

Now all of this was made public later, but if the thrust of Judge Sherbow's amendment is that all actions of the Board, which is to be definitive, have to be taken in public, and no action can be taken unless there is a public meeting, with all three of the members sitting there, then I submit that you in effect are hamstringing the Board in doing many of the acts that it must do on a day to day business-like basis. We all know that in business and finance, people are polled in the telephone. Their consent is received in this manner. The action is taken; later it is ratified. It seems to me as commendatory as this suggestion is that the preferable way to handle it is in the statute or is in the schedule and not to require in each instance that there be a public meeting of the Board before definitive action can be taken. I think we in effect are hamstringing the efficiency of the Board with this amendment, and I think it is wrong and I will vote against it.

THE CHAIRMAN: Delegate Chabot.

DELEGATE CHABOT: Mr. Chairman, I believe that in this convention the Judiciary Committee on a number of occasions, and still a drafting committee on at least one occasion that I am aware of, was able to hold a public meeting, together with people who were many hundreds of miles away from here, by means of a conference call with a loud speaker arrangement.

I really do not think that this particular problem of the sort Delegate Case has indicated is one that with modern science and technology ought to stop us from accepting Delegate Sherbow's amendment.

THE CHAIRMAN: Delegate Sherbow.

DELEGATE SHERBOW: I simply want to read to the General Assembly the language of the present Constitution. "Article XII, section 1, Public Works: The governor, the comptroller of the treasury and the treasurer shall constitute the Board of Public Works of this State. They shall keep a journal of their proceedings and shall hold regular sessions in the City of Annapolis on the first Wednesday in January, April, July and October of each year, and oftener if necessary, at which sessions they shall hear and determine such matters as affect the Public Works of this State and as the General Assembly may confer upon them the power to decide."

Then later it states that a majority of them shall be competent to act.

I am not passing on what has happened in the past. I think we are living in a new era. I think what has occurred in the past is what they have been doing, and that is, holding their sessions in the public, having their minutes in the public, when these extraordinary emergencies arise. It is a very simple matter for the decisions to be made in the presence of a majority. If the delay takes place for an hour or two, there is nothing extraordinary and no harm will result. I just think that we have to have this kind of a provision in this kind of a Board foundation, because if we do not, it is going to be very simple, more and more, to find these emergencies occurring.

THE CHAIRMAN: Delegate Boyce.

DELEGATE BOYCE: Delegate Sherbow, will you yield to a question.

THE CHAIRMAN: Does Delegate Sherbow yield?

DELEGATE SHERBOW: Yes.

DELEGATE BOYCE: Does Article XII section 1, as you read it anywhere say that they must hold that session in public?

DELEGATE SHERBOW: No. That is the wonderful part about it, the fact they keep their minutes and hold them in public.

DELEGATE BOYCE: There is no one arguing about keeping minutes, but you are saying that we put in here that they must hold their sessions in public. Delegate Case has said that that is not necessary. I do not think it is either. Then you quote from the present article saying it is doing it now and it is not saying it in there.

DELEGATE SHERBOW: I have read the constitutional provisions so that there will be no misunderstanding about what is in there. I am saying that if you want a Board of Public Works, by whatever name you choose to call it, that as of this time the public, if you are going to have the Board, has the right to know. It has the right to know before. If you do not want to put this in, then I think you are deciding what you are going to have is a three-man executive committee which can make decisions. Maybe you will find out about them later.

THE CHAIRMAN: Delegate Sickles.

DELEGATE SICKLES: Mr. Chairman, it seems to me that the motivation which caused me to put this language in in the first place was certainly of the highest. I was really trying to use those things which had been alluded to by Delegate Sherbow,