

OPEN MEETINGS COMPLIANCE BOARD MEETING
SEPTEMBER 15, 2006 – MINUTES

Attendance

The meeting was called to order by Chairman Walter Sondheim at 10:00 a.m. In attendance were: Chairman Sondheim, Board member Courtney McKeldin, the Board's counsel, Assistant Attorneys General Jack Schwartz and William Varga, and Kathleen Izdebski and Nick Tramontano, support staff with the Attorney General's Office. Board member Tyler Webb's attendance was excused.

Members of the public in attendance were: James Keat and Thomas Marquardt, both representing the Maryland-Delaware- D.C. Press Association, Michele Dinkel, with the Maryland Association of Counties, and Thomas Reynolds, with the Maryland Municipal League.

2006 Legislative Session

Chairman Sondheim welcomed those in attendance and following brief introductory remarks by Mr. Sondheim and Ms. McKeldin, Board Counsel Jack Schwartz summarized legislation amending the Open Meetings Act enacted during the 2006 Legislative Session. The Compliance Board does not plan to propose further legislation during the 2007 Session relating to the executive function (soon-to-be "administrative function") exclusion under the Act.

Legislative Agenda

Staff distributed a draft outline for the Compliance Board's fourteenth annual report, including recommendations for legislation making minor changes in the Open Meetings Act, and draft legislation reflecting the recommended changes. The changes include:

- modifying the definition of "advisory function" for consistency with the expanded definition of a "public body" enacted by the Legislature in 2004, *viz*, certain bodies appointed by "an official who is subject to the policy direction of the Governor or chief executive authority of [a] political subdivision";

- elimination of the term limits applicable to the members of a Compliance Board, recognizing that the limits make little sense for an advisory body such as the Compliance Board where consistency over time is a proven asset (members would still serve fixed terms of three years); and
- modification of the Act’s notice requirements, (1) limiting the provision authorizing delivery to representatives of the media to media outlets that “routinely publish schedules of future sessions of the public body”, and (2) adding a provision recognizing the common practice of public bodies using their internet web site as a means of giving notice.

Other Business

Representatives of the Maryland-Delaware- D.C. Press Association raised concerns about the right of any media outlet to receive notice and the problem reflected in two prior Compliance Board opinions about complaints filed against defunct public bodies. After considerable discussion and no apparent solution, the Compliance Board made a decision to give interested parties a week to submit any proposed suggestion before the Compliance Board finalizes its annual report.

Chairman Sondheim thanks those in attendance for their participation. The meeting adjourned at approximately 11:00 a.m.