



# MONTGOMERY COUNTY, MARYLAND

100 MARYLAND AVENUE, ROCKVILLE, MARYLAND 20850 • 301 279-1932

## M E M O R A N D U M

May 5, 1981

TO: County Council

FROM: Andrew Mansinne, Jr., Director, Office of Legislative Oversight

SUBJECT: Compliance with Article 76A, Annotated Code of Maryland--the "Sunshine Law"

PURPOSE. The purpose of this memorandum is to respond to Council's recent request for the Office of Legislative Oversight to determine whether Executive/Council boards, committees and commissions are complying with the Maryland "Sunshine Law" relating to meetings of public bodies.

BACKGROUND AND DISCUSSION. Sections 7-15, inclusive, of Article 76A, Public Information, Annotated Code of Maryland, 1957 as amended, provides specific requirements for meetings of public bodies. (See TAB A.) When sections 7-15 became effective in July 1977, the County Executive and Council immediately published guidelines for compliance by boards, committees and commissions. (See TAB B for examples.) In October 1977, the Chief Administrative Officer published Administrative Procedure 6-9, entitled, Meetings of Boards, Committees and Commissions (see TAB C). The highlights of the AP are as follows:

--Boards, committees and commissions appointed by the Executive and/or the Council by ordinance, rule, resolution or executive order were considered to fall under the provisions of Sunshine Law when the public bodies were acting in a legislative, quasi-legislative or advisory capacity.

--The Chairperson of boards, committees and commissions must set open meeting times and places sufficiently in advance to notify members and enable staff (Executive and/or Council) to publish that information in appropriate County calendars, Council Report, bulletin board or press.

--Minutes of each meeting must be recorded in sufficient detail to record items considered and decided upon to include a record of any votes taken.

--Minutes of each meeting would be transmitted to the appropriate staff (the Executive's Office of Community and Government Relations or the Council Office) and/or directly to the Department of Libraries for filing in appropriate permanent files in the Municipal collection in the Rockville Library. A specific minutes format was directed.

--Specific instructions were provided the Department of Public Libraries as to filing, screening and reporting on the minutes.

### DISCUSSION

#### 1. Notifying Public Bodies of Sunshine Law Provisions

a) The Council has a formal procedure for informing new boards, committees and commissions of the Sunshine Law requirements. Also, new appointees to a Council public body receive a packet which includes an overall statement concerning the requirements of the Maryland Sunshine Law and a copy of the original bill on the subject. However, a copy of AP 6-9 is not provided the appointee.

b) The Executive staff does not have a routine procedure for notifying newly appointed boards, committees and commissions or new appointees to existing boards, committees and commissions of the above requirements for public bodies. To the extent the provisions of the law is followed is apparently due to the institutional memory of the public bodies and to the advise of Executive branch staff who support these bodies.

#### 2. Notifying the Public of Open Meetings.

a) The Council maintains a bulletin board outside the 3rd floor Council Hearing Room in the County Office Building upon which notices of public meetings by Council boards, committees and commissions are posted; and will announce meetings of Executive appointed public bodies if requested. In addition, the Council publishes announcements of public meetings in the weekly Council Report which is mailed to over 1200 organizations/individuals.

b) The Executive branch has a "Public Meetings" board maintained by the Information Office on the second floor of the County Office Building on which are posted only those meetings to be held in the County Office Building (Blue Room, Auditorium, etc.). In addition, the Information Office furnishes the press a weekly agenda of these same meetings which are held in the County Office Building. The Executive branch does not publish anything similar to the Council Report.

c) AP 6-9 charges the former Office of Community and Government Relations (now just a Community and Government Relations Specialist) with the responsibility of publishing notices of public meetings in the Montgomery County Register. Unfortunately, there is no such publication. One edition of the Montgomery County Register was published in November 1977, but was not continued. At TAB D is a copy of the table of contents, the introduction page and the statement of intent of that November 1977, edition of the Register.

3. Minutes of Public Meetings. A review of the minutes on file in the Rockville Library's Maryland-Municipal Reference Service indicates that most boards, committees and commissions send copies of minutes to the library. In a sampling in mid-April 1981, the following was revealed:

a) Of the 52 boards, committees and commissions listed in a recently published directory, 45 or 87% had some minutes on file in the library; however, 19 of the 45 did not have any minutes on file for CY 1981. A spot check of those boards and committees who do not have minutes on file in the library revealed that most do keep minutes but just do not send them to the library. In this category are several committees appointed by Executive Order.

b) Also on file are minutes for approximately 30 additional committees and groups, many of which are no longer active.

#### CONCLUSIONS

1. There is an overall awareness on the part of the Executive and Council staff of the requirements of the Maryland "Sunshine Law" concerning public notice of meetings of public bodies.

2. Unlike the Council, the Executive branch does not have a procedure for notifying new boards, committees and commissions or newly appointed members to existing public bodies of the requirements of the "Sunshine Law" relating to posting of meetings and taking and distributing minutes.

3. The Executive Staff does not have a central location and/or publication to which interested citizens can refer for information on public meetings.

4. There appears to be no formal written procedures for verifying that public notice is made of meetings, that minutes are taken and distribution of the minutes are made up to the Rockville Library's Maryland-Municipal Reference Service.

5. Currently, compliance with the requirements for public notice and minutes is mainly the result of the individual initiative of the staff persons assigned by the Executive or Council to support the public body.

6. Administrative Procedure 6-9, Meetings of Boards, Committees and Commissions is not current and many of its provisions are not being followed. In this latter category would be the requirements on the Department of Libraries to send to each appropriate Department Head a quarterly report on the acquisition of minutes for each public body within the department's subject purview.

County Council  
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7. Administrative Procedure 6-9, Meetings of Boards, Committees and Commissions does not address responsibilities of subcommittees of public bodies for notification of meetings and recording and filing of minutes.

RECOMMENDATIONS

1. A revised administrative procedure should be developed which clearly delineates the duties and responsibilities of the Executive and Council staffs and members of public bodies in regard to the Maryland "Sunshine Law." As a minimum, the revised administrative procedure should include:

--A requirement that the Executive staff develop a central location and/or publication to which interested citizens can refer for notice of public meetings regardless of the location of the meeting.

--A procedure for recording and filing minutes of public meetings to include a means of verifying that the procedure is being followed.

--Specific responsibilities of subcommittees for public notification of meetings and recording and filing of minutes.

--A review of the feasibility of all requirements on the Department of Public Libraries contained in the current administrative procedure other than to receive and file minutes of boards, committees and commissions.

2. All current boards, committees and commissions should review the minutes on file in the Rockville Library's Maryland-Municipal Reference Service and submit copies of those minutes which are current but not on file.

AM:cls

Attachments

cc: Chief Administrative Officer  
County Attorney  
Director, Office of Management and Budget  
Director, Department of Public Libraries  
Director, Information Office  
Mr. McDonnell, Council Staff Director  
Mrs. Harrigan, Legislative Information Coordinator  
Mr. McArthur, Community and Government Relations Specialist

ARTICLE 76A.

PUBLIC INFORMATION.

Sec.

- 1. Definitions.
- 1A. Only relevant and necessary information to be maintained; public access.
- 2. Inspection of public records generally; rules and regulations; procedure when records not immediately available; special provisions as to Charles County.
- 3. Custodian to allow inspection of public records; exceptions; denial of right of inspection of certain records; court order restricting disclosure of records ordinarily open to inspection.
- 4. Copies, printouts and photographs of public records.
- 5. Administrative review; judicial enforcement; civil liability; personnel disciplinary action; criminal liability.

Meetings of Public Bodies

- 7. Public policy.
- 8. Definitions.
- 9. Applicability of subtitle.
- 10. Meetings to be open; attendance by public.
- 11. Closed meetings.
- 12. Notice of meetings.

Sec.

- 13. Minutes.
- 14. Enforcement of subtitle.
- 15. Conflict of laws.

Open Meetings in St. Mary's County

- 16. Public policy.
- 17. Definitions.
- 18. Meetings to be open.
- 19. Notice of meetings.
- 20. Reconvened meetings.
- 21. Meeting areas.
- 22. Minutes.
- 23. Recording and broadcasting.
- 24. Agencies excepted from subtitle.
- 25. Executive sessions.
- 26. Repeated violations.
- 27. Enforcement.
- 28. Validity of action not in conformity with subtitle.
- 29. Conflict of laws.
- 30. Maintenance of order.
- 31. Short title.

§ 1. Definitions.

(a) In this article the following words have the meanings indicated.

(b) "Public records" when not otherwise specified shall include any paper, correspondence, form, book, photograph, photostat, film, microfilm, sound recording, map, drawing, or other written document, regardless of physical form or characteristics, and including all copies thereof, that have been made by any branch of the State government, including the legislative, judicial, and executive branches, by any branch of a political subdivision, and by any agency or instrumentality of the State or a political subdivision, or received by them in connection with the transaction of public business. The term "public records" also includes the salaries of all employees of the State, of a political subdivision, and any agency or instrumentality thereof, both in the classified and nonclassified service.

(c) "Applicant" means and includes any person requesting disclosure of public records.

(d) "Written documents" means and includes all books, papers, maps, photographs, cards, tapes, recordings, computerized records, or other documentary materials, regardless of physical form or characteristics.

## MEETINGS OF PUBLIC BODIES

### § 7. Public policy.

It is essential to the maintenance of a democratic society that except in special and appropriate circumstances public business be performed in an open and public manner and that the citizens be advised of and aware of the performance of public officials and the deliberations and decisions that go into the making of public policy. (1977, ch. 863, § 2.)

Editor's note. — Chapter 863, Acts 1977, enacted present §§ 7 to 15 and renumbered former §§ 7 to 22 to be present §§ 16 to 31. Section 3 of ch. 863 provides that the act shall take effect July 1, 1977.

Maryland Law Review. — For article, "Of Men and Laws: Murphy, Cornford, Arnold, Potter, Parkinson, Peter, Maccoby, and Gall," see 38 Md. L. Rev. 37 (1978).

## § 8. Definitions.

(a) As used in this subtitle, the following terms have the meanings indicated.

(b) "*Advisory function*" means the study, evaluation, or the making of recommendations on matters of public concern pursuant to an official delegation of responsibility in the form of a constitutional or charter provision, law, statute, resolution, ordinance, order, rule, regulation, or other formal action by or on behalf of a public body which exercises legislative, quasi-legislative, executive, judicial or quasi-judicial functions, or by the Governor or the chief executive of a political subdivision of the State.

(c) "*Executive function*" means the administration or application by a public body of the laws of the State or a political subdivision of the State, or of the rules, regulations, or bylaws of a public body. However, it does not include an action included within the definition of advisory, legislative, quasi-legislative, judicial, or quasi-judicial function.

(d) "*Judicial function*" means the power, including but not limited to Article IV, § 1 of the State Constitution, exercised by the judicial branch of the government. The term includes the functions exercised by grand and petit juries, the Commission on Judicial Disabilities, and the judicial nominating commissions, but does not include the function exercised by courts in making rules which is deemed a quasi-legislative function.

(e) "*Legislative function*" means the approval, disapproval, enactment, amendment or repeal or the process of approving, disapproving, enacting, amending or repealing by any public body of any law, statute, resolution, ordinance, or other measure to set public policy; the approval or disapproval or the process of approving or disapproving by any public body of any appointment; the proposing or the process of proposing by a public body of any Constitution, constitutional amendment, charter, or charter amendment; or the ratification or process of ratifying by any public body of any constitution or constitutional amendment.

(f) "*Meeting*" means the convening of a quorum of the constituent membership of a public body for the purpose of considering or transacting public business. It does not include chance encounters, social gatherings, or other occasions which are not designed or intended for the purpose of circumventing the provisions of this subtitle.

(g) "*Public body*" means an entity consisting of two or more persons that is created by the State Constitution, by State statute, local charter or ordinance, or rule, resolution or bylaw, or by executive order of the Governor or the chief executive authority of a political subdivision of the State.

(h) "*Quasi-judicial function*" means the determination of a contested case to which the provisions of the Administrative Procedure Act or Chapter 1100, Subtitle B, of the Maryland Rules are applicable.

(i) "*Quasi-legislative function*" means

(1) The adoption, amendment, disapproval or repeal of a rule, regulation, or bylaw having the force of law by a public body, or the process of doing so;

(2) The approval, disapproval, or amendment of a contract or a budget by a public body, or the process of doing so.

(j) "*Quorum*" means a simple majority of the members of a public body, unless a different number is required by law, rule, or regulation. (1977, ch. 863, § 2.)

**Cross reference.** — See Editor's note to § 7 of this article.

### § 9. Applicability of subtitle.

This subtitle shall apply to a public body when it is exercising legislative, quasi-legislative or advisory functions. This subtitle shall not apply to a public body when exercising executive, judicial or quasi-judicial functions; the Governor's executive council or its counterpart in local government, or any committee of the council or its counterpart. (1977, ch. 863, § 2; 1979, ch. 507.)

**Cross reference.** — See Editor's note to § 7 of this article. "or the Board of Public Works, except when meeting at an official and formal meeting" at the end of the section.

**Effect of amendment.** — The 1979 amendment, effective July 1, 1979, eliminated

### § 10. Meetings to be open; attendance by public.

(a) Subject to the provisions of § 9, the meetings of every public body shall be open to the public unless closed in accordance with § 11.

(b) Members of the general public have the right to attend the open meetings of public bodies. A public body may remove or cause the removal of any person or persons from an open meeting upon a determination by the presiding officer of the public body that the person's behavior is disruptive to the meeting. The public body, its members, and its agents shall not be liable as the result of a removal for this reason unless they act maliciously. (1977, ch. 863, § 2.)

**Cross reference.** — See Editor's note to § 7 of this article.

### § 11. Closed meetings.

(a) A public body required to have an open meeting by § 10 may have a closed meeting, or may adjourn an open meeting into closed session for any of the following purposes, but not otherwise:

(1) Discussion of the employment, assignment, appointment, promotion, demotion, compensation, discipline, removal, or resignation of employees, appointees, or officials over whom it has jurisdiction, or any other personnel matter affecting one or more particular individuals;

(2) Protection of the privacy or reputation of individuals in matters not related to public business;

(3) Considering the acquisition of real property for a public purpose and matters directly related thereto;

(4) Considering preliminary matters concerning a proposal of or for a business or industrial organization to locate in the State or any part of the State;

**Art. 76A, § 12 ANNOTATED CODE OF MARYLAND**

(5) Considering the investment of public funds or the marketing of public securities;

(6) Consultation with legal counsel;

(7) Consultation with staff personnel, consultants, attorneys, or other persons in connection with pending or potential litigation;

(8) Conducting collective bargaining negotiations or considering matters and issues in connection therewith;

(9) Discussion concerning public security, including the deployment of fire and police services and personnel and the development and implementation of emergency plans;

(10) Preparation, administration, or grading of scholastic, licensing, or qualifying examinations;

(11) Investigative proceedings concerning possible or actual criminal misconduct;

(12) Complying with a specific constitutional, statutory, or judicially imposed requirement protecting particular proceedings or matters from public disclosure; or

(13) On an individually recorded affirmative vote of two thirds of the members present, for some other exceptional reason so compelling as to override the general public policy in favor of open meetings.

(b) If a meeting is held in closed session pursuant to subsection (a):

(1) No action may be taken and no matter may be discussed other than those permitted by subsection (a); and

(2) A statement of the time, place, and purpose of any closed meeting, the record of the vote of each member by which any meeting was closed, and the authority under this section for closing any meeting shall be included in the minutes of the next public meeting or public session of the public body. (1977, ch. 863, § 2.)

**Cross reference.** — See Editor's note to § 7 of this article.

**§ 12. Notice of meetings.**

(a) Subject to the provisions of § 9, every public body shall give reasonable advance notice of its open meetings. Notice of meetings held in closed session shall be as provided in § 11 (b) (2).

(b) Whenever reasonable under all the circumstances, the notice shall be in writing and shall include the date, time, and place of the meeting.

(c) The notice required under this section may be given by any of the following means:

(1) Publication in the Maryland Register if it is a State agency;

(2) Delivery to representatives of the news media that regularly report on meetings of the public body or the activities of the State or local government of which the public body is a part;

(3) Posting or depositing the notice at a convenient public location at or near the place of the meeting if prior public notice has been given that this method will be used; or

(4) Any other method reasonably designed to give public notice. (1977, ch. 863, § 2; 1978, ch. 155.)

**Cross reference.** — See Editor's note to § 7 of this article.

**Effect of amendment.** — The 1978 amendment, effective July 1, 1978, eliminated "and the notice" at the end of subsection (b).

### § 13. Minutes.

(a) Subject to the provisions of § 9, every public body shall keep written minutes of all of its meetings. The minutes shall reflect the items considered and all actions taken thereon, as well as any recorded vote taken.

(b) These minutes shall be prepared as soon as practicable under the circumstances. They are public records and shall be open to public inspection during ordinary business hours. However, notwithstanding the provisions of Article 76A, minutes of a meeting lawfully held in closed session may not be open to public inspection if that would frustrate the purpose for having the closed session.

(c) This section does not require a change in the form or content of the official journals prepared and published by the Senate and House of Delegates of Maryland.

(d) The provisions of this section may not be construed to preclude any public body from including any other matters in its minutes. (1977, ch. 863, § 2.)

**Cross reference.** — See Editor's note to § 7 of this article.

### § 14. Enforcement of subtitle.

(a) *Civil action authorized.* — Any person adversely affected by an action in violation of §§ 10 or 12 of this subtitle may file a suit in the circuit court having proper venue for the purpose of requiring compliance with the provisions of these sections, determining the applicability of these sections, or voiding the action.

(b) *Time for filing action.* — (1) If a violation of § 10 is alleged, the suit shall be filed within 45 days after the next public meeting or session following the alleged improper closed meeting or session, at which notice of the action taken or decision made at the closed meeting or session is given in accordance with § 11 (b).

(2) If a violation of § 12 is alleged, the suit shall be filed within 45 days after the public meeting for which notice was not properly given.

(c) *Presumption and burden of proof.* — In any action under this section, it shall be presumed that the public body did not violate §§ 10 or 12, and the burden of proving a violation is on the complainant.

(d) *Consolidation of actions.* — The proceeding may be consolidated with any other appeal from the action or decision of the public body.

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(e) *Injunction and other relief.* — (1) In an action under this subtitle the court is authorized to issue an injunction, to determine the applicability of this subtitle to the discussions or decisions of public bodies, or to grant such other relief as may be appropriate.

(2) In an action under this subtitle, the court may declare void any final action taken at a meeting held in wilful violation of §§ 10 or 12 of this subtitle if the court finds that no other remedy would be adequate under the circumstances. However, the action of a public body may not be voided because of the violation of the subtitle by any other public body.

(f) *Fees and costs.* — The court may, as part of its judgment, assess against any party reasonable attorneys' fees and other litigation expenses incurred by any other party who prevails in the action. If the court deems it appropriate, it may require a reasonable bond to assure the payment of such fees and costs.

(g) *Section inapplicable to appropriations, tax levies and bond issues.* — This section does not apply to an action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes or other evidences of public obligation.

(h) *Other remedies not affected.* — The provisions of this section do not affect or preclude the application of any other available remedies.

(i) *Strict construction of § 11 (a) (13).* — In an action under this subtitle involving the application of § 11 (a) (13) of this subtitle, the court shall strictly construe the provisions of § 11 (a) (13). (1977, ch. 863, § 2.)

**Cross reference.** — See Editor's note to § 7 of this article.

**§ 15. Conflict of laws.**

In any conflict between this subtitle and other provisions of law relating to the meetings of public bodies, this subtitle shall apply, unless the provisions of other laws are more stringent. (1977, ch. 863, § 2.)

**Cross reference.** — See Editor's note to § 7 of this article.

Office Of The County Executive

August 5, 1977

Mr. Pierre Eaton, Chairman  
Alcoholic Beverages Advisory Board

Dear Pierre:

In its most recent session, the General Assembly passed Senate Bill 493, the purpose of which is to require public bodies to hold public meetings, to give notice of their meetings, and to keep minutes of their meetings. I have included with this letter a copy of this new law for your information.

Our Boards and Commissions have routinely conformed to most of these requirements as a matter of standard operating procedure. However, since Montgomery County has more than forty such bodies, it is necessary now to ensure that a formal reporting mechanism is prescribed.

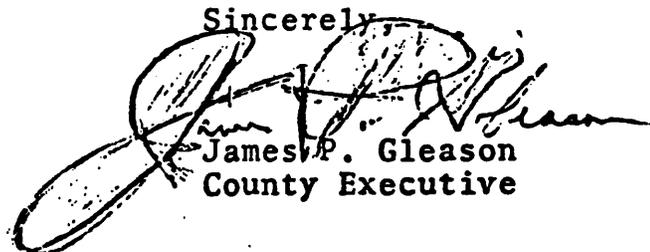
You will notice that this law became effective July 1, 1977. I am, therefore, requesting all Boards and Commissions to implement the following procedure immediately.

The Chairperson is to set meeting times and places sufficiently in advance to notify members and to notify our Executive Staff so that dates can be placed on appropriate County calendars. Responsibility for oversight of County Boards and Commissions is delegated to the Office of Community and Government Relations under the direction of Jay N. Price, Senior Assistant Chief Administrative Officer, 6th floor, County Office Building, 279-1336. Obviously, it would be very helpful if a routine meeting date were set although this may not always be possible.

Presently minutes of meetings are recorded in various ways. It will be necessary now to ensure that a copy of the minutes be transmitted to Mr. Price's office who will see that they are filed in the Municipal Library in Rockville, 99 Maryland Avenue, where they will be available for inspection by the general public.

In the past, I have tried personally to express appreciation to our Boards and Commissions for the prodigious amount of time and effort these civic minded individuals donate to improve the welfare of our County. Once again, I would like to thank all of you and wish you well in the work of the coming year.

Sincerely,



James P. Gleason  
County Executive

JPG:bc  
enc.

MAR 2 1978

**Mr. John Breier, Temporary Chairman  
Task Force to Study Redemption/Recycling Centers  
7825 Old Chester Road  
Bethesda, Maryland 20034**

**Dear Mr. Breier:**

The General Assembly, in its 1977 session, enacted Chapter 863, which establishes new standards for the conduct of meetings of public advisory boards, commissions and committees. The County Council requests that your Task Force to Study Redemption/Recycling Centers, as such an entity, advisory to the Council, be informed of this law and of the changes in procedure it requires.

The law establishes requirements for public open meetings, advance public notice of the date, time and place of meetings and written minutes of items considered, actions decided upon and votes taken by the advisory body at such meetings. (Copies of Chapter 863 attached.)

In order to facilitate adherence to these requirements, within budgetary limitations of the County, the Council suggests the following course of action:

**A. Role of Chairperson:**

1. Establish date, time, and place of meetings and notify members.
2. Notify Council Office staff (Ms. Knill; Mrs. Veenstra - 279-1231) of such meetings, who will notify the press, post releases on Council bulletin board, and, if possible, include in weekly Council Report.
3. As required, establish meeting agenda.

**B. The Committee should appoint from among its members a Secretary, whose duties will be:**

1. Take minutes of meetings in sufficient detail to record items considered and decided upon and to record all votes taken by the committee.
2. Transmit the minutes to the Council Office staff (Ms. Knill; Mrs. Veenstra) for typing, distribution to the committee members at the next meeting and filing in appropriate permanent files of the Council Office, where they may be available for public inspection and use. The Council Office will provide supplies to facilitate accomplishment of this requirement.

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TAB B(2)

**John Breier**  
**Page 2**

**The law became effective July 1, 1977, and the Council requests that your committee continue to adhere to these procedures at your meetings.**

**Sincerely,**

**Elizabeth L. Scull**  
**President**

**MJK:js**

**Enclosure**

**cc: Council Members**  
**Members of the Task Force to**  
**Study Redemption/Recycling Centers**  
**Council Office File**  
**Mr. McDonell**  
**Ms. Knill**



# ADMINISTRATIVE PROCEDURE

MONTGOMERY COUNTY, MARYLAND

TITLE

MEETINGS OF BOARDS, COMMITTEES AND COMMISSIONS

NO.

6-9

PAGE OF

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ISSUE DATE

10/7/77

EFFECTIVE DATE

10/7/77

CAO APPROVAL

WMM

## PURPOSE

- 1.0 To establish the policy and procedure for implementation of Maryland Senate Bill 493, Chapter 863 of the 1977 Laws of Maryland and added new Sections 7 through 15 to Article 76A of the 1957 Annotated Code of Maryland (1975 Replacement Volume and 1976 Supplement) under the new subtitle "Meetings of Public Bodies." (Sunshine Law)

## POLICY

- 2.0 All meetings of boards, committees and commissions of the County government will be public meetings if the public bodies are acting in a legislative, quasi-legislative or advisory capacity.
- 2.1 Every public body shall give reasonable advance notice of its open meetings.
- 2.2 Every public body shall keep written minutes of all of its meetings. These minutes shall be prepared as soon as practicable under the circumstances and shall be open to public inspection in the Municipal Library of the Rockville Public Library.

## RESPONSIBILITIES

*The Chairperson of each board, committee and commission:*

- 3.0 Shall be responsible to set meeting times and places sufficiently in advance to notify (1) members of the public body, (2) the Office of Community and Government Relations.
- 3.1 Shall designate the appropriate person to record minutes of the meetings and transmit these minutes as soon as practicable to the Municipal Collection of the Rockville Library. These minutes shall be recorded on 8 1/2" x 11" paper, typewritten, dated and numbered consecutively, "number 1" being the minutes of the first meeting of the committee to be deposited in the Municipal Library. These minutes shall reflect the items considered during the course of the meeting and all actions taken thereon as well as any recorded vote taken.
- 3.2 Whenever a closed session has been held a statement of the time, place and purpose of the meeting, a record of the vote of each member by which the meeting was closed and the authority under Section 11, Article 76A of the Annotated Code of Maryland for closing the meeting shall be included

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TABC



# ADMINISTRATIVE PROCEDURE

MONTGOMERY COUNTY, MARYLAND

NO.	6-9
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ISSUE DATE	10/7/77
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CAO APPROVAL	WMM

TITLE

MEETINGS OF BOARDS, COMMITTEES AND COMMISSIONS

in the minutes of the next public meeting of this public body. Closed meetings may be held for the following purposes:

- 3.3 (a) Discussion of the employment, assignment, appointment, promotion, demotion, compensation, discipline, removal, or resignation of employees, appointees, or officials over whom it has jurisdiction, or any other personnel matter affecting one or more particular individuals;
- 3.4 (b) Protection of the privacy or reputation of individuals in matters not related to public business;
- 3.5 (c) Considering the acquisition of real property for a public purpose and matters directly related thereto;
- 3.6 (d) Considering preliminary matters concerning a proposal of or for a business or industrial organization to locate in the state or any part of the state;
- 3.7 (e) Considering the investment of public funds or the marketing of public securities;
- 3.8 (f) Consultation with legal counsel;
- 3.9 (g) Consultation with staff personnel, consultants, attorneys, or other persons in connection with pending or potential litigation;
- 3.10 (h) Conducting collective bargaining negotiations or considering matters and issues in connection therewith;
- 3.11 (i) Discussion concerning public security, including the deployment of fire and police services and personnel and the development and implementation of emergency plans;
- 3.12 (j) Preparation, administration, or grading of scholastic, licensing, or qualifying examinations;
- 3.13 (k) Investigative proceedings concerning possible or actual criminal misconduct;
- 3.14 (l) Complying with a specific constitutional, statutory, or judicially imposed requirement protecting particular proceedings or matters from public disclosure;
- 3.15 (m) On an individually recorded affirmative vote of two-thirds of the members present, for some other exceptional reason so compelling as to override the general public policy in favor of open meetings.

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# ADMINISTRATIVE PROCEDURE

MONTGOMERY COUNTY, MARYLAND

TITLE  
MEETINGS OF BOARDS, COMMITTEES AND COMMISSIONS

NO.	6-9
PAGE	OF
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ISSUE DATE	10/7/77
EFFECTIVE DATE	10/7/77
CAO APPROVAL	WHH

*The Office of Community and Government Relations:*

- 3.16 Shall have the responsibility for general oversight of all boards, committees and commissions appointed by the County Executive.
- 3.17 Shall be responsible to receive from the Chairperson of each board, committee and commission notice of public meetings and to cause such information to be made public:
  - (a) By publication in the Montgomery County Register.
  - (b) By furnishing to the press a weekly release of the next week's meetings.
  - (c) By posting on the County Office Building Second Floor Directory those meetings which will be held in the County Office Building.

*The Department of Public Libraries:*

- 3.18 Shall receive the minutes of each board, committee and commission, process and enter them in the book catalog and make them available to the general public in the Municipal Collection of the Rockville Library.
- 3.19 Shall send to the appropriate Department Head a quarterly report on the acquisition of minutes for each public body within that department's subject purview.
- 3.20 The Departments, Offices and Agencies of County Government shall have the responsibility to support boards, committees and commissions to the extent their financial and manpower resources permit and to assure that the process of notice of meetings and recording and transmittal of minutes is carried out.

GENERAL

- 4.0 Minutes of boards, committees and commissions will be retained in the Municipal Collection for a period of two years at which time a decision will be made by the Library Department in conjunction with the Office of Community and Government Relations and the Records Management Division of the Office of Facilities Management as to further disposition. Consideration should be given at that time to the feasibility of microfilming.
- 4.1 A copy of the actual State law is attached as part of this A.P. for further details.



# Office Of The County Executive

November 1, 1977

Public access to government information is, or ought to be, a basic principle of any true democracy. Yet public access is an impossibility where knowledge of what is happening in governing circles is lacking.

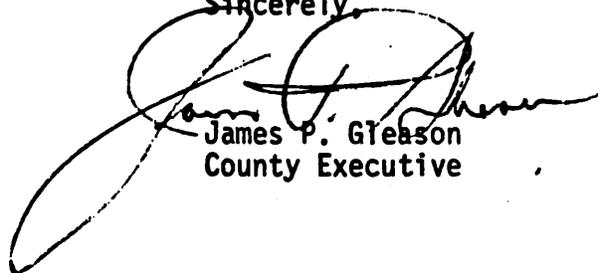
The Montgomery County Register is intended to serve our citizens by opening up greater access to a wide range of County Government administrative, legislative, contractual and legal actions.

We are pleased to introduce this important new monthly publication in the firm belief that freedom of information is both an inherent right under the American system and a logical way to keep government healthy.

In addition to looking back on monthly activities and transactions, the Register also looks ahead by listing scheduled public hearings and public meetings. Such advance notice, within the covers of one single source book, should prove helpful in alerting our citizens to upcoming issues and decisions that they will want to address.

I hope you will find this monthly publication useful and will be encouraged to examine the day-to-day workings of your Montgomery County Government that much more closely, helping us to help you for the sake of the total community.

Sincerely,



James P. Gleason  
County Executive

## I. STATEMENT OF INTENT

This publication has been established to facilitate public access to the official documents of the County in accordance with Article 5, Section 505 of the Charter of Montgomery County which says:

Any person shall have the right to inspect any document, except confidential police records, personnel records, or records of a confidential private nature as defined by law. The Council may adopt reasonable regulations for such inspection. A certified copy of any such document shall be furnished upon payment of a reasonable fee established by such regulations. This section shall not apply to a document or other material obtained or prepared in anticipation of litigation or for use in legal proceedings to which the County is a party.

The Register, which is published monthly, reports administrative and legislative actions of the government, County purchasing transactions, building permit activity and County Attorney opinions of the past month as well as reporting the proposed public hearings and public meetings of the coming month. Every effort will be made to be comprehensive and substantially inclusive. Publication of dates of public hearings and bid announcements do not constitute official public notice.

## II. PUBLIC INSPECTION OF DOCUMENTS

Public documents are available at the offices indicated at the beginning of each Title during the hours of 8:30 a.m. to 5:00 p.m. Copies may be made at the cost of 10¢ per page.

To save time it is helpful to telephone in advance. Use the telephone number indicated at the front of each title.

Written inquiries should be directed to:

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