

MINUTES OF THE SPECIAL MEETING OF THE OPEN MEETINGS COMPLIANCE BOARD
February 25, 2015, at 7:30 p.m.
(by teleconference)

In attendance:

Board and Board staff:

Monica J. Johnson, Esq., Board Chair
Mamata Poch, Board Member
Ann MacNeille, Board Counsel

Others:

Michele Fluss
Bridget Greer, Esq., Prince George's County Office of Law
John M. Gwynn, Esq., Prince George's County Office of Law
Delegate Susan W. Krebs, District 5, Carroll County
Edward Latner, Esq., Montgomery County Office of Law
John Markovs, Esq., Montgomery County Office of Law
Rebecca Snyder, Maryland- Delaware-District of Columbia Press Association

1. Call to order and welcoming remarks

Ms. Johnson called the meeting to order at 7:32 p.m. She introduced herself and Board Member Poch and explained that Board Member Martinez was out of the country and unable to attend. Members of the public who had called in were asked to identify themselves for the record. Ms. Johnson explained that the Board was meeting to consider whether to take positions on two bills pending in the General Assembly and to consider its own mechanisms for providing comments to the General Assembly during its sessions and proposing amendments to the Act.

2. Pending legislation

(a) HB 583:

The bill would amend the Act by requiring public bodies to make agendas available at least 24 hours before they meet. After Ms. Johnson introduced the subject for the Board's consideration and described questions that had been conveyed in e-mails to the Board, Ms. Poch conveyed her view that public bodies usually know in advance why they are meeting and that the 24-hour timeframe was reasonable. Delegate Krebs, the bill's sponsor, explained that the goal of the bill was to provide members of the public with information on what would be happening at meetings so that they could decide

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whether to attend. Delegate Krebs noted that many public bodies already provide agenda information in advance, that the Act covers a broad range of public bodies, and that the bill was drafted in such a way as to provide flexibility in the method by which the information is made available. Ms. Johnson asked Delegate Krebs to address the concern that the bill, as drafted, could be construed to prohibit emergency meetings called on less than 24 hours' notice. Delegate Krebs stated that the bill was not trying to stop public bodies from meeting in emergencies, that something could be put in the bill to address the question, and that her position on the question was flexible. The Board then unanimously adopted Ms. Poch's motion that the Board support the legislation.

(b) HB 264:

This bill would specify that subcommittees of the General Assembly's standing committees are "public bodies" subject to the Act. Ms. Johnson stated that the Board has traditionally taken the view that the issue of which entities should be covered by the Act posed a question for the Legislature, not the Board. Delegate Krebs, the bill's sponsor, stated her belief that subcommittees already follow open meetings practices, but that the subcommittees' work was very important and that the proposed legislation would promote consistency. The Board then unanimously adopted Ms. Poch's motion that the Board support the legislation. Ms. Johnson thanked Delegate Krebs for attending the meeting, and Delegate Krebs, in departing, thanked the Board for its work.

3. Board's methods for commenting on legislation during the General Assembly's session

Ms. Johnson explained that the Board is sometimes asked to comment on legislation on such short notice that a public meeting can be called, as when a legislator wants to know immediately what the Board's position is. The Board agreed that when a meeting cannot be called in time, the members could be polled by other means, and, when there is not enough time to do that, the Chair may speak for the Board and, if need be, backtrack later to convey the other members' views. Ms. Poch also stated her view that Ms. Johnson may testify for the Board. Ms. Johnson stated that the Board will discuss the question again at its annual meeting so that the full Board can decide for future sessions.

4. Board's timetable for proposing legislation

Ms. Johnson explained that the Board has traditionally considered in the late summer, during its annual meeting, whether to seek changes to the Open Meetings Act, and that the Board has usually used its Annual Report, due on October 1 every year, as the vehicle for conveying its recommendations. She asked Ms. Poch for thoughts on

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whether this Board should continue with that approach and timetable for seeking the initiation of legislation. The Board agreed generally to continue to follow that timetable.

5. Closing remarks and adjournment

Ms. Johnson thanked the group for the discussion and adjourned the meeting at 8:08 p.m.