

Wicomico County Council
Open Work Session Part 1
August 20, 2013

Work sessions require written minutes that reflect each item that the public body considered, the action that the public body took on each item and each vote that was recorded. **It should be noted that at work sessions, the Wicomico County Council does not take formal action, nor is a vote taken on any item discussed.**

Present: Matt Holloway, President; Bob Culver, Vice President; Sheree Sample-Hughes, Stevie Prettyman, Gail M. Bartkovich, John B. Hall and Joe Holloway.

In attendance: Matthew E. Creamer, Council Administrator; Edgar A. Baker, Jr., County Attorney; Maureen Lanigan, Deputy County Attorney; Steve Roser, Internal Auditor and Melissa Holland, Recording Secretary.

Closed Sessions with the Internal Auditor:

Mr. Creamer said that according to auditing standards, the Auditor must meet with the Council in closed session before releasing an audit. He said he became concerned that there might be a perception of there being too many closed work sessions.

Mr. Baker said in the case of the closed sessions with the Internal Auditor, the Council is essentially meeting with staff to give directions or comments and such situations are not covered by the Open Meetings Act and therefore they do not require all of the formal steps to be taken as for a closed work session. Mr. Joe Holloway said the Council can close an open work session to have a closed work session if necessary. Mr. Baker said that if the Council is in an open meeting and wants to close it that is allowed, however, he is not suggesting an open work session but just a meeting with staff. He said that it could be any day and does not have to be publicized. He emphasized that at such a meeting no other county business could be discussed.

Mr. Culver said that he doesn't mind the audits being discussed publicly. Mr. Baker said he has to submit to Council first for input. Mr.

Roser said the standards are clear that the Chief Executive has to control the dissemination of the results until discussed. He feels that he can perform better if he doesn't have to adhere to the open meetings rules. Taping of the minutes would not be required. Mrs. Sample-Hughes feels that this does not show any transparency. She asked if he meets with Mr. Pollitt will there be any notes to which Mr. Roser replied that he takes notes.

Mr. Joe Holloway feels the Council needs to be cautious at the direction taken in those meetings. Mr. Baker said the Council wouldn't want to discuss other issues than what Mr. Roser is discussing. The notes taken at the meetings would not be subject to disclosure and are not necessary per Mr. Baker. Mr. Joe Holloway asked if the Council gives Mr. Roser direction should there not be a record as to what he was instructed to do.

Mr. Roser said he will send a memo after the meeting showing the scope of the audit.

The Council members would like time to think about this.

Mr. Culver asked if it can be recorded even if minutes are not done. He feels that the direction that was given should be documented. Mr. Creamer said in such situations, the sessions could be recorded and notes taken, however, they would not be subject release under the Open Meetings Law. Mr. Culver would like the meetings recorded.

Mr. Joe Holloway said it is a closed staff meeting and not a closed work session and he wonders if the public will question what the private meetings are about. Mrs. Sample-Hughes asked if the other counties do the same thing to which Mr. Roser said he didn't find a situation such as Wicomico County however one county publishes the audit and then presents to the Council.

Mr. Joe Holloway is worried about public perception.

Open Work Session adjourned.