

## PREFACE

As Supreme Court Justice Louis D. Brandeis famously said, “Sunlight is said to be the best of disinfectants.” In that spirit, the Maryland Open Meetings Act was adopted so that government bodies in the State would open their meetings to the public. Beyond that straightforward premise, however, lie important implementation considerations. Some arise from the rules that govern meetings subject to the Act. Others arise from the exceptions, exclusions, and special definitions that carry out the General Assembly’s decisions on which entities in the State do not have to discuss their business in public, which types of public business do not have to be conducted in public, and which topics do not have to be discussed in public.

Some of the provisions of the Act are easy to understand and apply; some are not. A few have been construed and explained by the courts; most have not. The overall policy of the Act—that it “is essential to the maintenance of a democratic society that, except in special and appropriate circumstances . . . public business be conducted openly and publicly”—can get lost in the details.

In 1991, fourteen years after the first version of the Act took effect, the General Assembly recognized that public bodies needed guidance on compliance with the Act, and it amended the Act to establish an independent board, the Open Meetings Compliance Board, to provide that guidance. The Board was directed to provide guidance by issuing advisory opinions in response to complaints from the public and by conducting educational programs for the staffs and attorneys of public bodies and the local government associations. The Office of the Attorney General was directed to share the education responsibilities and provide staff for the Board. Over the years, the Board has issued advisory opinions on almost every aspect of the Act. Under the aegis of this Office and as resources allow, the Board’s staff have conducted seminars on the Act, developed forms and other written guidance, indexed and published the Board’s opinions, and, in a collaborative effort with the Institute for Governmental Service and Research at the University of Maryland, developed the online course that public bodies’ designees may take to fulfill the training requirement now set by the Act.

This latest edition of the Open Meetings Act Manual supplements those efforts. Although it is not a substitute for advice from a public body’s own counsel, we hope it gives public bodies some practical guidance on how to comply with the Act. We hope also that this manual, along with the FAQs - A Quick Guide to Maryland’s Open Meetings Act, provides members of the media and the public with information on what they may expect.

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