

TWENTY-EIGHTH ANNUAL REPORT
OF THE
OPEN MEETINGS COMPLIANCE BOARD



BOARD MEMBERS

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SEPTEMBER 2020

**TWENTY-EIGHTH ANNUAL REPORT
OF THE
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The Open Meetings Compliance Board submits this annual report for the period running from July 1, 2019, through June 30, 2020 (“FY 2020”), in accordance with § 3-204(e) of the General Provisions Article (“GP”). In this report, we describe our activities, state the number and nature of our opinions and the violations we found over the last fiscal year, and discuss complaints that a public body has not given notice. We also state whether legislative improvements are needed.

INTRODUCTION

As detailed below, the Compliance Board’s primary function is to issue advisory opinions in response to complaints that public bodies have violated the Open Meetings Act. The Compliance Board also recommends improvements to the Act when needed. An additional function, in conjunction with the Office of the Attorney General, is conducting educational programs for the staffs and attorneys of public bodies, the Maryland Municipal League, the Maryland Association of Counties, and the Maryland Association of Boards of Education. GP § 3-204.

The Compliance Board was established as an independent State board of three members who are appointed by the Governor and serve without compensation. The Chair and the other members who served during the fiscal year—Nancy M. Duden, Esq. and Patrick S. Meighan, Esq.—are all practicing attorneys. The Chair, Lynn M. Marshall, Esq., was appointed by Governor Hogan on July 1, 2020, upon the expiration of the second term served by our former Chair, April Ishak. We thank Ms. Ishak for her leadership, her outreach to local government groups on our behalf, and her service to the Board and the State. Mr. Meighan resigned after the close of the fiscal year. We also thank him for his

work on this Board. As of the date of the adoption of this report, a new member has not yet been appointed.

The Compliance Board has no budget and no staff of its own. The Office of the Attorney General provides counsel and administrative support, as required by statute, and posts the Compliance Board's opinions on the Open Meetings webpage of the Attorney General's website. However, the Compliance Board is an independent body and is not a part of the Office of the Attorney General.

I.

ACTIVITIES OF THE BOARD

A. Complaint Statistics

1. Complaints received and opinions issued

From July 1, 2019, to June 30, 2020, we received **29** written complaints concerning **22** separate entities. This year's docket included two complaints that were filed last year but resolved this year. Three complaints were dismissed, including one that was withdrawn, one that was dismissed by letter because it did not allege violations of the Act, and one that was submitted without a signature, contact information, or name for which a valid mailing address could be found. Additionally, staff addressed two prospective complaints.

We issued **26** opinions in all, not including an opinion that was transmitted to the public body on July 1, 2019 but decided earlier and included in last year's report. In **nine** opinions, we found violations, in varying degrees of seriousness, by **seven** separate public bodies. In **17** opinions, we did not find a violation; in one of those, we discussed our dismissal of a complaint that the complainant had withdrawn after the public body had responded. We addressed five complaints about the Howard County Board of Education,

including three in which we found violations and two in which we found no violations. Otherwise, we did not find repeat violations by any public body during the year.

The complaint docket was as follows:

Docketed Complaints from FY 2020, pending on July 1, 2020:	2
Complaints on past violations, received during FY 2020	29
Total complaints on the docket for FY 2020:.....	31
Complaints consolidated	2
Complaints dismissed without an opinion.....	2
Complaints withdrawn.....	0
Total matters to address:	28
Opinions issued in FY 2020:	26
Complaints still pending on 7/1/2020:	2

2. The provisions violated

We issued nine opinions in which we found violations of one or more provisions of the Act. We found violations of §3-306 (the minutes requirement) in seven of those opinions and violations of § 3-301 (the basic open meeting requirement) in six. In five opinions, we found violations of § 3-305 (the requirements for closed meetings). We found two violations of § 3-302 (the notice requirement), and one each of §§ 3-104 (minutes requirement for administrative session), and 3-213 (the requirement pertaining to the attachment of a completed Compliance Checklist to open session minutes).

3. The complainants

In all, we addressed complaints from 21 individuals, including one member of the media, two people acting for advocacy groups, and nine people following various public education boards.

4. The public bodies

This year, we received complaints concerning 21 entities. We determined that four of those entities were not subject to the Act. The complained-of entities fell into the following categories: municipality, county, State board or commission, school board, sheriff's office, and housing authority.

5. Conclusions from the statistics

These statistics show that our workload did not change much this year; we received one more complaint than in Fiscal Year 2020.¹ However, our statistics—a very small sample of the many meetings that state and local public bodies hold during the year—do not lead us to conclusions about the state of Open Meetings Act compliance in Maryland. As we have noted before, our docket is driven by individual complainants' decisions to bring our attention to a particular public body's meeting practices, often because the individual is following the public body's activities at the time.² Additionally, as is self-evident, complaints are not filed, or else not filed during the fiscal year of the violative conduct, when a public body has kept the topics discussed in its closed meetings so secret that the public has no reason to know about them at the time. The public also might have

¹ Prior annual reports can be found here:
<https://msa.maryland.gov/msa/mdmanual/26excom/html/27open.html>.

² This year, for example, twelve of the 29 complaints that we received involved boards that address public school education, and seven of the twelve involved the Howard County Board of Education, which had embarked on a system-wide redistricting process that had attracted considerable public interest.

no way of knowing whether the electronic communications among a quorum of a public body's members have arisen to the level of a meeting.³

B. Complaints Involving the Failure to Provide Notice of a Meeting

In this section and the quarterly summaries in Part III, and in accordance with GP § 3-204(e), we report on complaints involving a failure to provide notice of a meeting. As shown by the summaries, we addressed various allegations bearing on notice: that a public body had posted notice in a confusing way on its website; that a public body had begun its meeting later than the noticed time; that a public body had failed to give adequate notice of meetings that would be entirely closed but for the requisite public vote to close; and that an alleged public body had met without complying with any provision of the Act. In one matter, 14 *OMCB Opinions* 40 (2020), we found notice violations by a commission that seemingly had always operated as though the Act did not apply. In five matters, we did not give guidance on notice because the respondent was not subject to the Act. We found violations of § 3-302 in two of the six opinions in which we discussed notice issues.

C. Nature of the Complaints – Overview of the Year

The topics that we addressed this year are listed in the topic descriptions in the quarterly summaries in Part III, below. As shown there, many of our opinions involved elementary principles of the Act in routine contexts. Others were more notable, some because of the extent of the violations that we found and others because the submissions called for us to either apply the Act in circumstances that we had not addressed in prior opinions or to further explain long-settled principles.

³ Although members of the public may seek records through the Public Information Act and then submit a complaint, they would not necessarily know to ask for records of a discussion held entirely in the dark, and, even then, the public body might have a basis for withholding the records under that law. *See, e.g.*, 14 *OMCB Opinions* 49 (2020) (city council discussed and decided the matter in closed session for eighteen months without disclosing it until the introduction of the final agreement and enabling ordinance); 13 *OMCB Opinions* 39 (2019) (county council withheld emails as privileged deliberations).

Our opinions in 14 *OMCB Opinions* 49 and 14 *OMCB Opinions* 40 (2020) were notable variously for the extent and duration of the violations that we found. In 14 *OMCB Opinions* 49, we found that the Ocean City Council had violated multiple provisions of the Act over a period of about eighteen months. During that period, the council met in closed session to hear a private entity's proposal to extend the franchise for the city pier for 25 years, did not disclose that topic in its minutes, decided to explore the proposal in a sole-source basis without disclosing that fact, created a committee in closed session and delegated to the committee the negotiation of a franchise and enabling ordinances without disclosing the committee, delegation or negotiations, and discussed and decided the terms of the franchise and ordinances in closed session, still without disclosing the topics of its deliberations and the decisions. The combined effect of the council's violations was that the public had no reason to know that the council was deliberating on a sole-source franchise and enabling ordinances until after the deal was done. In 14 *OMCB Opinions* 40 (2020), the Prince George's County Commission for Children, Youth, and Families, which that county had created by ordinance, seemingly did not recognize until the complaint was filed that the Act applied to its meetings. The commission did not conceal its activities—it invited some members of the public to its meetings and provided minutes upon request—but it had met for years without inviting the general public to its meetings or complying with various other provisions of the Act. How this had happened was unclear to us.

In 14 *OMCB Opinions* 29 (2020), we addressed electronic communications in contexts that we had not encountered before. There, we found that a school board violated the Act when, during a meeting, two of its members, not a quorum of the board's members, exchanged text messages about the public business under discussion at that time. We explained that the members were conducting public business during a meeting and that the public was entitled to observe the discussion. In the same matter, we found, with reservations and on the particular facts, that the board did not violate the Act either when one member passively received text messages from a member of the public during the meeting, or when another member exchanged messages with a member of the public. Still,

we strongly encouraged members of public bodies, while meeting, to avoid engaging in communications that involve public business and that the public cannot see. We addressed electronic communications in two additional matters, 13 *OMCB Opinions* 47 (2019), where a quorum had not discussed a matter among themselves and so did not violate the Act, and 14 *OMCB Opinions* 33 (2020), where we addressed several groups of email communications and reached conclusions that varied according to whether their contents were subject to the Act. We found a violation regarding a series of emails initiated by staff that had originally involved the status of the implementation of a decision already reached in open session but then devolved into new deliberations among the members, by emails copied to all members, over a discrete period of time.

In 14 *OMCB Opinions* 16 (2020), we gave new guidance on the use of the parliamentary rules in Robert's Rules of Order as they pertain to recesses. In 2015, we had explained that public bodies may not call recesses during a meeting to enable members to deliberate on public business behind closed doors. See 9 *OMCB Opinions* 283 (2015). In this year's matter, the complained-of public body acknowledged, both to us and publicly, that, during a recess and in the presence of a quorum, two members had exchanged remarks about public business. From the public body's videotapes and bylaws, it became apparent that the public body was following Robert's Rules of Order, which the public body had adopted as the public body's parliamentary procedures. Robert's Rules, which was not written for public bodies but is often used by them in varying degrees, expressly permits members to call a recess as an "aid to crystalliz[ing]" the members' views on a topic. However, the Act does not permit public bodies to hold recesses during a meeting for that purpose; the Court of Appeals has stated expressly and repeatedly that one purpose of the Act is to prevent the "crystallization of opinions" in secret meetings. 14 *OMCB Opinions* at 17 (quoting *New Carrollton v. Rogers*, 287 Md. 56, 72 (1980) and *WSG Holdings, LLC v. Bowie*, 429 Md. 598, 619 (2012)).

During the fiscal year, we received one complaint concerning the adequacy of a public body's arrangements to provide access to its meetings during the pandemic. *See* 14 *OMCB Opinions* 66 (2020) (issued on July 16, 2020). There, a town council's newly-adopted method of streaming worked initially but then malfunctioned. The council was aware of the problem and kept meeting. We found that the council had violated the Act by continuing to meet; indeed, the council itself had implicitly recognized the violation by discussing the agenda item again in a later open session. As of the date of this report, we have received more complaints about meetings held by telephone or streamed live, and those matters are pending.

D. Financial Support and Educational Activities

The Attorney General's Office provides the Board with the services of counsel and our Administrator, posts the Board's opinions and other Open Meetings Act materials on its website, and bears the incidental costs associated with administering the Board's work. The Board could not fulfill its statutory duties without this support, as no funds have ever been specifically appropriated for its operations, and none were for fiscal year 2020.

The Institute for Governmental Service and Research at the University of Maryland ("IGSR") hosts, maintains, and performs updates to the online class that many public bodies rely on to comply with the Act's training requirement. We thank the Institute for its service to the public in creating the online class, in conjunction with the Office of the Attorney General, and in making it continuously available to the general public, currently at no charge to the public for access, and, to date, without charging for its services.⁴

Training on the Open Meetings Act was provided to local government officials and employees through the certificate program offered by the Academy for Excellence in Local Governance at the School of Public Policy at the University of Maryland, through the

⁴ The online class is posted at https://www.igsr.umd.edu/VLC/OMA/class_oma_title.php.

Maryland Association of Counties, the Maryland Municipal League, and the Maryland Municipal Attorneys Association. This year, presentations were given by Frank Johnson, (Assistant City Attorney, City of Gaithersburg), John S. Mathias (former Frederick County Attorney, now retired), and former Board chair April Ishak (City Attorney, Havre de Grace). We thank them for the valuable perspective they brought to these events, and we express particular appreciation to Mr. Mathias for his participation in these programs for over a decade.

During the pandemic, holding public meetings safely and in compliance with the Act has posed logistical and legal challenges for public bodies. Particularly helpful in the early weeks of the emergency were the sets of informal guidance that the Municipal Attorneys Association and Office of the Attorney General each prepared and posted.

E. Publication of Opinions Issued During the Fiscal Year

The Board's opinions for the 2020 fiscal year are posted at <http://www.marylandattorneygeneral.gov/Pages/OpenGov/OpenMeetings/index.aspx>, in Volume 13, page 47 on, and Volume 14, pages 1 through 63. The table of contents for each volume lists each opinion, along with the name of the public body, the topics discussed, and notations of any provisions that we found violated. Quarterly summaries are published in the Maryland Register and appear in Part III of this report in a modified form.

II.

LEGISLATION - 2020 SESSION AND BOARD RECOMMENDATIONS FOR 2021

A. Legislation proposed and enacted in 2020

No amendments to the Open Meetings Act were enacted this year, and none had been proposed.

Board recommendations for the 2021 Legislative Session

The Board does not recommend any legislative study or action at this time.

III.

SUMMARIES OF OPINIONS ISSUED FROM JULY 1, 2019 – JUNE 30, 2020 ⁵

July 1 - September 30, 2019

13 *Official Opinions of the Compliance Board 47 (2019)*

Town of Greensboro Mayor and Council

Topics Discussed: Meeting Definition – Generally and Electronic communications, Administrative Function Exclusion

Opinion: The Board found no violation. A quorum of the Council did not convene to address matters within the Act.

Violations: None

13 *Official Opinions of the Compliance Board 51 (2019)*

Anne Arundel County Gun Violence Prevention Task Force

Topics Discussed: Public Body Definition, Meeting Definition

Opinion: The Board found no violation. A task force of a public body appointed by chief executive authority was determined not to be a public body. The Board also determined that a quorum was neither present nor convened.

Violations: None

October 1- December 31, 2019

13 *Official Opinions of the Compliance Board 54 (2019)*

Handgun Permit Review Board

Topics Discussed: Agenda requirement–Content, Closing Statement, Minutes–Compliance Checklist, and Closed Session Summary.

Opinion: The OMCB found that the Review Board did not violate the agenda requirement because it did not expect to close the meeting. Alternatively, the Review Board’s closing statement and closed session summary were both insufficient.

Violations: §§ 3-213(d)(3), 3-305(d)(2), and 3-306(c)(2)

13 *Official Opinions of the Compliance Board 58 (2019)*

Calvert County Board of Commissioners

Topics Discussed: Meeting Access, and Compliance Board–Limitations of Authority.

Opinion: The Board found no violation by the County Board of Commissioners regarding the public’s access to the meeting that the County Board held on July 23, 2019 to receive public input on a new comprehensive plan for land use in the county.

Violations: None

13 *Official Opinions of the Compliance Board 61 (2019)*

Baltimore City Public School Board Community Panel

Topics Discussed: Meeting Agenda, Meeting Minutes, and Compliance Board Guidance.

Opinion: The Board found no violation by the Baltimore City Public School Board Community Panel regarding the availability of its meeting agenda, reached no conclusion on the timeliness of the production of the minutes, advised the Panel that the public body itself is responsible for complying with the Act, and stated that hypothetical allegations would not be addressed.

Violations: None

13 *Official Opinions of the Compliance Board 65 (2019)*

Howard County Board of Appeals

Topics Discussed: Meeting Minutes, and Compliance Board–Limitations of Authority.

⁵ The opinions summarized here are posted on the Open Meetings webpage on the website of the Office of the Attorney General. Statutory references are to the General Provisions Article of the Maryland Annotated Code.

Opinion: The OMCB found no violations by the Howard County Board of Appeals and noted that a public body is not required to audio-record meetings. The Board also provided guidance as to required elements of meeting minutes and its authority to solely address Open Meeting Act issues.

Violations: None

13 Official Opinions of the Compliance Board 67 (2019)

Frederick County Sheriff

Topics Discussed: Compliance Board Guidance.

Opinion: This complaint was dismissed by the Board following its withdrawal by the complainant. The Board also issued guidance regarding the factors considered when a complaint is withdrawn.

Violations: None; complaint dismissed.

13 Official Opinions of the Compliance Board 68 (2019)

City of Rockville Planning Commission

Topics Discussed: Closed Session–Legal Advice, Minutes, and Closed Session Vote.

Opinion: The Board found multiple violations pertaining to the Commission’s closed meetings held on November 5, 2018 and August 7, 2019. The Commission held closed-session discussions that were outside of the ‘Legal Advice’ exception it cited for both meetings. The Commission was also found to have violated the timeliness requirements for producing meeting minutes as soon as practicable. Additionally, the Board offered guidance for notice requirements of open meetings whose sole purpose is a vote to close.

Violations: §§ 3-301, 3-305, 3-305(d), 3-306

13 Official Opinions of the Compliance Board 71 (2019)

Charles County Board of Education

Topics Discussed: Meeting Definition, Administrative Function Exclusion, and Quasi-Legislative Function Definition

Opinion: The OMCB found that the school board’s June 13, 2019 discussion did not fall within the scope of the Act and thus did not violate the Act. The OMCB gave guidance on the administrative and quasi -legislative function exclusions to the Act.

Violations: None

13 Official Opinions of the Compliance Board 73 (2019)

Baltimore County School Board Nominating Commission

Topics Discussed: Meeting Definition.

Opinion: The OMCB found no violations of the act by the public body. Email communications from public body's chair to members, without any interaction or discussion of public business, were determined not to be a meeting.

Violations: None

January 1 - March 31, 2020

14 Official Opinions of the Compliance Board 01 (2020)

Talbot County Department of Roads; Economic Development and Tourism; and Parks and Recreation

Topics Discussed: Public Body Definition, Compliance Board-Limitations of Authority

Opinion: The Board determined that meetings hosted by county departments and held between county employees and consultants were not meetings of a public body. The Board also explained the scope of its authority.

Violations: None; complaint Dismissed.

14 Official Opinions of the Compliance Board 03 (2020)

Howard County Board of Appeals

Topics Discussed: Meeting Minutes

Opinion: The OMCB found violations pertaining to the Board of Appeals’ failure to review and approve minutes as soon as practicable and its failure to produce minutes upon request. The OMCB advised that draft minutes are not “minutes” until adopted and are to be posted online as soon as practicable.

Violations: § 3-306

14 Official Opinions of the Compliance Board 06 (2020)

The Blueprint for Maryland's Future Funding Formula Workgroup

Topics Discussed: Public Body Definition

Opinion: The Board determined that the Blueprint for Maryland's Future Funding Formula Workgroup, which was appointed jointly by the Maryland Senate President and the Maryland House of Delegates Speaker, was not a public body.

Violations: None

14 Official Opinions of the Compliance Board 08 (2020)

Baltimore County Board of Education

Topics Discussed: Administrative Function Exclusion, Meeting Notice, Meeting Minutes, and Compliance Board-Limitations of Authority

Opinion: The OMCB found that the election of its own officers by the School Board is within the Administrative Function Exclusion. Under the circumstances, it found no violation in the delay in the starting time of the and no violation of the Act's minutes requirement in the School Board's process that summarized, during its next open meeting, the "live stream" and archive video of meeting. The Board also provided guidance as to its authority to solely address Open Meetings Act issues.

Violations: None

14 Official Opinions of the Compliance Board 12 (2020)

Easton Town Council

Topics Discussed: Method of Meeting Notice, Agenda Requirement

Opinion: The Board found no violation of the Act in the Town Council's standing notice on its website for a regularly scheduled meeting, and no violation in publishing the meeting agenda one day in advance of a properly-noticed meeting.

Violations: None

14 Official Opinions of the Compliance Board 14 (2020)

Deep Creek Watershed Administrative Council

Topics Discussed: Public Body Definition

Opinion: The Board determined that the Administrative Council established by MOU between Maryland agencies and a Maryland county was not a public body.

Violations: None

14 Official Opinions of the Compliance Board 16 (2020)

Howard County Board of Education

Topics Discussed: Open Meeting Guidance, Meeting Minutes

Opinion: The OMCB provided guidance on steps to avoid violations during recesses, noting that, contrary to *Robert's Rules of Order*, recesses are not to be used as an "aid to the crystallization of opinion." The OMCB found violations of the Act by the School Board for conducting a discussion on a pending matter during an announced recess, in the presence of a quorum. Additionally, the OMCB offered guidance that meeting minutes are to be prepared and adopted "as soon as practicable."

Violations: §§ 3-301 and 3-305

14 Official Opinions of the Compliance Board 19 (2020)

Queen Anne's County Housing Authority

Topics Discussed: Meeting Notice, Closing Statement, Meeting Minutes, Closed Session Summary, and Complaint Guidance

Opinion: The Board found that the Housing Authority violated the Act by not posting notice for an open meeting whose sole purpose was a vote to close, by not including its reason for closing in the closing statement, and by failing to identify attendees or describe the purpose of a meeting closed to conduct an administrative function. The Board found no violation regarding the timely preparation and online posting of minutes. The Board also offered guidance, noting that the complaint procedure is most effective when invoked for actual interference with the right to observe the conduct of public business.

Violations: §§ 3-104, 3-302, 3-305, 3-306

14 Official Opinions of the Compliance Board 25 (2020)

Howard County Board of Education

Topics Discussed: Meeting Access, Closed Session-Legal Advice, Closed Session-Pending or Potential Litigation, Compliance Board Practice and Limitations of Authority.

Opinion: The OMCB found no violations in the School Board’s closed session decision to add to the agenda of its next open meeting an item that had arisen in a properly closed session. The OMCB also found that the closed session to receive advice on compliance with open government laws was within the “Pending or Potential Litigation” exception, and discussion with counsel about response to Open Meetings Act matter was within the “Legal Advice” exception. The OMCB also noted that it would treat sealed minutes of closed sessions as confidential and that it had no authority to address a School Board member’s disclosure of information about the closed session.

Violations: None

14 Official Opinions of the Compliance Board 29 (2020)

Howard County Board of Education

Topics Discussed: Accessibility of Open Meetings

Opinion: The OMCB issued guidance about the public’s right to observe and have access to public meetings with respect to text messages. It noted that an open meeting must be conducted in a manner that does not exclude public. The OMCB found that the School Board violated the Act when some of its members engaged in an undisclosed exchange of electronic messages during an open meeting on the public business it was discussing, regardless of whether it was among a quorum. It found no violation pertaining to School board member’s passive receipt of unsolicited text message from non-members of the Board but cautioned against the appearance given by that conduct.

Violations: § 3-301

14 Official Opinions of the Compliance Board 33 (2020)

Howard County Board of Education

Topics Discussed: Meeting Definition, Agenda Requirement, Closed Session Summary, Compliance Board-Opinions.

Opinion: The OMCB issued guidance regarding the “meeting” definition in terms of electronic communications. It determined that the School Board’s consideration of public business, via a continuous exchange of electronic communications, over a discrete time period, violated the Act. The OMCB also found that the failure of the School Board to include any summary of its closed session in the next open meeting was a violation. The OMCB found no violation regarding the contents of the School Board’s meeting agenda and found that it had insufficient information regarding another email exchange to reach a determination.

Violations: §§ 3-301 and 3-306(c)

April 1 - June 30, 2020

14 Official Opinions of the Compliance Board 40 (2020)

Prince George’s County Commission for Children, Youth, and Families (Local Management Board)

Topics Discussed: Public Body Definition, Meeting Notice, Public’s Right to Access Open Meetings, Closed Meeting Training Requirements, Meeting Minutes

Opinion: Local Management Board established to be a public body pursuant to a State statute was found Determined. 2(A) Notice-Generally. Failure to provide public notice of meeting. (Violation) 3(A) Access - Generally. Unless an exception applies, a public body shall meet in open session. (Violation) 5(A)(1) Closed Sessions, Generally. Requirement that public bodies that hold closed sessions must first designate a member to take training on the Act’s requirements. 6(B)(3) Minutes-Practice in Violation. Failure to post minutes online as soon as practicable. (Violation) 7(G)(1) Training Requirement, Generally. The public body must designate a member, as well as a staff member, to take training based on the Act’s requirements.

Violations: §§ 3-301, 3-302 and 3-306(e)

14 Official Opinions of the Compliance Board 42 (2020)

Howard County Board of Education

Topics Discussed: Notice Requirement, Agenda

Opinion: Requirement 2(A) Notice Requirement - Generally. Notice required when only open portion of meeting will be vote to close. (Guidance). 2(A) Notice Requirement - Generally. Instructions for finding all meeting notices helpful when a list of some meetings appears in another place on website (Guidance) 2(F)(1) Agenda Requirement - Generally. Public Body May Alter Agenda (No Violation)

Violations: None

14 Official Opinions of the Compliance Board 46 (2020)

Baltimore County Delegation of the House of Delegates

Topics Discussed: Notice Requirement, Agenda Requirement

Opinion: 2(A) Notice Requirement-Generally. Website notice, use of calendar function. (No Violation) 2(F)(1) Agenda Requirement - Generally. Public Body May Alter Agenda. (No Violation) 2(F)(3) Posted agenda to include all known topics to be discussed. (No Violation)

Violations: None

14 Official Opinions of the Compliance Board 49 (2020)

Mayor and Council of Ocean City

Topics Discussed: Public Body Definition, Legal Advice Exception, Procurement Exception, Closed Meeting Practices in Violation, Closed meeting summary

Opinion: 1(A)(1) Public Body-Generally. Status of entities performing functions belonging to the public body, status depends on facts. 4(G)(3) Closed Meeting Discussion-Legal Advice-Outside Exception. Meeting with private entity's representatives to hear its request to amend franchise. (Violation) 4(G)(3) Closed Meeting Discussion-Legal Advice-Outside Exception. Discussions about amending franchise and ordinances that did not constitute the mere receipt of legal advice. (Violation) 4(N)(2) Closed Meeting Discussion-Procurement-Outside Exception. Discussions about amending franchise agreement, absent a competitive process and without any determination that public discussion would impair the public body's participation in the competitive process. (Violation) 5(A)(2) Closed Meeting-Practice in Violation. Failure to comply with Section 3-305(d). (Violation) 5(C)(3) Closing Statement-Practice in Violation. Failure to include information required by Act. (Violation) 6(D)(1) Closed Meeting Summary-Generally. Summary of closed meeting to be provided in minutes of next open meeting. (Guidance) 6(D)(3) Closed Meeting Summary-Practice in Violation. Failure to provide information required by the Act. (Violation)

Violations: §§ 3-301, 3-305, 3-306

14 Official Opinions of the Compliance Board 60 (2020)

Home Inspector Complaint Committee of the Maryland Commission of Real Estate Appraisers, Appraisal Management Companies and Home Inspectors

Topics Discussed: Public Body Definition, Administrative Function Exclusion. Limits of Boards Authority

Opinion: 1(A)(3) Public Body-Determined not to be a Public Body. Complaint committee, not created by statute, resolution, or bylaw (No Violation) 1(C)(1) Administrative Function Exclusion-Generally. Meeting solely to investigate complaints within legal purview. (Guidance) 7(C) Limits of Board's Authority. Open Meetings Act issues only.

Violations: None