to go back and teach, so he does not think it will be any problem to have teachers who are willing to go back and teach. He said that is pretty much what he wanted to talk about this evening.

Council Comments:

Mr. Cannon thanked Mr. Lombardo and Mr. Shapanus for speaking. He said Council appreciates it, and he knows Mr. Lombardo has spoken to Council before. He said it is very detailed, and he appreciates the time they both have taken on this, and he thanks Mr. Shapanus for his service as well. He said his understanding from attending the Zoom meeting, and he is not defending anybody, and this is just his interpretation from the Board of Education, but the primary reason this was done was simply because of the fact that, if they were to go hybrid or fully back to school 100 percent, he thinks the concern was made that, if there were to be any type of an outbreak in any one of the schools of COVID of any one individual, the entire school may have to get shut down again. He said then all the children who were anticipating a semester in school would have to then go back home, and they would have to reconfigure everything else for a virtual classroom. He said, with that in mind, he thinks erring on the side of caution more so than even the health issue, just the disruption it might create was the main reason for the

choice behind the virtual learning for this semester. He clarified, again, he is not defending it, that was just his interpretation. Mr. Shapanus said that is a very valid reason to not reopen the schools, but the CDC does not address that. He said the other issue is that the CDC does not address the fact that, in his opinion, if they are going to reopen schools, the temperatures of each student and each teacher who enter that facility should not only be taken, but they should be screened with a questionnaire. He said, but, if that is the reason, then that is a legitimate reason and consideration because he does not know how they would do that because, once one student tests positive, then they have to quarantine the entire school population. Mr. Cannon said, again, he really appreciates Mr. Shapanus taking the time to come before Council, and his interest.

Mr. Holloway thanked both gentlemen for coming in and making their comments. He said he really wants to talk to somebody from the School Board because he is starting to get phone calls from parents on the east side of the County who are having problems with internet access in the rural areas. He said a lot of them do not have Comcast or Verizon adequately, so they are having problems. He said they can hook up, but then it cuts off, and he does not know what the School Board is going to do about that, and how they are going to address those problems. He said that is something he thinks Council needs to talk to the Board about, and how they are going to address these problems of making sure that somebody who lives in a rural area has the adequate access that they need to learn. He said he can understand teachers not wanting to go back and teach, and he can understand parents not wanting to send their kids back to school, and he can understand parents wanting to send their kids back to school, but however it happens, the children who are not going to school need to be able to access the internet, so that is something he thinks needs to be addressed further. Mr. Cannon said he thinks Council is having the Board of Education come in at the next meeting, to which Mrs. Hurley confirmed, they will be here on August 18.

Mrs. Acle said she wanted to let everyone know that this Saturday the Word of Life Center and a few of the community partners are having a community fair for the vulnerable population of students who will not be returning to school. She said they will have the Maryland Food Bank there, the United Way, Habitat, free legal services, and Oasis Parents Place of Maryland. She said Tri-County Mediation is actually hosting it at the Haitian Development Center. She said it will be in Creole and in Spanish, so everyone is welcome.

Mrs. Acle thanked Mr. Shapanus and Mr. Lombardo, and said she is a member of the Parent-Teacher Coalition, and it has been extremely helpful with supporting parents in this process. She said Mr. Lombardo is correct because she tried clicking on the green button and it did not work, so they had to pick either to not go back, or hybrid. She said, unfortunately, the Council is not really engaged in that decision making, so they just do not have answers, but hopefully the Board of Education will be able to figure something out because she knows all of the private schools are filling up quick. She said that is very scary to her for the next year and the maintenance of effort.

Mr. Hastings said, in case any of the public did not see the obituary for County Executive Culver, the service is going to be held on August 11 at 1:00 p.m. at the Civic Center. He said of course he knows his thoughts and everyone else's thoughts go out to Chris, Courtney, and the rest of the family. He said he thinks the very first time he met Mr. Culver was actually on the paddle boats in the 90s when he was first getting that going. He said that was actually a pretty amazing thing. He said, from Field 7½ to

expanding the Quantico Creek Rural Legacy area to taking down the Winder sign, he hopes the public takes the time to show their support and remembrance of Mr. Culver.

Mr. McCain said he appreciates Mr. Hastings bringing it up about Mr. Culver's service next week because he was going to comment on that. He said he knew Bob going back to 1986. He said a lot of people did not know this, but, actually, when he entered into the real estate valuation profession, it was with Bob Culver, so they actually worked together. He said Bob actually started a company in 1986 doing real estate appraisals, and that is when he started his career, not realizing 33 years later he would still be doing that. He said they knew each other for a long time, and one comment Bob used to make to him that was not that long ago, because they always got along pretty well, but he said, how can they get along so well, and differ so much politically, and they used to joke about that. He said he used to tell Bob, that is the way it should be. He said they all should be able to have differences and all get along, and still be able to conduct their business and so forth. He said Bob was very committed to the community, and he was one of them. He said he was a native Wicomico Countian, and their condolences certainly go out to his family.

Council President Comments:

Mr. Dodd said he wants to thank Emergency Services and the 911 Center. He said they had a lot of calls today, and Public Works and Roads were out clearing the roads. He said a lot of trees had fallen, and a lot of branches. He said both the City and the County were working really hard, and the Fire Departments were getting dispatched, and Salisbury had to bring outside Fire Departments in to cover calls because they were so busy. He said there were power outages, and he thinks his house was out for five hours. He then asked if that was about how long the Government Office Building's power was out, to which Mrs. Hurley responded, approximately, yes. Mr. Dodd said they lost power here, and even considered canceling the meeting because of that, so they had a lot of people working to get the power back on and get the roads opened up. He said the power companies discontinued working for awhile because it was too windy, but then they went back to work, so they really need to thank them too because a lot of people lost power.

There being no further business, on motion by Mr. McCain, seconded by Mr. Hastings, and unanimously approved, the Legislative Session was adjourned at approximately 7:10 p.m. to go into Open Work Sessions followed by a Closed Work Session pursuant to General Provisions Article, Section 3-305(b)(7) to consult with legal counsel to protect the attorney-client privilege.

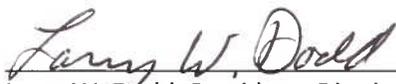
The Wicomico County Council met in a Closed Work Session on Tuesday, August 4, 2020 at approximately 7:30 p.m. in Council Chambers, Government Office Building, Salisbury, Maryland.

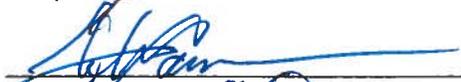
In attendance: Larry Dodd, Council President; John T. Cannon, Council Vice President; William R. McCain, Joe Holloway, Ernie Davis, Josh Hastings, and Nicole Acle.

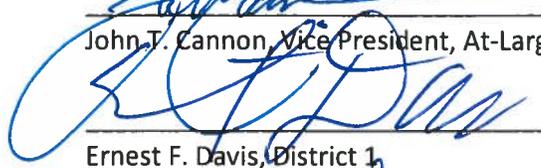
Present: Laura Hurley, Council Administrator; Bob Taylor, Council Attorney; Lynn Sande, Executive Office Associate; Levin Hitchens, Internal Auditor; Paul Wilber, Acting County Attorney; and John Psota, Acting County Executive.

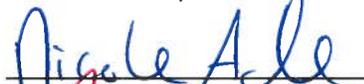
The purpose of the Closed Work Session was to consult with legal counsel to protect the attorney-client privilege. No formal action was taken.

There being no further business, on motion by Mr. Davis, seconded by Mr. Hastings, and unanimously approved, the Closed Work Session was adjourned at approximately 7:50 p.m. The legal authority for the Closed Work Session is General Provisions Article, Section 3-305(b)(7).


Larry W. Dodd, President, District 3

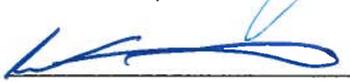

John T. Cannon, Vice President, At-Large


Ernest F. Davis, District 1


Nicole Acle, District 2


Josh Hastings, District 4


Joe Holloway, District 5


William R. McCain, At-Large


Laura Hurley, Council Administrator