

Bill No. 8-23
Concerning: Boards, Committees, and
Commissions – Open Meetings –
Supplemental Requirements
Revised: 03/20/23 Draft No. 5
Introduced: February 14, 2023
Enacted: March 21, 2023
Executive: April 3, 2023
Effective: July 3, 2023
Sunset Date: None
Ch. 9, Laws of Mont. Co. 2023

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]]~~ (4) 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.

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

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

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

34 (3) If the requirements of paragraph (2) cannot be met due to an
 35 emergency declared by the Governor of Maryland or the
 36 County Executive, a group must:

37 (A) publish the agenda as soon as practicable in advance of
 38 the meeting; and

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

41 (d) Meeting minutes and recordings.

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

43 (A)]] if the group recorded the full meeting, a file of the
 44 recording, or a link to the recording [[: or

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

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

49 (A)]] publish the approved minutes under Section 3-306 of the
 50 Open Meetings Act [[: and

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

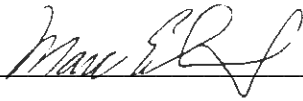
53 (e) Compliance and reporting requirements.

- 54 (1) The County department or office assigned to staff a group must
 55 ensure the group’s compliance with the requirements of this
 56 section.
- 57 (2) A group member, or member of the public, may complain to [[the
 58 Office of Community Partnerships]] an office or department
 59 designated by the County Executive if a group does not comply
 60 with the requirements of this section.
- 61 (3) The [[Office of Community Partnerships]] designated office or
 62 department:
- 63 (A) may consult with the group, and staff assigned to the
 64 group, to address compliance issues under this section; and
- 65 (B) must report in writing to the Council, on a quarterly basis,
 66 regarding complaints received under this section and the
 67 resolutions of those complaints.
- 68 (4) Nothing in this Section prevents an individual from submitting a
 69 complaint to the state Open Meetings Compliance Board under
 70 the state Open Meetings Act, Title 3 of the General Provisions
 71 Article of the Maryland Code, as amended.


Approved:


_____ 3/24/2023
Evan Glass, President, County Council Date

Approved:


_____ 4/3/2023
Marc Elrich, County Executive Date

This is a correct copy of Council action.


_____ 4/3/2023
Judy Rapp, Clerk of the Council Date