

HB246_Carr_Fav(Senate).pdf

Uploaded by: Al Carr

Position: FAV

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Sponsor Testimony in SUPPORT of HB 246
Open Meetings Act – Notices, Closed Sessions, and Minutes – Retention Periods,
Online Posting, and Public Inspection

March 24, 2022

House Bill 246 improves public confidence in government by strengthening the Open Meetings Act. It improves public access to meeting documents in three ways:

First, it would increase the retention period for meeting notices and closing statements to 3 years (from 1 year). Second, it would require that closing statements be posted online, just like meeting minutes, to the extent practicable. And third, it would require that, if not posted online, public bodies must send electronic copies of certain minutes and closing statements upon request at no charge within 5 business days.

The idea is to make the Open Meetings Act more "pandemic proof." There are still many public bodies that do not post their minutes/recordings online. Many government offices have been closed, making it difficult to fulfill the Open Meetings Act's requirement that meeting minutes be available for immediate public inspection in person in an office. The fallback is to rely on the Maryland Public Information Act, but custodians have up to 30 days to respond and some jurisdictions suspended the 30 day requirement under cover of the state of emergency.

Most municipalities would be unaffected by this bill because they already post their approved meeting minutes online. We checked the websites of over 100 municipalities and only found 10 that did not observe this best practice.

I respectfully ask for a favorable report.

HB 0246_O'Donnell_Fav.pdf

Uploaded by: Craig O'Donnell

Position: FAV

Senate Education, Health and Environmental Affairs Committee
Se, Paul B. Pinsky, Chair

Testimony in SUPPORT of HB 246
Open Meetings Act – Notices, Closed Sessions, and Minutes – Retention Periods,
Online Posting, and Public Inspection
March 24, 2022

Existing law allows a citizen to walk into an office and read approved minutes of a public meeting. Existing law allows a citizen to read a written closing statement *at the time of a vote to close a meeting*. But it is silent on the electronic documents required for meetings.

Many government functions have moved away from paper-only. The pandemic has very clearly pointed out that the Open Meetings Act is years behind the times. If Zoom can be used for remote public meetings in real time, the computer files that make up agendas, minutes and closing statements can be available much sooner to the public through email. Eventually, documents wind up on websites, but the timing differs widely among public bodies.

Minutes, for example, are universally prepared in MS Word and circulated as file attachments by email to members of a board or committee. They are usually adopted as presented. **There is nothing more than a few mouse clicks involved in sending them to a requester a day or two after approval at the meeting.** If paper minutes are not on file, the staff will wind up printing them for someone who walks in. Let's cut out that step.

Language in the Open Meetings Act should control the availability of electronically-produced and circulated meeting documents, rather than leaving it up to a cumbersome PIA process based on paper copies. That process does not work well for basic meeting materials. With this change, the result will be better information in the public's hands sooner.

It is a fact that local news coverage by newspapers has nearly vanished. Electronic access to what's happened in government meetings is ever more essential to an informed public.

It is also efficient. Open Meetings Act complaints often focus on delays in posting minutes on a website. It consumes far more time and money for a board or committee to answer an OMA complaint than it would to email minutes. Such complaints, of course, use up the Open Meetings Compliance Board's limited time.

Chances are very good that the typical public body will see at most a handful of requests for such documents by email.

I request a favorable report.

Craig O'Donnell / mdopen.meetings@gmail.com

HB 246 - Open Meetings Act – Notices, Closed Sessi

Uploaded by: Joanne Antoine

Position: FAV

March 24, 2022

Testimony on HB 246**Open Meetings Act – Notices, Closed Sessions, and Minutes – Retention Periods, Online Posting, and Public Inspection
Education, Health, and Environmental Affairs****Position: Favorable**

Common Cause Maryland support HB 246 which would strengthen the Open Meeting Act, specifically expanding access to meeting materials of public bodies. This change increases the transparency of public meetings and ensures the ability for meaningful public participation.

This legislation increases the length of time that public bodies must retain meeting notices and closing statements from one year to three years. While the current one-year retention period was a step in the right direction when enacted, technology has since advanced. Maryland should take advantage of these advancements to ensure these materials are posted online and use them to increase our retention of this information.

The advantages of retaining this information for longer periods are many. Longer retention allows for the public and public bodies to more easily access longer periods of meeting data, increasing institutional knowledge. More importantly, the impacts of public bodies' decisions can often only become evident long after those decisions are made. Allowing the public, a longer period of time to go back and see how those decisions were made increases their ability to hold the decision-makers accountable.

Retention of meeting information is an integral part of the Open Meetings Act and the spirit in which it was passed. Meeting materials give the public more transparency into the decision-making processes of government entities. Keeping this information for longer periods can only serve to increase the abilities of citizens to understand the workings of their government and hold their officials accountable for their actions.

Transparency and accountability are important in all aspects of a functioning democracy. HB 246 increases transparency and data accessibility for the public and we request a favorable report.

MDDC Support HB246.pdf

Uploaded by: Rebecca Snyder

Position: FAV



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To: Education, Health & Environmental Affairs Committee

From: Rebecca Snyder, Executive Director, MDDC Press Association

Date: March 24, 2022

Re: **HB 246 - SUPPORT**

The Maryland-Delaware-District of Columbia Press Association represents a diverse membership of newspaper publications, from large metro dailies such as the Washington Post and the Baltimore Sun, to hometown newspapers such as The Frederick News Post and Hagerstown Herald-Mail to publications such as The Daily Record, Baltimore Jewish Times, and online-only publications such as Baltimore Fishbowl, MarylandReporter.com and Baltimore Brew.

The Press Association is pleased to support House Bill 246, which lengthens the amount of time public bodies must keep a notice of a meeting and the statement of meeting closure from one to three years, and, if the public body does not post these items online, requires public bodies to provide, on request, an electronic copy of the written statement or of meeting minutes, to a requestor within 2 business days of receiving the request.

Lengthening the records retention requirement from one to three years is not onerous and provides the public a longer window to look back. Ideally, public bodies will post statements of closure and meeting minutes on their websites, but if that is not feasible, we believe members of the public should be able to receive these documents in a timely manner.

We urge a favorable report.



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central to a strong and open society.**

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HB 246_FWA_MML.pdf

Uploaded by: Justin Fiore

Position: FWA



Maryland Municipal League
The Association of Maryland's Cities and Towns

TESTIMONY

March 24, 2022

Committee: Senate Education, Health and Environmental Affairs Committee

Bill: HB 246 – Open Meetings Act – Notices, Close Sessions, and Minutes – Retention Periods, Online Posting, and Public Inspection

Position: Support with Amendment

Reason for Position:

The Maryland Municipal League supports HB 246 with amendment. As amended, the bill extends a couple of record retention requirements from 1 to 3 year(s) and requires a public body to make certain documents or recordings available to a requester digitally within five days.

The League understands and appreciates the sponsors intent to pandemic proof local government operations by marrying transparency with public access. Our membership agrees such public documents should be made available to a requestor and have supported several Public Information Act reforms in recent years.

However, we are still concerned about the 5-day digital response timeline. **The Public Information Act is the appropriate framework to handle document requests** and already compels a custodian to “grant or deny the application promptly” and “produce the public record immediately or within a reasonable period that is needed to retrieve the record.” It would be confusing and unnecessary to establish special timelines for different documents elsewhere in the law.

Further, we believe the types of violations envisioned by this bill under the Open Meetings Act would also be a violation of the Public Information Act and see no public benefit to double-penalizing a jurisdiction for a single action.

NEXT...

Therefore, the League respectfully requests amendments to strike those provisions (lines 4-7 on page 5 and lines 26 on page 6 through line 3 on page 7) and asks the committee to provide HB 246 with a favorable report.

FOR MORE INFORMATION CONTACT:

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Angelica Bailey	Director, Government Relations
Bill Jorch	Director, Research & Policy Analysis
Justin Fiore	Manager, Government Relations