

## ST. MARY'S COUNTY OPEN MEETINGS ACT

### §9–501 through §9–516 of the *Local Government Article of the Annotated Code of Maryland*

#### §9–501. Definitions.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Official action” means a phase of the process in which a public agency in St. Mary’s County makes a decision or recommendation, including receipt of information and deliberation.
- (c) (1) “Public agency” means:
- (i) a governmental unit of St. Mary’s County, including an advisory or quasi-judicial agency, that is:
    - 1. supported in any part by public money; or
    - 2. authorized to spend public money; and
  - (ii) the St. Mary’s County Board of Education.
- (III) the St. Mary’s County Board of Library Trustees; (\*\*effective 10/1/20)**  
**(IV) the St. Mary’s County Metropolitan Commission; (\*\*effective Oct. 1, 2020)**  
**(V) the St. Mary’s county Housing Authority. (\*\*effective Oct. 1, 2020)**
- (2) “Public agency” includes a subcommittee or other subordinate unit of a governmental unit listed in paragraph (1) of this subsection.
- (3) “Public agency” does not include:
- (i) a grand jury;
  - (ii) a petit jury;
  - (iii) a law enforcement agency; or
  - (iv) the judicial branch.
- (d) “Public agency meeting” means the convening of a quorum of the constituent membership of a public agency to deliberate or act on a matter under the supervision, control, jurisdiction, or advisory power of the public agency.
- (e) “Quorum”, unless otherwise defined by applicable law, means a simple majority of the constituent membership of a public agency.
- (f) “Staff meeting” means a meeting of three or more staff members of one or more public agencies.

#### §9–502. Public Policy.

It is the policy of St. Mary’s County that:

- (1) public officials shall engage in official action in an open and public manner so that voters are advised of the performance of public officials and of decisions made in forming public policy;
- (2) public agencies exist to aid in conducting the people’s business;
- (3) the people of the county, in delegating authority, do not yield their sovereignty or give public agencies the right to decide what is good for the people to know and what is not good for them to know; and
- (4) the right of the people to remain informed is protected so that they may retain control over the instruments they create.

#### §9–503. Conflict with another statute, ordinance, regulation, or rule.

This subtitle prevails if it conflicts with another statute, ordinance, regulation, or rule, unless the other statute, ordinance, regulation, or rule is more stringent.

#### §9–504. Open Meetings of public agency.

- (a) Except as provided in § 9–512 of this subtitle, a public agency meeting at which official action is taken shall be open to the public.

(b) A final decision whether to purchase or dispose of real property shall be at a public agency meeting open to the public.

**§9-505. Notice.**

- (a) This section does not apply to a staff meeting.
- (b) A public agency shall provide written public notice of the schedule of its regular public agency meetings, including their dates, times, and places:
  - (1) at the beginning of each calendar or fiscal year; or
  - (2) at the time the public agency begins to function.
- (c) (1) Except as provided in § 9-506 or § 9-507 of this subtitle, a public agency shall provide supplemental written public notice of any special or rescheduled public agency meeting at least 48 hours before the meeting.
  - (2) The notice shall include the agenda, date, time, and place of the public agency meeting.
- (d) A public agency shall provide written public notice by:
  - (1) posting a copy of the notice prominently at the principal office of the public agency or at the building in which the public agency meeting is to be held; and
  - (2) sending a copy of the notice to any person who requests to be notified of the public agency meetings.
- (e) A public agency shall give notice of intent to purchase or dispose of real property at least 15 days before a voting session on the action.

**§9-506. Reconvened public agency meetings.**

A public agency meeting may be adjourned and reconvened at another time without additional public notice if:

- (1) notice of the time and place of the reconvened meeting is provided before adjournment;
- (2) the agenda for the reconvened meeting is published in advance; and
- (3) the agenda for the original meeting is available to observers at the beginning of the original meeting.

**§9-507. Emergency public agency meetings.**

- (a) This section does not apply to a staff meeting.
- (b) A public agency may schedule an emergency public agency meeting to discuss unforeseen emergency conditions.
- (c) A public agency shall make a reasonable effort to provide notice of the date, time, and place of an emergency public agency meeting by telephone to the news media immediately after participants have been notified.

**§9-508. Meeting minutes.**

- (a) This section does not apply to:
  - (1) a staff meeting; or
  - (2) a working session if a final decision is not made.
- (b) A public agency shall take and, in a timely manner, record minutes of each public agency meeting open to the public.
- (c) Minutes of a public agency meeting are a public record open for inspection and copying by any person.

**§9-509. Broadcasting and recording of meeting.**

- (a) A public agency that conducts a meeting that is open to the public shall allow recorded or live radio and television broadcasting and the use of recording devices.

(b) A public agency may adopt rules and regulations regarding the recording and broadcasting of public agency meetings.

**(c) Public agencies are encouraged to use new technology when available to aid in public accessibility and transparency. (\*\*effective 10/1/20)**

**§9–510. Staff meetings.**

Except as provided in § 9–512 of this subtitle, a staff meeting shall be open to the public.

**§9–511. Meeting location.**

A public agency meeting that is required to be open to the public under this subtitle shall be conducted in a location with reasonable facilities for public observation.

**§9–512. Closed Sessions.**

(a) A public agency meeting or a staff meeting may be conducted in a closed session only:

- (1) to consider or discuss the assignment, promotion, resignation, salary, demotion, dismissal, reprimand, or appointment of a member of a public agency or employee, unless the individual, as a matter of public record, makes a written request for an open session;
- (2) to discuss strategy in collective bargaining or litigation;
- (3) to engage in collective bargaining;
- (4) to discuss the distribution of police forces to cope with public safety emergencies;
- (5) to discuss cost estimates for capital projects to be subsequently placed through the bidding process;
- (6) to hold preliminary discussions concerning the purchase or disposition of real property;
- (7) when State law or federal regulation prohibits a meeting open to the public;
- (8) to meet a condition for anonymity of a donor contained in a gift or bequest to the public agency;
- (9) when secrecy is necessary to prevent the premature disclosure of the format or content of examinations or the disclosure of results of examinations as related to individual students; or
- (10) if the meeting is conducted by the County Board of Education or its staff to:
  - (i) consider the discipline of a student, unless the parent, guardian, or student requests an open session of the County Board of Education; or
  - (ii) discuss specific students, families, or personnel and the disclosure of the discussions could prove detrimental or harmful to those individuals.

**(11) to consider the investment of public funds; (\*\*effective 10/1/20)**

**(12) to consult with counsel to obtain legal advice; or (\*\*effective 10/1/20)**

**(13) to discuss cybersecurity, if the public body determines that public discussion would constitute a risk to: (\*\*effective 10/1/20)**

**(I) security assessments or deployments relating to information resources technology;**

**(II) network security information, including information that is:**

- 1. Related to passwords, personal identification numbers, access codes, encryption, or other components of the security system of a governmental entity;**
- 2. Collected, assembled, or maintained by or for a governmental entity to prevent, detect, or investigate criminal activity; or**
- 3. Related to an assessment, made by or for a governmental entity or maintained by a governmental entity, of the vulnerability of a network to criminal activity; or**

**(III) deployments or implementation of security personnel, critical infrastructure, or security devices.**

- (b) (1) A closed session shall be announced in advance at a meeting that is open to the public.
- (2) An announcement of a closed session shall include the nature of the business of the closed session.
- (3) The closed session shall be limited to the matters described in subsection (a) of this section.
- (c) The minutes of the next open session shall include the justification for holding the closed session, the names of those in attendance, and the times the meeting begins and ends.
- (d) An ordinance, resolution, rule, regulation, or decision may not be finally adopted at a closed session.

**§9-513. Rules and Regulations.**

A public agency may adopt rules and regulations to maintain order at its public agency meetings.

**§9-514. Judicial Review.**

- (a) (1) A person denied a right conferred by this subtitle may file a complaint for mandamus, injunction, or other appropriate remedy in circuit court.
- (2) A plaintiff need not allege or prove an irreparable injury or an injury different from the public at large.
- (b) A complaint under this section shall be filed within 1 year after the date of the alleged violation.
- (c) The court shall conduct a hearing within 7 days after a complaint is filed.
- (d) A violation of this subtitle is deemed an injury to the public at large.
- (e) (1) The court shall issue an order that:
  - (i) grants or denies all or part of the relief sought;
  - (ii) awards appropriate attorney's fees or costs; and
  - (iii) determines the effect of the action alleged to be in violation of this subtitle.
- (2) The court may void an action taken at a public agency meeting in violation of this subtitle.

**§9-515. Penalty.**

- (a) (1) A person who knowingly violates this subtitle more than twice is guilty of a misdemeanor.
- (2) A person who willfully violates this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.
- (b) If a civil order finding the defendant in violation of this subtitle is not entered at least once before the occurrence of an alleged misdemeanor, a violation of this subtitle is presumed not to be willful.

**§9-516. Short Title.**

This subtitle may be cited as the St. Mary's County Open Meetings Act.