



House Bill 1088

Open Meetings Act – Annual Reporting Requirement, Enforcement, and Training

MACo Position: **OPPOSE**

To: Health and Government Operations Committee

Date: February 24, 2016

From: Leslie Knapp, Jr.

The Maryland Association of Counties (MACo) **OPPOSES** HB 1088. The bill would improperly vest quasi-judicial powers with the advisory Open Meetings Compliance Board (OMCB) and impose onerous new training requirements similar to ones that were rejected when the original training requirement was adopted three years ago.

HB 1088 would authorize the OMCB to issue corrective orders and impose civil penalties (up to \$1,000 for second or subsequent violations). The bill also requires each officer of a public body to complete an open meetings training course rather than an individual designated by the public body. Finally, the bill includes new reporting requirements for the OMCB and public bodies.

The OMCB should not be granted the ability to issue binding orders or impose civil fees - it lacks a formal administrative and fact-finding process that is inherent to a judicial or quasi-judicial body. The OMCB's entire structure and current method of operation is built around being an advisory body and the Board would need significant revision in order to provide a fair and equitable system.

MACo also objects to the expanded training requirements as being overbroad – similar requirements proposed by HB 1088 were debated and specifically rejected when the initial training requirement was passed in 2013 (HB 139). Public bodies range from large, statutorily created permanent bodies to small, all-volunteer task forces. Designating one employee, staff, officer, or member of the body to receive the training works well and can be accommodated by any type of public body.

However, the inclusion of all officers will place a burden on all sizes of public bodies and will be especially challenging for small volunteer bodies that in many cases are already struggling to attract participants.

HB 1088 would improperly vest new authority with the OMCB and create new training requirements that are similar to training requirements previously considered and rejected by the General Assembly. Accordingly, MACo urges the Committee to give HB 1088 an **UNFAVORABLE** report.