

Office of Law Guidance for Compensation Review Commission, September 9, 2021

Open Meetings Act

Maryland Code, General Provisions Article, Title 3 (§§3-101-3-501)

Howard County Code §6.305

- **Applicability:** The Act applies when a quorum of a public body meets.
 - A quorum is a majority of members.
 - A public body is at least 2 individuals and is created through several ways enumerated in the law, such as the County Charter, law, resolution, or executive order. This Commission is a public body as it was created pursuant to Sections 202(d) and 302(e) of the County Charter and Subtitle 1 of Title 5 of the County Code, and members were appointed via Council Resolution 118-2021 and is subject to the OMA.
 - A meeting occurs when a quorum of a public body meets to consider or transact public business. A meeting can be virtually, in person, over the phone, through group chats/text messages, or via e-mail if messages are exchanged with a quorum of members if they occur close in time.
 - Does not apply to a chance encounter, a social gathering, or any other occasion that is not intended to circumvent the law. A social gathering can turn into a meeting if a quorum is present and public business is discussed.
 - When meeting, the general public is entitled to attend.
- **Notice:** Reasonable advance notice is required and must include time/date/place of meeting and whether any part of the meeting is expected to be closed. Copies of notices provided must be kept for at least 1 year.
- **Agenda:**
 - State law requires an agenda to be provided either when notice is posted, if the items of business are known then, or as soon as practicable, but no later than 24 hours before the meeting. Howard County law requires an agenda be provided at least 3 days before the meeting.
 - A public body can change the agenda of a meeting after it was made public.
- **Minutes:** State law require minutes to be prepared “as soon as practicable” after the meeting and to include each item the public body considered, the action on each item taken, and each vote. Howard County law requires minutes to be provided in at least 1 electronic medium.
- **Closed sessions:** A public body may meet in closed session only for specific, enumerated reasons in the law. These reasons are strictly construed in favor of open meetings.
 - Most relevant to the Commission would be to consult with counsel to obtain legal advice.
 - The public body must vote in open session to go into closed session.
 - There must be a written statement of the reason for closing the meeting, including legal citation and a list of the topics to be discussed. This statement must be kept for 1 year.
- **Trainings:** At least one individual who is an employee, an officer, or a member of the public body must receive training on the requirements of the open meetings law.
 - A public body may not meet in a closed session unless the public body has designated at least one member of the public body to receive the training
 - At least one trained individual must be present at each open meeting of the public body or the public body must complete a Compliance Checklist.
- **Helpful links:**

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- Attorney General OMA website: <https://www.marylandattorneygeneral.gov/Pages/OpenGov/OpenMeetings/default.aspx>
- OMA training: https://www.igsr.umd.edu/VLC/OMA/class_oma_title.php