

Procedures for Public Bodies Found by the Compliance Board to Have Violated the Open Meetings Act – General Provisions Article, § 3-211

Under § 3-211 of the General Provisions Article, a public body must take two steps after the Compliance Board has determined that the public body has violated the Open Meetings Act.¹

First, “at the next open meeting of the public body after the Board has issued its opinion, a member of the public body shall announce the violation and orally summarize the opinion.” The law specifies that the public body “may not designate its counsel or another representative to provide the announcement and summary.” The public body is not required to report the announcement to the Compliance Board but should keep a record of it.

Second, “a majority of the members of the public body shall sign a copy of the opinion and return the signed copy to the Board.” That may be accomplished either by sending an electronic copy to OpenGov@oag.state.md.us with a subject line that states the name of the public body and “Signed OMA Opinion,” or by sending a hard copy to the Open Meetings Compliance Board, c/o Attorney General's Office, 200 St. Paul Place, Baltimore, MD 21202. Please use only one method.

¹ Section 3-211 provides as follows:

(a) If the Board determines that a violation of this title has occurred:

(1) at the next open meeting of the public body after the Board has issued its opinion, a member of the public body shall announce the violation and orally summarize the opinion; and

(2) a majority of the members of the public body shall sign a copy of the opinion and return the signed copy to the Board.

(b) The public body may not designate its counsel or another representative to provide the announcement and summary.

(c) Compliance by a public body or a member of a public body with subsections (a) and (b) of this section:

(1) is not an admission to a violation of a provision of this title by the public body; and

(2) may not be used as evidence in a proceeding conducted in accordance with § 3-401 of this title.