

might conceivably be times when matters which are even now presently under the jurisdiction of the Board of Public Works, might require some type of executive session. I too am in favor of having the public's business transacted in public, but sometimes in an orderly process of carrying out some of the business there might be a time when the executive session would be required. I think this matter should clearly be left to the legislature to draft the necessary legislation to cover it.

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: I do not know, Mr. Chairman, of any meetings of the Board of Public Works that have been held in executive session, and I cannot particularly see any requirement. I personally would just as soon leave it to the General Assembly or put it in the constitution. It makes no difference to me.

THE CHAIRMAN: Just so that we know where we are so Delegate Sherbow will know what to do, will you indicate whether you are standing on your language or changing it. Delegate Morgan.

DELEGATE MORGAN: I believe, in view of my vice-chairman's disagreement with it, I will have to withdraw my agreement with it.

THE CHAIRMAN: Delegate Sherbow, your suggested amendment is not accepted. Do you desire to move it?

DELEGATE SHERBOW: Yes. I desire to move the amendment, sir.

THE CHAIRMAN: Please state the amendment.

DELEGATE SHERBOW: I do not know where to put it in at this point, but I will offer it in this form subject to change by the assembly.

THE CHAIRMAN: The Chair would have to state it. I will read the language to you. You can tell me what your amendment would be. The sentence as it is now written in the amendment is as follows: "The Board shall act by majority vote, shall hold its meetings or otherwise act in such manner and have such powers as the General Assembly may prescribe." Delegate Sherbow.

DELEGATE SHERBOW: I would like to move to amend that we insert after the words, "they shall hold their meetings," add the two words, "in public".

THE CHAIRMAN: Is the motion seconded?

*(The motion was seconded.)*

THE CHAIRMAN: It is regularly moved and seconded that the words, "in public," be inserted after the word, "meetings".

Delegate Sherbow, the Chair recognizes you to speak to the amendment.

DELEGATE SHERBOW: I shall speak very briefly. If you are going to have a Board of Public Works, and it is going to have its meetings, and if they are not in public, you do not need a Board of Public Works. The meetings should be in public. The meetings should be where the people can know before the decisions take place, not afterwards. Its fundamental reason for existence is that the people be given an opportunity to stay the hand of the executive officers before the decisions are made. For that reason these meetings should be, must be by law in this constitution stated to be in public.

THE CHAIRMAN: Is there any further discussion on the amendment? Delegate Case.

DELEGATE CASE: Mr. Chairman, ladies and gentlemen of the Committee of the Whole: Much as I hate to disagree with the Chairman of my Committee, the Honorable Judge Sherbow, in this particular instance I think that he does not have command of all of the facts.

There are cases, and there are quite a few cases when the Board of Public Works must act and does act without a formal meeting, but with a telephone poll of members or other procedures. Let me give you one example that took place some years ago.

A very substantial bond sale had been set up by the State for a number of weeks. On the day of the sale the fiscal experts were gathered in Annapolis, they were able to get here but there was a big snow that day, and some of the members of the Board of Public Works could not be here. They were available on the telephone. What happened was that the bids for the bonds were received. They were found to be in order by counsel. Fiscal experts advised one member of the Board who was here that it was permissible to accept the bids. A telephone poll was taken of the other absent members, and their concurrence was obtained in that way. This is just one example of how the Board of Public Works sometimes has to function rapidly and yet not function in public.