

**OPEN MEETINGS COMPLIANCE BOARD**  
**Minutes of October 26, 2011 Meeting**

***Attendance / Opening Remarks***

The Open Meetings Compliance Board met on Wednesday, October 26, 2011, at 10:30 A.M. at the Office of the Attorney General, 200 St. Paul Place, Baltimore, Maryland. In attendance were: Compliance Board members Elizabeth Nilson, Courtney McKeldin, and Julio Morales and the Board's staff, Ann MacNeille and Kathleen Izdebski.

Members of the public in attendance were Jack Murphy, Executive Director of the Maryland-Delaware-D.C. Press Association, Tom Marquardt, Capital-Gazette, David Dunmyer, Queen Anne's County Commissioner, Judith Ricketts, Board of Education, Frederick County, Charlett Bundy, Washington Suburban Sanitary Commission, Janis Sartucci and Jim Snider.

Ms. Nilson called the meeting to order, welcomed those in attendance, and invited those present to introduce themselves.

***Activities of the Board***

The Compliance Board next turned to activities of the Board for Fiscal Year 2011, as reported in Part I of the draft annual report. Staff briefed the Compliance Board on the heavy volume of complaints received last year, many involving numerous allegations of violations. After a busy second half of the year, the Board ended the year without a significant backlog.

Staff reported on presentations made to the Cecil County Commissioners, at their request. The Attorney General's Office and the Institute for Governmental Services and Research at the University of Maryland are jointly developing an on-line in-depth training course on the Open Meetings Act, geared to provide employees and general public. Staff are very appreciative of the expertise the Academy is bringing to this project. The possibilities of convening a focus group to test the course were discussed.

***Proposed Legislation***

Discussion turned to legislation introduced during this year's legislative session on behalf of the Compliance Board, House Bill 48 (2011). The bill proposed a statute of limitations on complaints. It did not pass.

House Bill 47 proposed mandatory on-line training for all state and local governments, boards and commissions to be monitored by Open Meetings Compliance Board staff. The

monitoring would have been difficult to provide because of the numbers of public bodies throughout the State and their changing membership and because of the limited resources available to the Board.

Mr. Marquardt gave a brief history of the initial training provided by Jack Schwartz in 1992 at the inception of the Compliance Board. Further discussion ensued about doing State-wide training every few years.

House Bill 766, which passed, introduced a change in the Open Meetings Law providing that a public body need not prepare written minutes of an open meeting when the public body keeps live streaming and archived audio or video of the meeting. There was further discussion on the pros and cons of audio streaming.

This same bill also created Joint Legislative Committee on Transparency and Local Government, which is to provide legislative oversight regarding transparency in open government and recommend initiatives that will increase citizen access to government, resources, publications, etc. The Board hopes to work with the Committee.

### ***Miscellaneous***

Several recommendations and concerns from members of the public and public bodies, that were listed in this year's Annual Report were discussed. Among those discussed:

- The definition of "informal committees" should be clarified. Members of the public commented that public bodies too often do their work through informally created "task forces."
- Discussion ensued on the problems of video streaming, including speech recognition, the inability to identify speakers, and archiving issues.
- Complaints received by the Board suggest that the public is becoming increasingly concerned about the use of phone calls and e-mails to circumvent quorums in open session and the use of laptops and blackberries during meetings.
- The Compliance Board will exercise its authority to set its own procedures and have some internal control. Discussion ensued on examples requiring scanned signature on complaints via e-mail, not addressing issues already resolved in previous complaints, not adding new allegations to a complaint already filed.

- A member of the public suggested that the Board should accept anonymous complaints. That change would have to be statutory. Discussion ensued on the possibility that such a change might leave the complaint process open to abuse for political purposes.
- The application of the Act to public bodies' votes in private session was discussed.
- The group discussed changing the statute to require that a public body present to the public any finding of a violation of the Open Meetings Act, preferably at the next scheduled meeting.

Meeting adjourned at 12:00 p.m.