

## **WICOMICO SHORES GOLF COURSE ADVISORY BOARD**

### **November 2, 2005 Special Meeting Meeting Minutes**

**MEMBERS PRESENT:** Merrill "Chico" Rivers, Chairperson, Jim Hodges, Vice-Chairperson, Phil Cranford, Rick Smith and Gloria Tippet.

**MEMBERS ABSENT:** Robert Richardson and Wayne Pettit.

**OTHERS ATTENDING:** Phil Rollins, Director, Recreation, Parks and Community Services (RP&CS), Pat Meyers, Golf Course Manager, RP&CS, and John B. Norris, III, County Attorney.

#### **CALL TO ORDER**

The Wicomico Shores Golf Course (WSGC) Advisory Board meeting was called to order at 6:00 p.m. at the Wicomico Shores Golf Course Clubhouse.

#### **APPROVAL OF MINUTES**

The minutes from September 14, 2005 and November 2, 2005 will be considered for approval during the meeting of December 14, 2005.

#### **WSGC ADVISORY BOARD PROCEDURE**

Chairperson Chico Rivers introduced County Attorney John Norris to the Board. Chairperson Rivers stated that because of his question with regard to a motion made during the September 14, 2005 Board meeting and questions with regard to voting in general, Mr. Norris was invited to the meeting to answer questions on procedure, motions, voting, etc.

The WSGC Advisory Board bylaws, Article V, Section 5 reads: Each member shall have one vote. Members shall vote in person. The chairperson is considered a voting member in the event of a tie.

Mr. Norris stated that quite often boards and committees are set up with an odd number of members which can create the opportunity for the chairperson to break a tie vote. The preference of Robert's Rules of Order is for the chairperson to conduct the meeting and vote only when it would affect the outcome. The 1990 version of Robert's Rules states that the chairperson votes when it affects a decision. Chairpersons on other County boards and commissions (County Commissioners, Planning Commission, and Board of Appeals) usually prefer to vote because they have adopted separate rules of procedure that allow the chairperson to do so. According to the way the WSGC Advisory Board bylaws are written, the chairperson should only vote in the event of a tie. A notation can be included in the minutes, if desired, that reflects the chairperson was opposed to the motion.

Mr. Hodges stated that the bylaws should be amended so the chairperson is a voting member because the public would like to know if the chairperson supports the motion or not. Mr. Smith stated that the intent of the requirement needs to be looked at before considering making a change to the bylaws. Amendments to bylaws need to be approved by the Board of County Commissioners (BOCC).

Chairman Rivers asked if a motion is made and the chairman doesn't believe that the motion is consistent with plans at hand, can Board members make the motion regardless of what the chairperson recommends? Mr. Norris stated that, under the strict reading of Robert's Rules, a member must be recognized by the chairperson for a motion; that motion can be amended by a subsequent motion or if a motion is made out of order the chairperson can declare it out of order. The Board as a whole can table a motion. He stated that most County boards and committees don't get into that level of detail.

Mr. Rollins asked for clarification on items that are considered matters of policy versus operational/administrative matters. Mr. Norris stated that those questions may be answered by reviewing the Resolution that established the Board. Also, Article VI of the bylaws under Powers and Duties provides some additional information. The Board is certainly invited by the BOCC to provide advice and it's up to the County Commissioners whether they act on that advice.

Chairman Rivers stated that there are times when it's unclear whether the Board should be voting on certain matters. There have been occasions when staff has asked for Board input, but decided to go in a different direction because the issue was considered an operation/administrative matter and not a matter of policy. Mr. Rollins stated that while the Board is generally always asked for input with regard to operational issues, there may be times when staff and the Advisory Board disagree. Chairman Rivers felt the term "operation issues" is broad and these issues may come up often. Mr. Hodges stated that if the Board disagrees with staff on an issue, then the matter should be forwarded to the BOCC for decision.

To close the discussion, the Chairperson Rivers stated that under the current bylaws, the chairperson will not be voting on motions unless there is a tie vote. Further, when a motion is indicated, he will ask the Board if there is a motion or members can ask the chairperson to be recognized for a motion. If the chairperson does not want a motion at that time, then the motion will be deferred.

#### **DRAFT REOI**

Mr. Rollins provided the Board with a draft copy of the Request for Expression of Interest (REOI) notice for the Golf Course Clubhouse. The Board reviewed the draft and had the following changes.

Intent - Mr. Hodges suggested changing the second sentence in the first paragraph to read: This project will be done by a qualified general contractor selected by the county and will use a design/build process. Mr. Hodges stated the Intent section should include the sentence: The lower level will be used for cart storage and general storage. He also recommended taking out the not to exceed sentence. He wanted to add the word approximate in the target budget sentence to read: the target budget for the project is approximately \$ 1 - \$1.5 million.

Background – Mr. Hodges recommended taking out the background information with regard to the 2002 solicitation and the solicitation for renovation of the building with two possible alternatives that was advertised earlier this year as that may be viewed as negative information. The last sentence in the first paragraph regarding the situation of the Clubhouse will also be deleted.

Mr. Hodges recommended that the last paragraph under Background be worded to say: Upon the recommendation of a citizen Golf Advisory Board, the Board of County Commissioners recently directed the Department to initiate steps to identify qualified general contractors who can meet the requirements to design, engineer, and renovate the existing Clubhouse to meet programmatic needs. Also, per Carol Gallagher, Procurement Manager, all references to Contractor should be changed to General Contractor.

Pre Submittal Site Visit/Walk Through – Per Ms. Gallagher this paragraph should be re-worded as follows: There will be a site visit/walk-through on \_\_\_\_\_. Contractors are encouraged to do a walk through with the owner and owner's representatives at that time. According to Maryland law, the site visit can't be mandatory.

Evaluation – Mr. Hodges suggested that the full WSGC Advisory Board be part of the Selection Committee; this was discussed and agreed that several Advisory Board members would serve on the Selection Committee. County staff on the Committee would be Mr. Rollins, Ms. Meyers and

the Building Services Manager. The recommendation of the Selection Committee would be presented to the entire WSGC Advisory Board then presented to the BOCC.

Carol Gallagher recommended changing the second sentence to: As part of the evaluation process, the County shall conduct personal interviews with short-listed (short-listed rather than selected) contractors.

Chairman Rivers asked how the ad for the REOI would be advertised. Mr. Rollins stated that it would be advertised in the St. Mary's Today and the Enterprise newspapers. It will go to contractors on the bidder's list and to trade publications. The Board recommended a press release to announce the BOCC taking action regarding the REOI.

After the WSGC Advisory Board recommendations are incorporated and after John Norris reviews the draft, the REOI will be advertised. Mr. Rollins indicated that the REOI would be publicly advertised in early December.

**SCHEDULING OF NEXT MEETING**

The next regularly scheduled meeting of the WSGC Advisory Board will be held on December 14, 2005.

The meeting concluded at approximately 7:30P.M.

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Kathy Bailey, Recorder