



WICOMICO COUNTY, MARYLAND

P.O. BOX 870
SALISBURY, MARYLAND 21803-0870
410-548-4696
FAX: 410-548-7872

WICOMICO COUNTY COUNCIL
John T. Cannon, President/ At-Large
Larry W. Dodd, Vice-President/District #3
Ernest F. Davis, District #1
Nicole Acle, District #2

Laura Hurley, Council Administrator
Josh Hastings, District #4
Joe Holloway, District #5
William R. McCain, At-Large

August 12, 2019

County Executive Bob Culver
P.O. Box 870
Salisbury, MD 21803

Dear Executive Culver:

This letter is in response to your Public Information Act request dated August 7, 2019. Your request seeks copies of all the notes that were passed from Councilman Larry Dodd to Council President John Cannon during the August 6, 2019 County Council meeting.

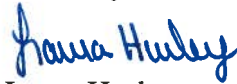
First, I would like to point out that the Public Information Act, Annotated Code of Maryland, covers documents that constitute a "public record," which is defined, under the General Provisions Article ("GP") § 4-101, as "documentary material that is made by a unit or an instrumentality of the State or a political subdivision or received by the unit or instrumentality in connection with the transaction of public business." Handwritten notes passed between two councilmembers are neither made nor received by the County Council and, therefore, are not subject to the Public Information Act. If the Acting County Attorney has a different opinion, please let me know.

The handwritten notes have not been transcribed or shown to others and were not intended to perpetuate, communicate, or formalize knowledge of public business and, in fact, were discarded the evening of August 6th. Even though we are not required to provide information regarding the handwritten notes, I want you to know that I have discussed this matter with the Council President and Councilman Dodd. The Council President said the only notes that he is aware of is (1) a handwritten note informing him that PAC14 needed to change the tape. This note originated from me and was passed over to the Council President. (2) his handwritten note to Councilman Larry Dodd asking about someone in the audience, to which he responded orally. In speaking with Councilman Dodd, he confirmed that this was the only handwritten note passed to Council President John Cannon during the August 6, 2019 County Council meeting.

As mentioned above, under the Act these details about the notes are not required to be provided. Although they are not regarded as confidential, it seems appropriate that you not disclose that information to others except as reasonable required for governmental purpose. If you circulate this letter for any other purpose, it seems appropriate to delete those details.

Pursuant to GP § 4-362, you are entitled to seek judicial review of this decision. You have the option to file a complaint with the Public Information Act Compliance Board concerning the amount of the fee charged, if applicable, see GP § 4-1A-01 *et seq.*, and you may also refer any concerns about this decision to the Public Access Ombudsman pursuant to GP § 4-1B-01 *et seq.* Also, if you have any questions about this letter, please feel free to contact me.

Sincerely,



Laura Hurley,
Council Administrator

cc: Wicomico County Council
Paul D. Wilber, Acting County Attorney