

New agenda and minutes requirements effective October 1, 2016:

Agenda Requirement (Ch. 255)*

Effective October 1, 2016, all public bodies will be required to make an agenda “available” to the public before each meeting. The agenda must contain “known items of business or topics to be discussed at the portion of the meeting that is open” and must indicate “whether the public body expects to close any portion of the meeting” under General Provisions Article (“GP”) § 3-305. A public body may make the agenda available by any of the methods authorized for giving notice under GP § 3-302(c), but is not prohibited from using a different method. GP § 3-302.1 (d). A public body “is not prevented from altering the agenda of a meeting after the agenda has been made available to the public.” GP § 3-302.1(e).

The timing for making the agenda available depends on when the agenda items or topics have been determined. If they have been determined at the time notice is given, the public body must make the agenda available when the notice of the meeting is posted. Otherwise, the public body must make the agenda available as soon as practicable, but no later than 24 hours before the meeting. GP § 3-302.1 (a)(2), (3). When a public body cannot meet the deadlines because it scheduled the meeting “in response to an emergency, a natural disaster, or any other unanticipated situation,” the public body must make the agenda available, on request, within a reasonable time after the meeting occurs. GP § 3-302.1(b).

This law is posted on the General Assembly website at:

http://mgaleg.maryland.gov/2016RS/chapters_noln/Ch_255_hb0217T.pdf

Posting and Retention of Minutes and Recordings (Ch. 330)

Also effective October 1, 2016, “to the extent practicable, a public body shall post online the minutes or recordings” that it has kept in order to comply with the Act’s requirements on minutes. GP § 3-306(e)(2). A public body must keep a copy of the minutes and any recording for at least five years, instead of one. GP § 3-306(e)(1). A public body’s own records retention policies may impose longer retention periods.

This law is posted on the General Assembly website at:

http://mgaleg.maryland.gov/2016RS/chapters_noln/Ch_330_hb0984T.pdf