



Committee: GO

Committee Review: At a future date

Staff: Christine Wellons, Senior Legislative Attorney

Purpose: To receive testimony – no vote expected

Keywords: #OpenMeetings

AGENDA ITEM #9

February 28, 2023

Public Hearing

SUBJECT

Bill 8-23, Boards, Committees, and Commissions – Open Meetings – Supplemental Requirements

Lead Sponsor: Councilmember Luedtke

Co-Sponsors: Councilmember Katz and Council President Glass

EXPECTED ATTENDEES

Public speakers

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- N/A

DESCRIPTION/ISSUE

Bill 8-23 would:

- (1) require boards, committees, and commissions to publish, within certain timeframes, the dates, times and locations of meetings, meeting agendas, and meeting minutes;
- (2) require boards, committees, and commissions to make meeting recordings available under certain circumstances;
- (3) require the posting of draft meeting minutes under certain circumstances;
- (4) require certain reporting by the Office of the County Executive to the Council; and
- (5) generally amend the laws regarding boards, committees, and commissions and regarding open meetings.

SUMMARY OF KEY DISCUSSION POINTS

- N/A

This report contains:

Staff Report

Bill 8-23

Pages 1-2

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M E M O R A N D U M

February 23, 2023

TO: County Council

FROM: Christine Wellons, Senior Legislative Attorney

SUBJECT: Bill 8-23, Committees, and Commissions – Open Meetings – Supplemental Requirements

PURPOSE: Public Hearing – to receive testimony

Bill 8-23, Committees, and Commissions – Open Meetings – Supplemental Requirements, sponsored by Lead Sponsor Councilmember Luedtke and Co-Sponsors Councilmember Katz and Council President Glass, was introduced on February 14, 2023. A public hearing is scheduled for February 28 at 1:30 p.m. and a Government Operations and Fiscal Policy Committee worksession is tentatively scheduled for March 2, 2023.

Bill 8-23 would:

- (1) require boards, committees, and commissions to publish, within certain timeframes, the dates, times and locations of meetings, meeting agendas, and meeting minutes;
- (2) require boards, committees, and commissions to make meeting recordings available under certain circumstances;
- (3) require the posting of draft meeting minutes under certain circumstances;
- (4) require certain reporting by the Office of the County Executive to the Council; and
- (5) generally amend the laws regarding boards, committees, and commissions and regarding open meetings.

BACKGROUND

Under state law, “public bodies” – which include all boards, committees, and commissions of the County, must adhere to open meeting requirements. The County has over 80 boards, committees, and commissions (BCCs). Those BCCs are subject to Article XI, Chapter 2 of the County Code, in addition to being subject to the state Open Meetings Act.

Bill 8-23 would amend Article XI, Chapter 2 of the Code to further govern the operation of BCCs in the County. These amendments would be intended to enhance existing open meetings and procedural requirements.

BILL SPECIFICS

The bill would generally require a BCC – in addition to following the transparency requirements of the state Open Meetings Act and the procedural requirements of Article XI, Chapter 2 of the County Code – to take the following steps regarding meeting notices, agendas, and minutes:

- publish notice of meetings within 5 business days after the group has determined the meeting date, and at least 2 calendar days before the meeting;
- publish meeting agendas within 5 business days after the group has determined the agenda; and at least 2 calendar days before the meeting; and
- within 5 days after it meets, publish either a recording of the meeting (if the meeting was recorded), or draft meeting minutes (if the meeting was not recorded). The draft minutes, if applicable, would be replaced by the approved minutes within 5 days after approval of the minutes.

This packet contains:
Bill 8-23

Circle #
1

Bill No. 8-23
Concerning: Boards, Committees, and
Commissions – Open Meetings –
Supplemental Requirements
Revised: 02/23/23 Draft No. 3
Introduced: February 14, 2023
Expires: December 7, 2026
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Councilmember Luedtke
Co-Sponsor: Councilmember Katz and Council President Glass

AN ACT to:

- (1) require boards, committees, and commissions to publish, within certain timeframes, the dates, times and locations of meetings, meeting agendas, and meeting minutes;
- (2) require boards, committees, and commissions to make meeting recordings available under certain circumstances;
- (3) require the posting of draft meeting minutes under certain circumstances;
- (4) require certain reporting by the Office of the County Executive to the Council; and
- (5) generally amend the laws regarding boards, committees, and commissions and regarding open meetings.

By adding

Montgomery County Code
Chapter 2. Administration
Section 2-149A

The County Council for Montgomery County, Maryland approves the following Act:

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

1 **Sec. 1. Section 2-149A is added as follows:**

2 **2-149A. Open meetings – supplemental requirements.**

3 (a) Open Meetings Act – additional requirements. A group must comply
4 with the requirements under this section, in addition to the requirements
5 under the state Open Meetings Act, Title 3 of the General Provisions
6 Article of the Maryland Code, as amended.

7 (b) Notices of meetings.

8 (1) Except as provided under paragraph (3), a group must publish the
9 notice required under Section 3-302 of the Open Meetings Act:

10 (A) within 5 business days after the group has determined the
11 meeting date; and

12 (B) at least 2 calendar days before the meeting.

13 (2) If a meeting will include virtual access, the group must publish
14 how the public may attend the meeting virtually.

15 (3) If the requirements of paragraph (1) cannot be met due to an
16 emergency, a group must:

17 (A) publish the notice at least 24 hours in advance of the
18 meeting; and

19 (B) indicate in the notice that the meeting is an emergency
20 meeting.

21 (c) Meeting agendas.

22 (1) Except as provided under paragraph (2), a group must publish the
23 agenda of a meeting under Section 3-302.1 of the Open Meetings
24 Act:

25 (A) within 5 business days after the group has determined the
26 agenda; and

27 (B) at least 2 calendar days before the meeting.

(2) If the requirements of paragraph (1) cannot be met due to an emergency, a group must:

(A) publish the agenda at least 24 hours in advance of the meeting; and

(B) indicate on the agenda that the meeting is an emergency meeting.

(d) Meeting minutes and recordings.

(1) Within 5 days after it meets, a group must publish:

(A) if the group recorded the full meeting, a file of the recording, or a link to the recording; or

(B) if the group did not record the full meeting, draft meeting minutes.

(2) Within 5 business days after approving meeting minutes, a group must:

(A) publish the approved minutes under Section 3-306 of the Open Meetings Act; and

(B) if draft minutes of the meeting were published under paragraph (1), remove the draft minutes.

(e) Compliance and reporting requirements.

(1) The County department or office assigned to staff a group must ensure the group's compliance with the requirements of this section.

(2) A group member, or member of the public, may complain to the Office of Community Partnerships if a group does not comply with the requirements of this section.

(3) The Office of Community Partnerships:

- 54 (A) may consult with the group, and staff assigned to the
55 group, to address compliance issues; and
56 (B) must report in writing to the Council, on a quarterly basis,
57 regarding complaints received under this section and the
58 resolutions of those complaints.