

CHERYL C. KAGAN  
Legislative District 17  
Montgomery County

Vice Chair  
Education, Health, and  
Environmental Affairs Committee

Joint Audit Committee  
Joint Committee on Federal Relations



Miller Senate Office Building  
11 Bladen Street, Suite 2 West  
Annapolis, Maryland 21401  
301-858-3134 · 410-841-3134  
800-492-7122 Ext. 3134  
Fax 301-858-3665 · 410-841-3665  
Cheryl.Kagan@senate.state.md.us

THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**SB269: Open Meetings Act - Application and Enhanced Requirements (Maryland State Agency Transparency Act of 2022) Testimony**

Senate Education, Health, and Environmental Affairs Committee

Wednesday, February 15, 2022 | 1pm

Transparency is an essential element of good government. Prior to COVID, State boards and agencies held meetings in a physical location where members of the press and public could attend in person. During the pandemic, virtual platforms have shown how easy it is to adapt. According to a [recent Forbes study](#), "25% of all professional jobs in North America will be remote by the end of 2022, and remote opportunities will continue to increase through 2023."

In 2019, I introduced and unanimously passed transparency legislation ([SB184/HB71](#)) with Del. Korman, that applied to our State Board of Elections. In 2020, the General Assembly again unanimously passed legislation ([SB363/HB421](#)) to expand the Open Meetings Act to cover five additional state entities that manage a significant amount of taxpayer money.

[SB269](#) seeks to build on the previous laws and enhance accountability by requiring additional agencies to:

- Post the agenda and all materials at least 48 hours prior to a meeting;
- Livestream the public portion of meetings and post the video within two business days for those unable to attend;
- Indicate on the agenda, to the degree possible, whether the group expects to go into a closed session;
- Review the prior meeting's minutes in a timely manner. (This would ensure that a public body is not delaying approval of the minutes as a method of hiding information.); and
- Authorize the Open Meetings Compliance Board to enforce these requirements.

One modest silver lining of the pandemic is that Marylanders have been able to stay informed and engaged with their government. If the General Assembly can stream its meetings and publicize materials, other governmental bodies should be able to do the same. This legislation would increase transparency and allow the public to access government, regardless of the meetings' locations.

*There are two amendments to the proposed legislation that would:*

1. *Exempt site visits and educational tours from the requirements under the Open Meetings Act; and*
2. *Remove the Maryland Automobile Insurance Fund (MAIF) from the proposed entities, as they have sufficient accountability and do not handle taxpayer money.*

**I urge a favorable report on SB269.**

## Maryland State Agency Transparency Act of 2022 (SB 269/HB 275) Fact Sheet

### Bill Summary

The Maryland State Agency Transparency Act of 2022 requires sixteen quasi-government agencies to adhere to increased transparency requirements for their public meetings. This includes:

- Live video streaming of meetings;
- Posting meeting materials 48 hours in advance; and
- Posting meeting minutes within two days of their approval at a meeting.

The Maryland State Agency Transparency Act of 2022 builds on the successful 2020 bill of the same name (SB 363/HB 421). The 2020 legislation laid the foundation for transparency standards applied to a few of Maryland’s governing boards. The transparency standards outlined in the bill are in accordance with the recommendations of the Governor’s bipartisan State Transparency and Accountability Reform (STAR) Commission.

Many agencies are already complying with elements of the bill particularly as it relates to web streaming meetings during the age of COVID. But the Maryland State Agency Transparency Act will ensure standardized approaches across quasi-governmental agencies and will ensure that the agencies do not become less transparent after COVID.

Below is a list of the sixteen quasi-government agencies and what their current transparency practices are for their public meetings.

Name of Organization	Meeting Minutes	Recordings of Meetings
Bainbridge Development Corporation	Meeting minutes are provided on the corporation's website. Participants are listed and more recently (June 21, 2021) financial reports have been disclosed alongside meeting minutes.  Link: <a href="https://filesusr.com/af48ea_e4b6300b386b4c9d8baf014c3f241dc2.pdf">af48ea_e4b6300b386b4c9d8baf014c3f241dc2.pdf (filesusr.com)</a>	The corporation's last two meetings (October 25th and December 13th) were zoom meetings that have been uploaded onto the corporation’s website.  Links: October 25th <a href="#">Passcode Required - Zoom</a> Passcode ( 7rZCf9?a) December 13th <a href="#">BDC Board of Directors - Zoom</a>
Canal Place Preservation and Development Authority	Meeting minutes are uploaded onto the corporation’s website however many of the uploaded minutes do not provide much information.	Although there is a live streaming service for meetings, there are no meeting recordings uploaded on the website.  Link:

	<p>Link:  <a href="#">Agenda Center • Allegany County, MD • CivicEngage (alleganygov.org)</a></p>	<p>Live stream  <a href="#">Watch Live Stream of Meeting   Allegany County, MD (alleganygov.org)</a></p>
Maryland 9-1-1 Board	<p>Maryland 9-1-1 Board has public meetings once a month, and the agenda and meeting minutes are uploaded onto their website. The earliest meeting upload was October 20, 2020.</p> <p>Link:  <a href="#">MDEM-9-1-1 Board Meetings (maryland.gov)</a></p>	<p>Maryland 9-1-1 Board began posting video recordings with its September 30, 2021 meeting.</p>
Maryland Agricultural and Resource Based Industry Corporation	<p>No meeting minutes could be found on MARBIDCO's website</p> <p>Link:  <a href="#">For New Farmers   MARBIDCO</a></p>	<p>No recordings of meetings could be found on the website.</p>
Maryland Clean Energy Center	<p>The meeting minutes are uploaded onto the Maryland Clean Energy Center website, and the earliest upload dates back to 2009. The meeting minutes are sorted by the fiscal year.</p> <p>Link:  <a href="#">Meeting Minutes – Maryland Clean Energy Center (mdcleanenergy.org)</a></p>	<p>There are no meeting recordings uploaded onto their website.</p>
Maryland Economic Development Corporation	<p>No meeting minutes could be found on the Maryland Economic Development Corporation's website.</p> <p>Links:  <a href="#">Home – Maryland Economic Development Association (MEDA) (medamd.com)</a></p>	<p>No recordings could be found on the Maryland Economic Development Corporation's website.</p>
Maryland Environmental Service*	<p>The Board of Directors of the Maryland Environmental Service uploads their meeting minutes</p>	<p>The Board of Directors of the Maryland Environmental Service also uploads their meeting</p>

<p>*Subject to similar transparency requirements as a result of the <a href="#">Maryland Environmental Service Reform Act of 2021</a>.</p>	<p>and agenda onto their website. The company's minutes go back to 1979 and are organized by year.</p> <p>Links:  <a href="#">Board Meetings 2021 - Maryland Environmental Service (menv.com)</a></p>	<p>recordings onto YouTube and the links are easily accessible on their website.</p> <p>Links:  <a href="#">YouTube Meeting Recording MES Board of Directors Meeting - January 2021 - Part A - YouTube</a></p>
<p>Maryland Food Center Authority</p>	<p>The Maryland Food Center Authority has meeting minutes uploaded to the website but the earliest upload is from November 2020. Currently, there are only 4 uploads visible on the website.</p> <p>Link:  <a href="#">Board of Directors - mfca</a></p>	<p>No recordings could be found on the Maryland Food Center Authority website.</p>
<p>Maryland Health and Higher Educational Facilities Authority</p>	<p>The Maryland Health and Higher Educational Facilities Authority has four visible meeting minutes on their website, the earliest uploaded in August 2021.</p> <p>Link:  <a href="#">Current Year Activities   MHHEFA</a></p>	<p>No recordings could be found on the website.</p>
<p>Maryland Industrial Development Financing Authority</p>	<p>The Maryland Industrial Development Financing Authority uploads meeting minutes on their website. Meetings are separated based on the group (i.e. executive, finance, Board, etc).</p> <p>Link:  <a href="#">Agendas &amp; Minutes FY21 - Rockville Economic Development, Inc (rockvilleredi.org)</a></p>	<p>No recordings could be found on the website</p>
<p>Maryland Stadium Authority</p>	<p>The Maryland Stadium Authority uploads meeting</p>	<p>The Maryland Stadium Authority also uploads a</p>

	<p>minutes on their website, and their earliest uploaded meeting minutes is from 2017.</p> <p>Link:  <a href="https://mdstad.com/index.php/about/meeting-minutes">https://mdstad.com/index.php/about/meeting-minutes</a></p>	<p>recording of their live stream onto YouTube.</p> <p>Link:  <a href="https://mdstad.com/index.php/about/meeting-minutes">https://mdstad.com/index.php/about/meeting-minutes</a></p>
<p>Maryland Transportation Authority*</p> <p>*Subject to Transparency Act of 2020. Included in 2022 to make minor revisions to the state code.</p>	<p>The Maryland Transportation Authority uploads both the agenda and the minutes on to their website. The earliest year in the archives is 2018.</p> <p>Link:  <a href="https://mdta.maryland.gov/Meeting_Schedules/MDTA_Board_Meeting_Schedule.html">https://mdta.maryland.gov/Meeting_Schedules/MDTA_Board_Meeting_Schedule.html</a></p>	<p>The Maryland Transportation Authority also uploads recordings of their meetings onto Vimeo.</p> <p>Link:  <a href="https://vimeo.com/657113494?embedded=true&amp;source=vimeo_logo&amp;owner=58285773">https://vimeo.com/657113494?embedded=true&amp;source=vimeo_logo&amp;owner=58285773</a></p>
<p>The Northeast Maryland Waste Disposal Authority</p>	<p>The Northeast Maryland Waste Disposal Authority uploads their meeting minutes on to the website. The earliest uploaded meeting minutes are from 2015.</p> <p>Link:  <a href="https://www.nmwda.org/agendasminutes/">https://www.nmwda.org/agendasminutes/</a></p>	<p>No recording of meetings could be found on the website.</p>
<p>Public Service Commission</p>	<p>The Public Service Commission uploads a few meeting minutes but gives site visitors the option to search up a specific date of a meeting to find the minutes.</p> <p>Link:  <a href="https://webapp.psc.state.md.us/newIntranet/psc/proceedings_new.cfm">https://webapp.psc.state.md.us/newIntranet/psc/proceedings_new.cfm</a></p>	<p>Recordings of meetings can be found on YouTube.</p> <p>Link:  <a href="https://www.youtube.com/c/MarylandPSC">https://www.youtube.com/c/MarylandPSC</a></p>
<p>State Board of Elections</p>	<p>The State Board of Elections uploads minutes for its board meetings, and the earliest uploaded minutes is from January 2017.</p> <p>Link:</p>	<p>The State Board of Elections uploads meeting live streams on YouTube and can be accessed on their website.</p> <p>Link:  <a href="https://elections.maryland.gov/">https://elections.maryland.gov/</a></p>

	<a href="https://elections.maryland.gov/about/board.html">https://elections.maryland.gov/about/board.html</a>	<a href="https://elections.maryland.gov/about/board_archive.html">about/board_archive.html</a>
--	---	--