

January 9, 2006

Daniel B. Worth  
207 S Commerce St  
Centreville, MD 21617

Open Meetings Compliance Board  
c/o Attorney General's Office  
200 St. Paul Place  
Baltimore, MD 21202

Dear Sir or Madam:

I wish to file a complaint against the Town of Centreville concerning serious violations of the Open Meetings Act in the conduct of meetings of the Town Council of Centreville.

The main issue is failure to provide minutes of meetings in a timely manner. Other issues are inadequate reasons for conducting a closed session, no summary of closed meetings provided in the following closed meeting, failure to generate minutes of closed sessions in a timely manner, and discussions of a quorum of officials continuing during breaks.

On December 8, 2005 I went to the Town Hall and requested minutes of all meetings and work sessions held since May 18, 2005 since they were not available on the Town website. I was informed that minutes of regular meeting were available, but the minutes of work sessions were not due to a shortage of staff.

The dates of the work sessions that lack minutes include May 23<sup>rd</sup>, June 13<sup>th</sup>, June 20<sup>th</sup>, August 1<sup>st</sup>, August 29<sup>th</sup>, October 5<sup>th</sup>, October 19<sup>th</sup>, November 2<sup>nd</sup>, November 30<sup>th</sup>, and December 14<sup>th</sup> of 2005. I am sure that there were other work sessions as well, but I will not know the dates unless minutes are approved at some point.

I also realized that minutes were never produced of the Constant Yield Hearing held on June 15, 2005 or the Budget Hearing held on June 23, 2005.

As you have stated repeatedly in the opinions you have written, minutes are an important element in furthering the General Assembly's policy declaration that "public business be performed in an open and public manner" so that those who were not able to attend an open meeting can at least find out the items considered, actions taken, and votes recorded. Since work sessions are a meeting of a quorum of elected officials, they are subject to the Open Meetings Act.

My second complaint is that the reason for going into closed session stated in the agenda and announced at the meeting is inadequate boilerplate or non-existent. Enclosed is an example agenda, but I assume that you will request a copy of the "Form of Statement for Closing a Meeting" for the January 5, 2006 meeting to confirm this for yourself. You can also request the agenda, minutes, and the statements for closed sessions that occurred on January 6<sup>th</sup>, January 20<sup>th</sup>, February 3<sup>rd</sup>, February

14<sup>th</sup>, February 17<sup>th</sup>, March 2<sup>nd</sup>, March 3<sup>rd</sup>, April 25<sup>th</sup>, May 19<sup>th</sup>, June 16<sup>th</sup>, July 14<sup>th</sup>, September 12<sup>th</sup>, and November 3<sup>rd</sup> of 2005 to see that this is a common practice.

There might be other closed meetings that occurred after work sessions but since no minutes are available from these meetings, as noted in the fourth paragraph above, it is difficult to tell.

Also, a summary statement of closed sessions is never reported in the following open meeting.

In addition, for all except the February 17<sup>th</sup> closed session listed above, no approval of minutes of the closed sessions were specifically reported in the minutes of any open session. Therefore, I can assume that minutes for closed sessions are not being generated in a timely manner either.

Finally, I find the conduct of a work session that I attended on September 12, 2005 to be especially disturbing. After a presentation about a proposed virtual weigh station by Mr. Czorpinski of the State Highway Administration finished, the meeting had all appearances of being concluded. All of audience got up from their seats and began individual conversations. The Town Council, Town Manager, Town Attorney and Administrative Aid stood up. I and others went and talked to Mr. Czorpinski who remained at the front of the room putting away his presentation equipment.

While talking to Mr. Czorpinski, I looked over to see Mrs. Donna Turner and Mr. Norman Pinder (the only two Town Council members present at the meeting), seated at the very same table at the front of the room used during the meeting, talking to Queen Anne's County Sheriff Crossley. I assumed that they were having a social conversation.

After obtaining a copy of the Town's audio recording of that meeting (the file named WS\_Sept\_12\_05.wav on the enclosed compact data disk), I was shocked to discover that their conversation concerned the issue that I and others were there to hear about – a proposal for a virtual weigh station. This conversation begins at 1 minute 14 seconds from the beginning of the recording and continues for 9 minutes (the file named WS\_Sept\_12\_05\_segment.wav on the same enclosed CD).

If you listen to the segment of the recording, you will hear that there is much background conversation going on while Mr. Pinder and Mrs. Turner are talking to Sheriff Crossley. There is no attempt to quiet the conversations in the room or maintain order, as one would expect in a public meeting. There is also no mention of either going into recess or any indication to the public that the meeting would continue or was continuing. I should also point out that there is no printed agenda for work sessions.

I hope that you will investigate these matters fully in a timely manner. If you have any questions, you may contact me at work on 301-286-5140 or at home on 410-758-1941.

Sincerely,

Daniel B. Worth

Enclosures (2)