

From: Commissioner Huxley

Date: April 18, 2018

To: Interim Administrator Hitt

Subject: April 18, 2018 Agenda Item 8 C. Insufficient time for review of minutes; continued disregard for Oregon Public Meeting Laws; continued failure of management to provide satisfactory minutes.

Nov. 30, 2017: Provided Interim Administrator Hitt with significant comments on all twenty-two pages of the DRAFT minutes for the Board of Commissioner (BOC) General Meeting November 1, 2017. Interim Administrator Hitt concurred that the minutes were not satisfactory. They remain unsatisfactory.

Dec. 14, 2017: Requested DRAFT minutes of Oct. 18, 2017 General Meeting. After review of the eighteen pages, similar concerns were discussed with Interim Administrator Hitt who again concurred.

Mar. 7, 2018: GM - Agenda Item 6 B. Meeting minutes for July 5, Oct 18 and Nov. 1, 2017 were presented for approval. Interim Administrator Hitt had just returned from a vacation.

The identical minutes for Oct. 18 and Nov. 1, 2017 submitted about three months earlier were again submitted for approval. After about twenty-five minutes of discussion in the BOC meeting, all three of the minutes were withdrawn.

Mar. 16, 2018: Interim Administrator Hitt and Counsel Huttl were provided a two-page memo with attachments on the March 7, 2018 Agenda Item 6 B subject. Pauly Rogers and Co. (auditors) was also copied. During a recent financial audit of the county, they were vocal in their concerns conveyed to both the county accountant and Counsel Huttl about the continued lack of commissioner meeting minutes. That March 16, 2018 Memo w/o attachments is included and follows this memo.

Interim Administrator Hitt responded later the same day after review of the March 16, 2018 memo and attachments with ***“I concur completely with your recommendations and I expect we will be implementing most of them with(in) ten days.”*** [Emphasis added]

Mar. 21, 2018: GM – Agenda Item 4 D. Like a bad reoccurring dream and with no Agenda Routing Slip, meeting minutes for July 5 and October 18, 2018 were again put before the BOC for approval. Once again they were pulled from the agenda.

Mar. 22, 2018: DRAFT meeting minutes for July 5, and Oct. 18, 2017 included in Agenda Item 4 D the previous day were requested and provided for review by BOC staff. The DRAFT minutes for Oct. 18, 2017 now consisted of 11 vs. 18 pages.

Mar. 25, 2018: Notes were added to the July 5 and Oct 18, 2017 DRAFT minutes and returned to BOC staff.

Mar. 25, 2018: Interim Administrator Hitt advised Commissioners, BOC staff and Legal support staff he would be out of the office from Thursday, March 29 to Tuesday, April 3, 2018. He planned to finish the April 4, 2018 GM Agenda Packet before leaving.

Mar. 26, 2018: BOC staff was contacted via phone to discuss the documents sent March 25.

Mar. 28, 2018: Staff advised Commissioner Huxley that Interim Administrator Hitt was the 'conduit' to the BOC for DRAFT meeting minutes and that all correspondence would go through him.

Mar. 28, 2018: Interim Administrator Hitt was provided the same documents provided to staff March 25 and again March 27, 2018.

Mar. 29, 2018: Interim Administrator Hitt provided the following comments to Commissioner Huxley via email.

"Good Morning Commissioner Huxley. I think the great majority of your proposed changes are good and I thank you for them. There are one or two that I have some questions about. I would like to meet with you, at your convenience, to discuss."

At this point it was clear that Interim Administrator Hitt had not finished the April 4, 2018 Agenda Packet before leaving and that no meeting was possible before April 4, 2018.

Mar. 29, 2018: Commissioner Huxley responded to the email from Interim Administrator Hitt stating he did not appear to have read Huxley's comments, question and requests included in the word documents with the DRAFT meeting minutes. Three additional paragraphs were provided with some of the more important points that were addressed in Huxley's comments.

Mar. 29, 2018: Shortly after 5:00 PM (**Four days after returning his comments**) Commissioner Huxley was provided edited DRAFTS of the July 5 and October 18, 2017 meeting minutes.

Mar. 30, 2018: Late Friday afternoon, Commissioner Huxley returned the DRAFTS with his comments to Interim Administrator Hitt and, Counsel Hutt who at this point appeared to be in charge of putting the agenda together for the April 4, 2018 BOC meeting. Huxley commented in the DRAFT minutes for October 18, 2017 that the number of grammatical errors found was unacceptable.

Pages 6, 8, 9 & 10 of the October 18, 2018 DRAFT meeting minutes are included following the March 16, 2018 memo. **Green text** is additional DRAFT minutes. **Red text** is suggested corrections.

Apr. 4, 2018: Minutes for July 5 & October 18, 2017 were again on the BOC agenda for approval. Once again they were pulled (unanimously) from the agenda.

Apr. 11, 2018: Late afternoon; meeting minutes for April 26 & 28, 2017 and March 21, 2018 were provided with a note the minutes would be on the next General Meeting agenda for approval. Huxley emailed Interim Administrator Hitt with his concerns of not having adequate time to review and provide comments. Commissioner Huxley suggested a timeframe for providing sufficient time for review.

Apr. 12, 2017: Interim Administrator Hitt in a classic response offered he did not anticipate Huxley would review the minutes with the goal of adding additional material for inclusion into the final draft. In a continued disregard for the Oregon Public Meeting Laws, Interim Administrator Hitt also sent his response to Commissioner Huxley to the other two commissioners and county counsel.

A section on **Minutes and Recordkeeping** from the State of Oregon Department of Justice Attorney General's Public Records and Meetings Manual (November 2014) is included at the end of this memo.

From: Commissioner Huxley

March 16, 2018

To: Counsel John Huttli; Interim Administrator John Hitt;
Cc: Peter Bejarano (Pauly Rogers and Co.)

Subject: Board of Commissioner Public Meeting Minutes: March 7, 2018 GM – Item 6 B – Minutes submitted for discussion and approval.

The subject meeting topic began at 10:37 AM and continued for thirty-five minutes. Much of the meeting was repetitious of past meetings on the same subject. During the discussion a commitment was made by commissioner Huxley to provide a history on the subject of meeting minutes and carbon copy Cc: the current auditors.

Dec. 2, 2016: Audit Closing Meeting w/Moss Adams for year ended June 30, 2016. The meeting lasted one hour fifteen minutes. Two members of the Moss Adams audit group participated and provided a two-page summary which included thirteen items listed under Accounting and Reporting Issues. Then Curry County Accountant Kallstrom was present along with commissioner Huxley.

Numeric item 'x' under Accounting and Reporting Issues in the report stated: "Board minutes are not prepared timely." Commissioner Huxley elaborated on the minute's subject and committed to discuss the concerns with County Counsel Huttli following the meeting. At that time, counsel Huttli was the acting supervisor over the Board of Commissioner office staff and continued in that position until September 2017 when John Hitt began in the capacity of Interim County Administrator.

Nov. 22 to Dec. 12, 2016: Beginning Nov. 22, 2016 commissioner Huxley via email correspondence requested that counsel Huttli provide a list of all Board of Commissioner (BOC) meetings still requiring written meeting minutes. Staff committed via email to provide a list but never did provide any list.

Late Dec. 2016: Huxley spent an enormous amount of time to determine the extent of missing BOC meeting minutes from 2011 to 2016. This included researching the Commissioner Journals of approved minutes logged by the County Clerk staff; creating a folder list by calendar year of all BOC meetings; comparing the Commissioner's Journal list with the list of folders and finally verifying the Clerk meeting minute's record number in the Commissioner's Journal with the folder list of all BOC meetings.

An example (2015) from each of the worksheets described above is included. Color photocopies of all the worksheets were provided to counsel Huttli.

Dec. 2016: A transcription of one BOC meeting was attempted using a recognized online transcription service. The transcription service was considered because two of the three commissioners being sworn into office in January 2017 could not be expected to approve minutes of meetings they were not present at. The first attempt was rejected by the transcription service because of an excessive amount of inaudible audio in the video that was provided. The audio track was then removed from the video, enhanced and resubmitted. While the enhanced audio met the minimum transcription threshold, this process was very time consuming and expensive.

Feb. 2 to Mar. 9, 2017 commissioner Huxley corresponded with staff from Oregon Records Management Solutions (ORMS) and the Oregon State Archives Department regarding Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR's) as they apply to public records retention. Huxley provided this information to counsel Huttl and emphasized that minutes of workshops were also required.

Mar. 22, 2018: The conflicting OAR's were ignored by counsel Huttl in his response that minutes or audio/video must be kept.

Note: Oregon Department of Justice (DOJ) legal staff have been receptive to suggested changes (Archivist's rules) to the 2018 DRAFT Oregon Public Records and Meetings Manual because of conflicting wording between Oregon Statutes and Administrative Rules. Those changes will be reflected in the 2018 Manual expected later this year.

Mar. 7, 2018 Agenda Item 6 B: Minutes of three commissioner meetings were included for approval. Two of the meeting minutes had been discussed with Interim Administrator Hitt months earlier and deemed unacceptable. The subject of whether or not to have short or long minutes was bantered about on several occasions. Commissioner Huxley finally offered during the 3/7/2018 meeting that long and short minutes had been discussed many times in prior meetings including actual examples.

- July 26, 2017: Workshop to specifically discuss examples of long and short meeting minutes.
- Oct. 4, 2017: General Meeting with Consent Calendar discussion on meeting minutes.

Jan. 8, 2018: Legend for Dates & Types of Meetings was created and provided to staff along with a list of all BOC meeting held in 2017. The list included notes on all draft, partially complete or approved minutes located on the county servers. The list was used to organize and input all available information into the file system used for 'Agendas & Minutes' on the new Curry County Website http://www.co.curry.or.us/government/board_of_commissioners/agendas_and_minutes.php

In closing:

No one in charge of the Board of Commissioner office has been listening to or initiating suggestions on how to effectively and economically create minutes of Board of Commissioner meetings.

The 2017/2018 approved budget (July 1, 2017) for the Commissioners' Office under materials and services included \$5,000 for professional services to provide minutes of meetings.

- Someone with excellent writing skills, typing skills and verifiable experience in typing minutes from audio or video is a must.
- The individual may be a part time irregular employee.
- A quiet location away from interruptions is mandatory.
- Internet service and the capability to view 'video on demand' or 'streaming video' are required.
- The meeting minutes can be done from an offsite location with an agreed to measurable output of a dollar amount per page or per hour.

Gold Are we going to pay have to pay Prothman the \$7,500 finder's fee?

Huxley Not a finder's fee. Responsibility of customer that pays Prothman if you hire or don't hire.

Gold They'll ask us for their expenses?

Huxley Those costs have already been invoiced and paid. Same company for search for County Administrator

Gold So we will be paying \$7,500?

Boice 1st I've heard of this. **Marshall** made it clear he wasn't with Prothman.

Huxley **Marshall** made comment he did not want to apply under Prothman.

Hitt I'll follow up with Prothman if you grant me authority. Most recent conversation, he mentioned they asked him. Prothman said they do not have anything to do with Prothman. (Don't understand previous sentence)

Huxley **Gold** proposed not doing anything. Then another meeting we decided (decided) to do something. Before profile was completed. County forwarded information to Prothman. Just a few weeks ago, I mentioned to you to see if we ever checked back to see. If we haven't we should.

Boice Your proposal to ask Board to support you. (Don't understand previous sentence) I'll contact them. We're caught in spot. Don't have the \$7,500.

Huxley We don't have it because they have it. It was in public. Jumped through hoops to put that together so we could locate an accountant.

Boice Not included in motion for Hitt to contact Prothman. Board consensus for **Hitt** to contact Prothman. Does Hitt have our support?

Huxley Read the (Prothman) contract first. Hitt we have an existing job description. It has that one partial sentence. Encourage review and revise. Remove partial sentence in the education. Or any satisfactory experience and training.

Boice We don't need vote on **Hitt** contacting Prothman?

Huxley No

Huxley Those costs have already been invoiced and paid. Prothman is same company for search for County Administrator

7. PUBLIC HEARING

None

8. OLD BUSINESS/PENDING ACTIONS 1:48P to 2:25P

Brookings Head Start Workshop Summary Document. – **John Huttli, County Counsel** (20 minutes)

Huttli Presented 2 different versions in the packet to summarize meeting we had with the State. The choices are either stop now or stop later. We could vote to terminate the grant activity right now. It would be reclassified as a planning grant. Infrastructure Finance Authority (IFA) would not get repayment from County nor be held as black mark on the county. Or the BOC could vote to move ahead. One proposal is to stop later, after appraisals are obtained. IFA contribution \$3,000 to any excess cost to obtaining appraisal. We would have opportunity to terminate the grant under heading of planning grant. No adverse consequence to the County. If we did proceed to process after that point, then IFA will invoke their clause to get money back. The Board can pick one of 2 versions. Previous said we will pay any outstanding invoices. CCD mentioned they do not have any. Both documents say more or less same thing. Just summary documents from meeting. What does BOC want to do with this grant?

Gold If we proceed with the appraisal and inspection and at that time re-assess, then we would owe nothing to IFA. Is that correct?

Huttl We'll be coming back to you every month.

9. DISCUSSION/BOARD DIRECTION/DECISION

A. Discussion of Disbursement of Public Records and the Policy Regarding this Issue. – **Sue Gold, County Commissioner** (10 minutes) 2:26P to 3:00P

Gold Brought up because of **Catherine Wiley** records brought up at last meeting re: **Wiley** travel. **Wiley**?

Boice No public comment slip?

Huxley This is on an agenda

Boice And they filled out a slip at 10A? Is this 10AM?

Huxley Yes

Boice More double standards

Huxley Or interruptions and disruptions of the meeting.

Wiley Wiley read letter. To see letter, click on this link

http://www.co.curry.or.us/2017_10_18%20Submitted%20During%20Meeting%20PACKET.pdf

then pages 18 and 19. Or, please contact the BOC office.

Wiley There are legal issues regarding county staff providing information here which should have been redacted. I have met with **Huttl** and **Hitt**. There are serious legal issues. There was information not redacted. This should raise concerns with the County as the County can be held liable for this as well as anyone who prints the material. Our government gets into trouble for not being in compliance, not ensuring staff are in compliance and knowledgeable and not getting in service training.

Gold What exactly was printed which should not have been printed or given out. ?

Wiley Personal address, bank account number, signature on checks. It's against the law to post false information. I was not reimbursed \$1,000's ever. My concern is my rights were violated by the County.

Gold Huttl & Hitt Are we real clear on our policy?

Hitt Our policy is not a good policy. We need to go over final delivery. Go through single person who can get the kind of training they need. However, we can't make a bullet proof policy.

Huxley I was not aware of this records request until after the meeting on October 4, 2017. Did not see them on materials submitted for meeting. **Andre Bey** made records request. What was troubling was these were 10 year old records. This request would have been declined.

Wiley Shelia Megson said she initiated the investigation.

Wiley There are legal issues regarding county staff providing information here which should have been redacted. Any questions?

Boice (Was) the travel you did worthwhile? (Did it) pertain to Curry County?

Wiley Absolutely

Boice Why was your travel in those days ~~was~~ more relevant than my travel nowadays? No encouragement from you for me staying in Motel 6. You have made a tremendous effort to challenge the travel of **Representative Smith** including the \$70 meal he helped me with. The money and support as **Ted Fitzgerald** said last General Meeting. **Gold** didn't get in program with FEMA. **Smith** had to travel. You had to travel. Do see a double standard? **Thinks** I have the support of the public, the trust of the public, and I think my efforts were very effective.

Huxley (to) Boice a Point of order please. This is not the subject.

Wiley I am a citizen who believes in transparency and accountability. Believes you made a statement during your campaign that **Huxley** and **Commissioner Brown** were investigating **Commissioner Smith's** travels. The bottom line is that travel policies are standard in any governmental entity. I advocated for a travel policy. Did not write it. Recommend there be an accountable, transparent, travel policies (**policy**). Did not write it. Did not write the policy. **Huxley (to) Boice** we're getting off the subject. You're not required to answer anything, Ms **Wiley**.

Boice You were reimbursed by the County as (**a**) volunteer?

Wiley I was not reimbursed by the County.

Huxley OK we need. **Gold**?

Gold When we have a grant coming to the County, this is not County money. The County disburses those funds. The County gave **Wiley** a check, but it did not come from the County.

Huxley Where the money came from in 2007 is not the topic here.

Wiley Had meeting with **Huttl & Hitt**. There are serious legal issues. What's required to be released in public records and what's prohibit(ed). There ~~were~~ was information not redacted. This information should raise concerns with the County. The County can be held liable for this as well as anyone who prints the material. It is against the law. Our government gets into trouble for not being in compliance. And ensuring staff are in compliance and are knowledgeable and have in service training.

Gold What exactly was printed which should not have been printed or given out: ?

Wiley Personal address, bank account number, signature on checks. It's against the law. Also against the law to post false information. Not reimbursed \$1,000's ever. **Karlie Wright** was only person who could make those reservations. My primary concern is my rights were violated by the County.

Huxley Boice? (**Remove this line**)

Boice The commission?

Wiley Commissions were set up at local level. A commission in each of 36 Oregon Counties. They have representatives to look at funds to look at how to distribute the funds. The money came through the Counties. Then it was up to the groups to distribute the money.

The Counties in Oregon are divided into small medium and large. 19 small counties. Each division had a representative to the state board for budgeting, for finance. There was a director. One issue with small counties were means by which funding was decided. Big counties got allocations by numbers. Unlike ours, we have fewer resources. Re-look at budget allocation to try to get increased balanced to the funding allocation, formulas at the state level.

Boice Still involved with Court Appointed Special Advocates (CASA)?

Wiley Yes. Some funding streams were very specific. Others were more broad. Our volunteer time was offset as in kind. \$20/hr for my time. None of our in County travel was reimbursed. The out of state travel was a required travel.

Boice \$11,000 & \$12,000 is invalid Will you make that information available to use?

Wiley In your packet

Gold (to) Huttl & Hitt Are we real clear on our policy?

Hitt Our policy is not a good policy. We need to go over final delivery. Go through single person who can get kind of training they need. County clerk will now send out to department. Drafting a new policy. Will probably bring back to you in November.

Gold Will help us avoid any future liability issues.

Hitt Yes. Can't make a bullet proof policy.

Boice Brookings. Before anybody leaves. 6:30P to 8P. Having a solutions meeting. Presentation of Forest Service. Downstairs in the Elks Lodge.

Huxley (to) Hitt I had talked to you. To this records request. I was not aware of this records request until after the meeting on October 4, 2017. Did not see them on materials submitted for meeting. The public records request. **Gold?**

Gold Not aware of it

Huxley (to) Boice were you aware of public records request?

Boice No.

Huxley Andre Bey made records request. What was troubling these were 10 year old records. Note at the bottom. The only copies are of checks. I recommended policy. **(Don't understand previous sentence)** By statute the governing body **is** not required to create records that do not exist. This request would have been declined. Not obligated to do anything. That's a concern.

Hitt That's another concern

Huxley statement "Does not include airfare. **Hitt** Can you take care of that?" **Boice** you knew a day or 2 before? Did you know **Fitzgerald** would provide this?

Boice Yes

Wiley Shelia Megson said she initiated the investigation.

Huxley (to) Boice you were aware **Ted Fitzgerald** could have access to these records. **(Believe the previous sentence was a question to Boice)** ~~There~~ These are clearly some serious things. There are some other documents I will share with **Wiley** separately.

Boice If this is legal, **(legal or illegal?)** will not respond

Wiley There is no way I would recommend a travel policy if I had something in my closet.

B. Community Development Department Re-organization Discussion. - Carolyn Johnson
Community Development Director (7 minutes) 3:00P to 3:19P

John Hitt Carolyn Johnson & I have been talking for some time about code enforcement. Planning permits are becoming more numerous. Staff is becoming stressed with level of permits. **Johnson** is proposing some changes in her department.

Johnson Board wants to pursue code enforcement. I took bulk of that information and wrapped that into a pretty decent description for the building department. It is time to go look for somebody. Money is budgeted for environmental services. It comes down to about \$25,000 to \$30,000 carry over. We're looking at ½ year at this point. Outlay for Fiscal Year (FY) 17-18 would not be huge -- \$17,000 to \$18,000. For next year FY 18-19 we can still be at \$25,000 to \$30,000 This will be a permanent position which means retirement, benefits, etc. I anticipate coming back to you with a job description to authorize and appropriate money for this position.

Gold We appropriated \$30,000 for this.

Johnson You have \$30,000 for the position. We would be looking at what you appropriated for environmental health. Looking at taking a piece of that, too.

Huxley (to) Johnson you and I have talked about this. There was \$30,000 available from Curry Community Health (CCH) **Ken Dukek**. Also, go into general fund for \$10,000. It was a commitment from them. CCH for the FY if we were able to establish that position. \$10,000 could be used. We have already have commitments up to \$40,000 for the last half of 17-18FY.

Johnson My understanding as well. Per discussion with **Hitt** we do not have that money in hand.

Huxley Other mechanism?

Johnson CCH.

Johnson There was \$30,000 budgeted 17-18 FY noted for Community Development Department, which is not enough for this position. I am advising Board will need to come up with additional

STATE OF OREGON
DEPARTMENT OF JUSTICE

ATTORNEY GENERAL'S

PUBLIC RECORDS

AND

MEETINGS MANUAL



“Knowledge will forever govern ignorance.
And a people who mean to be their own governors, must arm
themselves with the power knowledge gives. A popular government
without popular information or the means of acquiring it, is but
a prologue to a farce or a tragedy, or perhaps both.”
James Madison (1822)

ELLEN F. ROSENBLUM
Attorney General

November 2014

When a public meeting is held at a location that is not “rented, leased or owned” by the state or a political subdivision, such as a hotel meeting room where no separate charge is made for the room, the smoking ban of ORS 192.710 does not apply. However, other laws prohibiting smoking except in designated areas may apply.³²⁴

The person presiding will avoid embarrassment to members of the public and the governing body by reminding them of the no-smoking rule at the beginning of the meeting.

6. Voting

All official actions by governing bodies must be taken by public vote.³²⁵ The vote of each member must be recorded unless the body has 26 or more members. Even then, any member of the governing body may require that the votes of each member be recorded. ORS 192.650(1)(c). Written ballots are not prohibited, but each ballot must identify the member voting and the vote must be announced. *Secret ballots are prohibited.* The state law supersedes and nullifies any local government charter authorization or requirement for a secret ballot.³²⁶ See Appendix L for a discussion of voting and secret ballots.

A governing body’s failure to record a vote is not, in and of itself, grounds for reversing a decision. Without a showing that the failure to record a vote was related to a manipulation of the vote, a court will presume that public officials lawfully have performed their duties.³²⁷

7. Minutes and Recordkeeping

The Public Meetings Law requires that the governing body of a public body provide for sound, video or digital recording or written minutes of its meetings.³²⁸ ORS 192.650(1). The record of a meeting, whether preserved

³²⁴ ORS 433.845.

³²⁵ 37 Op Atty Gen 183 (1974) (see App O).

³²⁶ 39 Op Atty Gen 525 (1979) (see App O); 37 Op Atty Gen 183 (1974) (see App O).

³²⁷ *Gilmore v. Board of Psychologist Examiners*, 81 Or App 321, 324, 725 P2d 400, *rev den* 302 Or 460, 730 P2d 1250 (1986) (see App M).

³²⁸ Apart from the requirements imposed by the Public Meetings Law, the Oregon Investment Council must make “full sound records” of its meetings and maintain a written

in written minutes or a sound, video or digital recording, shall include at least the following information:

- members present;
- motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
- results of all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name;
- the substance of any discussion on any matter; and
- subject to the Public Records Law, ORS 192.410 to 192.505, a reference to any document discussed at the meeting. (Such reference does not change the status of the document under the Public Records Law. ORS 192.650(3).)

Written minutes need not be a verbatim transcript and a sound, video or digital recording is not required to contain a full recording of the meeting, except as otherwise provided by law. Whatever means of recording used must give a “a true reflection of the matters discussed at the meeting and the views of the participants.” ORS 192.650(1). See p. K-10 for sample minutes.

The Public Meetings Law requires that written minutes or a sound, video or digital recording of a meeting be made available to the public “within a reasonable time after the meeting.” ORS 192.650(1). If written minutes are prepared, they cannot be withheld from the public merely because they will not be approved until the next meeting of the governing body. If minutes have not been approved, they may be so identified. In any event, any completed minutes or sound, video or digital recordings are public records subject to disclosure under the Public Records Law. Consistent with the Public Records Law fee provision, discussed in Part I of this manual, a public body may charge a person a fee for preparing a transcript from a sound, video or digital recording. ORS 192.650(4).

These recordkeeping requirements apply to executive sessions,