

OPEN MEETINGS COMPLIANCE BOARD
Minutes of September 13, 2012 Meeting

Attendance / Opening Remarks

The Open Meetings Compliance Board met on Wednesday, September 13, 2012, at 10:30 A.M. at the Office of the Attorney General, 200 St. Paul Place, Baltimore, Maryland. In attendance were: Compliance Board Chair Elizabeth Nilson, Members Courtney McKeldin and Julio Morales, and the Board's Counsel, Ann MacNeille, and Administrator, Deborah P. Spence.

Members of the public in attendance were James Peck, Research Director, Maryland Municipal League, David Dunmyer, Queen Anne's County Commissioner; John Norris, County Attorney, Calvert County; Janis Sartucci; and Jim Snider.

Ms. Nilson called the meeting to order, welcomed those in attendance, and invited those present to introduce themselves. She also introduced and thanked Ms. Spence, the Board's new Administrator, and Ann MacNeille, both of the Attorney General's Office.

Activities of the Board

The Board reviewed its activities for Fiscal Year 2012, as set forth in the draft annual report. Staff summarized the changes that have been made to the Open Meetings material on the Attorney General's website. The complaint procedure posted online has been revised to convey to complainants that the submission of repetitive argument in reply to a public body's response slows the process because the public body is given the opportunity to respond. A new model closing statement has also been posted. Staff hope to secure an intern's assistance in updating the opinions index. Staff further noted that summaries of Board opinions, rather than the full text, are now sent to the Maryland Register. The opinions are posted in full on the website, and hard copies are retained. Ms. Nilson remarked that the number of opinions issued by the Board has almost doubled since she joined the Board in 2007.

Staff addressed the online training posted on the website of the Institute for Government Services (“IGSR”). 139 people have completed the class since it was released in May, 2012, and far more have begun it. Before release, the class was tested by a focus group that was drawn from various constituencies and included Commissioner Dunmyer. As described in the draft Annual Report, open meetings training occurred at conferences and meetings during the year.

Discussion of Suggested Legislation and Comments from the Public

The Board discussed whether online training should be required of government officials and members of public bodies. The Board strongly recommended that public bodies adopt their own requirements; the Board itself would not be able to monitor compliance.

The Board and other attendees discussed the method and timing of public notice. Mr. Morales stated that there should be a centralized website for the posting of meeting notices, and it was agreed that such a service would be useful if an entity could be identified and funded to provide it. Commissioner Dunmyer explained his county’s use of e-mail notification to members of the public who sign up to receive notices and agendas. There was a discussion about the extent to which internet service is broadly available and utilized throughout Maryland. The Board noted that a number of public bodies are not equipped with staff to maintain online subscriber lists and that many

boards are unfunded. The Administrator noted that people may ask to be included on the Board's own subscriber list by sending a message to opengov@oag.state.md.us.

The group discussed whether the Act should state a deadline by which public bodies must give notice of meetings that are not called on an emergency basis and whether notices posted online should specify the date of posting. The Board discussed generally how a deadline for posting notices of non-emergency meetings might be set and agreed to recommend that notices should specify the date of posting.

The group addressed the increasing use of e-mail, texting, and the circulation of documents as alternatives to deliberation in a public meeting. Comments were made on public officials' receipt of text messages during a meeting, the appearance given to the public by that practice, and public officials' use of their personal devices and computer, for public business, in the belief that e-mail stored on that equipment is not subject to the Public Information Act. It was noted that public bodies that do not meet often may need to adopt minutes by circulating drafts by e-mail or mail.

The group discussed the timeliness of public bodies' adoption and issuance of minutes. A member of the public commented that public bodies sometimes delay in adopting minutes in order to put off the public's access to them. Another member of the public commented that all public bodies should post their meeting documents online and in a searchable format. It was noted that the issues discussed are complicated by the fact

that the public bodies to which the Act applies are disparate in terms of size, funding, staffing, and level of internet access in the constituent community.

The group discussed a proposed requirement that public bodies acknowledge Open Meetings Compliance Board opinions in open meetings. The Board agreed that such a measure would further the Board's educational function, as it appears that public bodies do not always disseminate Board opinions to their members and discuss them publicly.

The meeting was adjourned at 12:15 p.m.