

Department of Legislative Services  
Maryland General Assembly  
2020 Session

FISCAL AND POLICY NOTE  
Third Reader

House Bill 176

(St. Mary's County Delegation)

Health and Government Operations

Education, Health, and Environmental Affairs

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St. Mary's County Open Meetings Act - Closed Sessions

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This bill authorizes a public agency meeting or a staff meeting of a public agency in St. Mary's County to conduct a closed session to (1) consider the investment of public funds; (2) consult with counsel to obtain legal advice; or (3) discuss cybersecurity, under specified circumstances.

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Fiscal Summary

**State Effect:** None.

**Local Effect:** The bill is procedural in nature and does not directly affect St. Mary's County finances.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** A public agency meeting or staff meeting may be conducted in a closed session to discuss cybersecurity if the public body determines that public discussion would constitute a risk to:

- security assessments or deployments relating to information resources technology;
- network security information, including information that is (1) related to passwords, personal identification numbers, access codes, encryption, or other components of the security system of a governmental entity; (2) collected, assembled, or maintained by or for a governmental entity to prevent, detect, or investigate criminal

activity; or (3) related to an assessment, made by or for a governmental entity or maintained by a governmental entity, of the vulnerability of a network to criminal activity; or

- deployments or implementation of security personnel, critical infrastructure, or security devices.

**Current Law:** “Public agency,” as it applies to the St. Mary’s County Open Meetings Act, means a governmental unit of St. Mary’s County, including an advisory or quasi-judicial agency, that is supported in any part by public money or authorized to spend public money and includes the St. Mary’s County Board of Education. “Public agency” does not include a jury, a law enforcement agency, or the judicial branch.

“Public agency meeting” means the convening quorum of the constituent membership of a public agency to deliberate or act on a matter under the supervision, control, jurisdiction, or advisory power of the public agency. “Staff meeting” means a meeting of three or more staff members of one or more public agencies.

#### *St. Mary’s County Open Meetings Act*

Under the St. Mary’s County Open Meetings Act, as codified under State law, a (1) staff meeting or (2) public agency meeting at which official action is taken must be open to the public except as otherwise specified. “Official action” means a phase of the process in which a public agency makes a decision or recommendation, including receipt of information and deliberation.

A public agency meeting or staff meeting may be conducted in a closed session only under specified circumstances, including (1) specified personnel matters; (2) to engage in collective bargaining; (3) to discuss the distribution of police forces to cope with public safety emergencies; (4) to discuss cost estimates for capital projects to be subsequently placed through the bidding process; (5) for meetings of the St. Mary’s Board of Education, to discuss specific students, families, or personnel under specified circumstances; or (6) when State law or federal regulation otherwise prohibit a meeting open to the public, among other things.

A closed session must be announced in advance at a meeting that is open to the public. The announcement must include the nature of the business of the closed session, and the closed session must be limited to the described matters. The minutes of the next open session must include the justification for holding the closed session, the names of those in attendance, and the times the meeting begins and ends. An ordinance, resolution, rule, regulation, or decision may not be adopted in closed session.

**Background:** The exceptions to open meeting requirements established under the bill are identical to existing exceptions under Maryland’s Open Meetings Act (OMA). Under OMA, a public body may meet in closed session only under specified circumstances, including to consider the investment of public funds, consult with counsel to obtain legal advice, and discuss cybersecurity under specified conditions identical to those set forth under the bill.

Under OMA, a public body may not meet in closed session unless at least one member of the body has been designated to receive training on the requirements of the open meetings law. If a designated individual cannot be present at an open meeting at which the public body votes to hold a closed session, the body must complete a specified compliance checklist developed by the Office of the Attorney General and include the checklist in the meeting minutes.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** St. Mary’s County; Department of Legislative Services

**Fiscal Note History:** First Reader - February 14, 2020  
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