

ADDENDUM

GO Item #3
March 2, 2023
Worksession

M E M O R A N D U M

February 28, 2023

TO: Government Operations & Fiscal Policy Committee

FROM: Christine Wellons, Senior Legislative Attorney

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

PURPOSE: Committee Worksession – recommendations expected

A public hearing on Bill 8-23 was held on February 28, 2023. Enclosed are copies of the written testimony the Council received regarding the bill.

This packet contains:

County Executive Memorandum
League of Women Voters testimony

Circle #

A1
A3




OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

M E M O R A N D U M

February 28, 2023

TO: Evan Glass, President
Montgomery County Council

FROM: Marc Elrich, County Executive 

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

Thank you for this opportunity to provide testimony regarding Bill 8-23, Boards, Committees, and Commissions – Open Meetings – Supplemental Requirements. While I believe this Bill is not required, I appreciate the issues raised by Councilmember Luedtke, and assure the Council that compliance by the County's Boards, Commissions, and Committees (BCCs) with the State Open Meetings Act is my priority.

A year ago, the Open Meetings Compliance Board informed the County about a complaint alleging that County Boards, Commissions, and Committees (BCCs) were in violation of some combination of one of four requirements of the Open Meetings Act: 1) no listed meeting access information to observe the public meeting; 2) no meeting notice information on the public website; 3) no listed meeting agenda information on the public website; and 4) no meeting minutes published on the public website.

Due to COVID and the large number of BCCs in the County, some BCCs did fall into areas of noncompliance. My office is ensuring that all BCCs come into full compliance with the Act.

We have reminded our department staff that meeting notices must be posted on the BCC Trumba calendar for at least six months. Meeting agendas must be made available at the same time as the meeting notice is posted if the agenda has been determined. If an agenda has not been determined at the time the meeting notice is posted, the agenda must be made available no later than 24 hours before the meeting. If the BCC has a website, the agenda should be posted there.

Meeting minutes and recordings of meetings must be kept for five years. We promote the Council's minutes as a format for our BCCs to follow. Recordings of meetings are not required, but staff must keep the recordings for 5 years. Subcommittees are subject to the open meetings act only if the subcommittee is established in the BCC's enabling document or bylaws.

All BCC members (including ex officio members) and staff are required to take Open Meetings Act training within 90 days of their confirmation or assignment to a BCC. The training takes approximately 2-1/2 hours and consists of six training lessons. At completion of the training, each member receives a certificate that they must upload to the BCC webpage.

Overseeing compliance of more than 90 BCCs is challenging. We rely greatly on our departments to provide timely support to the BCCs. Moving forward, while we already require notices of BCC meetings to be posted on our central calendar, we plan to create a central public repository for BCC agendas and minutes.

Should the Council enact Bill 8-23, I recommend removing the requirement for draft minutes to be posted within five days of a meeting. A five-day publication of draft minutes is not a standard expected by Open Meetings Act or followed by our elected public bodies. This provision in the Bill will create additional pressure on BCC staff to produce draft minutes that would not satisfy any requirement for meeting minutes under the Open Meeting Act and may contain inaccuracies.

Additionally, the Office of the County Executive is the point of contact for complaints about BCC compliance with the Open Meetings Act. It should be noted that complaints may also be taken to the Open Meetings Board and those are already publicly posted on the OMCP website.

Finally, please note Bill 8-23 only applies to BCCs administered by the Executive Branch. Legislative Branch or MNCPPC advisory Committees would not be covered by its requirements. I recommended that local standards for BCCs that differ from the State Open Meeting Act should apply to all County agencies.

Testimony to the Montgomery County Council

Hearing Date: February 28, 2023

**In re: Bill 8-23, Boards, Committees, and Commissions - Open Meetings -
Supplemental Requirements**

Position: Support

As you all know, this bill would require boards, committees, and commissions to provide more information to the public both in advance of meetings and as a result of meetings.

Specific examples include the following: publish, within certain timeframes, the dates, times and locations of meetings, meeting agendas and meeting minutes; require boards, committees and commissions to make meeting recordings available under certain circumstances; require the posting of draft meeting minutes under certain circumstances; require certain reporting by the Office of the County Executive to the Council; and generally amend the laws regarding boards, committees and commissions and regarding open meetings.

LWVMC believes that government should be as open as possible to the people it serves and should certainly make it easier for us to ascertain plans and results.

Vicky Strella and Nancy Bliss, co-presidents
Joan Siegel and Linda Silversmith, co-vice-presidents for advocacy