

COMPLIANCE CHECKLIST
FOR MEETINGS SUBJECT TO THE MARYLAND OPEN MEETINGS ACT *

1. ____ Did you give “reasonable advance notice” of the meeting and keep a copy?
2. ____ Did you make an agenda available when notice was posted, or, if not yet determined, as soon as practicable but at least 24 hours before the meeting? (effective 10/1/16)
3. ____ Did you make arrangements for the public to attend and for minutes to be kept in writing or produced as live, archived, and streaming audio or video?
4. ____ If part of the meeting might be closed to the public, have you first:
 - ____ made sure that the topic to be discussed falls entirely within one or more of the 14 “exceptions” that allow the closed session? (for the list, see the other side of this page)
 - ____ given notice of the open meeting that must be held right before the closed session, so that the presiding officer can hold the required public vote to close?
 - ____ arranged for the presiding officer to prepare a written statement with the required disclosures? (see the model form with instructions at <http://www.marylandattorneygeneral.gov/Pages/OpenGov/Openmeetings/default.aspx>)
 - ____ arranged for minutes to be kept and adopted as sealed minutes of the closed session?
 - ____ arranged for someone to ensure that the closed session discussion will not go beyond the exceptions and topics cited on the written closing statement?
 - ____ arranged to disclose in the minutes of the next open meeting a statement of the time, place, and purpose of the closed meeting; a record of the vote to close the meeting and the authority to do so; and a listing of the topics discussed, the persons present, and the actions taken?
 - ____ for a meeting recessed to hold a closed administrative session, arranged to disclose, in the minutes of the next open meeting, the following: date, time, and place, persons present, and subjects discussed?
5. ____ Did you prepare, for adoption as soon as practicable, minutes of the open meeting, including summaries of any prior closed sessions?
6. ____ Have you posted the open-session minutes online, or, if that is not practicable, made them available for inspection and arranged to keep them for at least 5 years? (effective 10/1/16).

*A meeting will generally be subject to the Act if a quorum of the members of a public body has convened to conduct public business. The Act does not apply to a public body’s performance of the judicial function and most quasi-judicial functions, though it does apply to licensing, permitting, and many land use discussions. The Act applies only in a limited way to the performance of merely “administrative” functions. Some public bodies are governed by laws that impose more stringent requirements. If so, those requirements apply. For details on the scope of the Act, see the Open Meetings Act Manual.

(continued →)

**STATUTORY AUTHORITY TO CLOSE SESSION
(THE FOURTEEN “EXCEPTIONS”)**

General Provisions Article § 3-305(b) (formerly State Government Article, §10-508(a))

- (1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals;
- (2) To protect the privacy or reputation of individuals concerning a matter not related to public business;
- (3) To consider the acquisition of real property for a public purpose and matters directly related thereto;
- (4) To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;
- (5) To consider the investment of public funds;
- (6) To consider the marketing of public securities;
- (7) To consult with counsel to obtain legal advice on a legal matter;
- (8) To consult with staff, consultants, or other individuals about pending or potential litigation;
- (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations;
- (10) To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans;
- (11) To prepare, administer, or grade a scholastic, licensing, or qualifying examination;
- (12) To conduct or discuss an investigative proceeding on actual or possible criminal conduct;
- (13) To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter;
- (14) Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

(Revised September 2016)