



House Bill 583

Open Meetings Act – Requirements for Providing Agendas

MACo Position: **SUPPORT**
WITH AMENDMENTS

To: Health and Government Operations Committee

Date: March 11, 2015

From: Leslie Knapp, Jr.

The Maryland Association of Counties (MACo) **SUPPORTS** HB 583 **WITH AMENDMENTS**. HB 583 would require a public body to provide an agenda to the public before meeting in open session. The agenda must contain *available* information regarding matters to be discussed at the portion of the meeting that is open and whether the public body expects to close any portion of the meeting. The public body is not required to provide any information regarding the topics of a closed portion of the meeting.

The agenda must be provided at the same time the public body provides notice of the meeting or, if not determined at that point, at least 24 hours before the meeting. A public body may provide the agenda using an authorized method for giving notice.

MACo believes that the bill will increase public awareness of the pending actions of a public body and will provide a greater chance for public participation while at the same time not unreasonably burdening public bodies when addressing sometimes changing issues. By specifying that the agenda must contain “available” information, a public body still has flexibility to add or remove pending issues at the last minute as circumstances warrant.

However, MACo is seeking one additional amendment that would cover a situation where a public body meets in response to an emergency or similar situation and is unable to comply with the bill’s 24 hour requirement. The amendment would provide that in such a situation, the public body must provide an agenda to the public within a reasonable time after the meeting takes place.

HB 583 strikes a proper balance between public transparency and a public body’s need for flexibility to amend its agenda based on changing circumstances. However, the issue of a public body being unable to comply with the 24 hour requirement due to an emergency situation must be addressed. Accordingly, MACo urges the Committee to adopt a **FAVORABLE WITH AMENDMENTS** report for HB 583.

MACo Proposed Amendments to HB 583

3-302.1.

(A) (1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, BEFORE MEETING IN AN OPEN SESSION, A PUBLIC BODY SHALL PROVIDE TO THE PUBLIC AN AGENDA:

(I) CONTAINING AVAILABLE INFORMATION REGARDING MATTERS TO BE DISCUSSED AT THE PORTION OF THE MEETING THAT IS OPEN; AND

(II) INDICATING WHETHER THE PUBLIC BODY EXPECTS TO CLOSE ANY PORTION OF THE MEETING IN ACCORDANCE WITH § 3-305 OF THIS SUBTITLE.

(2) IF AN AGENDA HAS BEEN DETERMINED AT THE TIME THE PUBLIC BODY GIVES NOTICE OF THE MEETING UNDER § 3-302 OF THIS SUBTITLE THE PUBLIC BODY SHALL PROVIDE THE AGENDA AT THE SAME TIME IT PROVIDES NOTICE OF THE MEETING.

(3) IF AN AGENDA HAS NOT BEEN DETERMINED AT THE TIME THE PUBLIC BODY GIVES NOTICE OF THE MEETING, THE PUBLIC BODY SHALL PROVIDE THE AGENDA AT LEAST 24 HOURS BEFORE THE MEETING.

(B) IF A PUBLIC BODY IS UNABLE TO COMPLY WITH THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION BECAUSE THE MEETING WAS SCHEDULED IN RESPONSE TO AN EMERGENCY, NATURAL DISASTER, OR SIMILAR UNANTICIPATED SITUATION, THE PUBLIC BODY SHALL PROVIDE TO THE PUBLIC AN AGENDA OF THE MEETING WITHIN A REASONABLE TIME AFTER THE MEETING OCCURS.

(C) A PUBLIC BODY IS NOT REQUIRED TO PROVIDE ANY INFORMATION IN THE AGENDA REGARDING THE SUBJECT MATTER OF THE PORTION OF THE MEETING THAT IS CLOSED IN ACCORDANCE WITH § 3-305 OF THIS SUBTITLE.

~~(C)~~(D) (1) A PUBLIC BODY REQUIRED TO PROVIDE AN AGENDA UNDER SUBSECTION (A) SUBSECTIONS (A) OR (B) OF THIS SECTION MAY PROVIDE THE AGENDA USING A METHOD AUTHORIZED FOR GIVING NOTICE UNDER § 3-302(C) OF THIS SUBTITLE.

(2) THE METHOD A PUBLIC BODY USES FOR PROVIDING AN AGENDA MAY BE DIFFERENT FROM THE METHOD A PUBLIC BODY USES FOR GIVING NOTICE.