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LEGISLATIVE AND REGULATORY COMMITTEE

December 21, 2020
4:00 p.m. – via Zoom

https://hocmc.org/images/files/committee/NOTICE_Open_Meeting_Emergency_Procedures_Announcement_LRC12212020.pdf

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Open Meetings Act Complaints & Opinions

LAWRENCE J. HOGAN, JR.
Governor

BOYD K. RUTHERFORD
Lt. Governor



LYNN MARSHALL, ESQ.
CHAIR

NANCY MCCUTCHAN DUDEN, ESQ.
VACANT

STATE OF MARYLAND
OPEN MEETINGS COMPLIANCE BOARD

14 Official Opinions of the Compliance Board 98 (2020)

Montgomery County Housing Opportunities Commission

November 2, 2020

The Montgomery County Housing Opportunities Commission, a public body created by State law, performs numerous functions under the direction of a seven-member board of commissioners.¹ Often, issues that come before the full Commission have been addressed earlier by one of the Commission's committees. The various committees are comprised of three commissioners who, after meeting, convey their recommendations to the full Commission during the Commission's public meetings. The committees themselves do not meet in public. The complainant alleges that three particular committees are subject to the Open Meetings Act and are violating the Act by failing to invite the public to observe their meetings. The Commission, by its attorney, responds that the Act only applies to an entity that falls within the Act's definition of a "public body," that none of the three committees meets that definition, and, therefore, that the Act does not apply to them. The Commission further states that the committees were intended to be informal subcommittees and that it did not intend to "create an infrastructure of committees as public bodies that were required to operate pursuant to the [Act]." The committees have been in existence at least since 1981, and both parties have provided us with extensive documentation of the relevant facts.

The question before us is whether the committees are "public bodies" subject to the Act. If so, they have violated the Act by convening to consider public business without inviting the public to their meetings. If the committees are not subject to the Act, the complaint does not state a violation of it. At issue is the status of the Budget, Finance, and Audit ("BF&A") Committee, the Development and Finance ("D&F") Committee, and the Legislative and Regulatory ("L&R") Committee.

Applicable law - The Act's definition of a "public body"

An entity is subject to the Act only if the entity falls within the Act's definition of a "public body." See § 3-101(h)(2) (defining "public body") and §§ 3-301 et seq. (detailing the Act's

¹ As described on the Commission's website, those functions are to: "develop housing; provide mortgage financing to developers and first-time homebuyers; manage public housing and other rental units; administer rental subsidy programs, including the Housing Choice Voucher Program; and provide counseling and support services to lower income individuals and families in assisted housing."

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November 2, 2020

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requirements for “public bod[ies]”² That definition defines a multimember entity as a “public body” if the entity meets any of several tests. Only the first test is relevant here. Under that test, an entity is a public body if it was “created by” certain types of laws and legal instruments, including “a rule, resolution, or bylaw.” *See* § 3-101(h)(1)(ii). As the Maryland Court of Appeals has construed this provision, an entity can be “created” as a public body either expressly, when a legal instrument expressly brings it into being, or impliedly, when a legal instrument is deemed to have created it by mandating the assignment of a task to it. *See Avara v. Baltimore News Am. Div.*, 292 Md. 543, 546 (1982) (holding that a conference committee of the General Assembly was a public body because the rules of both houses required that bills be referred to such a committee when the two houses’ versions differed); 13 *OMCB Opinions* 21 (2019) (explaining that the complained-of committee would be a “public body” if a resolution had “mandated [its] performance of certain functions”); *see also* Open Meetings Act Manual (“Manual”), Chapter 1, Part A (explaining the “created by law” test). Whether a legal instrument has impliedly constituted a committee as a “public body” is not always clear. However, as we have explained, “the more precisely the provision identifies the function of a committee, the more likely it is that the committee will be deemed a public body.” 13 *OMCB Opinions* 21 (quoting the Manual). Finally, the fact that a committee might have started off as an informally-created group is not dispositive; if it is “then constituted or mandated by one of the listed legal instruments, it becomes a public body,” 10 *OMCB Opinions* 12, 15 (2016), and becomes subject to the Act’s default requirement that public bodies meet in open session. *See* § 3-301 (requiring public bodies to meet in open session unless the Act expressly provides otherwise).

Discussion

A. *Whether the Budget, Finance, and Audit (“BF&A”) Committee is a “public body”*

The submissions provide the following facts: In 1996, the Commission adopted a resolution that “RESOLVED that a Budget and Finance Committee is hereby created.” In 2002, the Commission adopted a resolution that gave that committee its current name – the Budget, Finance, and Audit Committee. The Commission also adopted various resolutions that spelled out the committee’s functions, most recently in 2019.

In 1998 and 2004, for example, the Commission resolved to adopt “Budget Policy #1,” “Budget Policy #2,” “Budget Policy #3,” and “Budget Policy #4.” Budget Policy #1 provides, in relevant part:

The Budget & Finance Committee . . . will review the recommended budget and make a recommendation to the full Commission for adoption. The Budget & Finance Committee will also review the budgets of the properties including the various development corporations. . . .

The Executive Director will present budget comparison reports on a quarterly basis and for the year-end to the Budget & Finance Committee. . . . The Budget & Finance

² Statutory references are to the General Provisions Article of the Maryland Annotated Code.

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Committee will review any proposed budget amendments and make a recommendation to the full Commission.

Budget Policy #2 provides, in relevant part:

The Budget & Finance Committee will review the Executive Director's recommended tax credit partnership budgets and make a recommendation to the full Commission for their approval prior to submitting the budgets to the limited partners. . . .

The Budget & Finance Committee will review the audits of the partnerships. During the year, the Budget & Finance Committee will review summary budget comparison information on the partnerships in conjunction with its quarterly review of the HOC owned properties, programs and activities.

Budget Policy #3 provides, in relevant part:

The Budget & Finance Committee of the Housing Opportunities Commission will review the budgets and/or amendments of [certain properties and non-profit] organizations only to the extent that they may require a short or long-term use of agency funds.

Budget Policy # 4 provides, in relevant part:

“All activities in the Operating Reserve will be reported to the Commission quarterly at the Budget, Finance and Audit Committee Meetings.”

The resolutions establish that the Commission took formal actions that variously created the BF&A Committee expressly, acknowledged it as a committee of the Commission itself, detailed the precise advisory functions it is to perform, and delegated to it the receipt of reports on the Commission's behalf. We therefore find that the BF&A Committee was created as a “public body,” both expressly and impliedly. And, although some of the committee's functions may fall within the administrative exclusion and thus beyond the Act's scope, the process of approving a budget does not. *See* §§ 3-103 (generally providing that the Act does not apply to meetings held to perform an administrative function) and 3-101(j) (defining that function as quasi-legislative). Accordingly, we conclude that the BF&A Committee has violated the Act by meeting, apparently for years, without providing to the public the opportunity to observe its conduct of public business. The fact that the Commission may not have intended the committee to be subject to the Act does not change this result.

B. Whether the Development and Finance (“D&F”) Committee is a “public body”

The D&F Committee apparently was not expressly created by resolution. According to the response, the Commission referred to it in a resolution for the first time in 2002, when the Commission resolved to appoint certain commissioners to serve on it. Also by resolution, the Commission adopted Policy #5, titled “Budget Approval and Amendment.” As relevant here, the policy provides:

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November 2, 2020

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Staff shall produce a balanced development budget for all new construction or substantial renovation projects. . . . The Development & Finance Committee of the Housing Opportunities Commission will review the development budget and make a recommendation to the full Commission for approval. . . .

The Development & Finance Committee will review any proposed changes to the total amount of the development budget and make a recommendation to the full Commission.

These resolutions show that the Commission formally acknowledged the D&F Committee as a committee of the full Commission and then resolved to assign precise functions to it. We conclude that it meets the Act’s definition of a “public body” and that it, too, has been violating the Act.

C. Whether the Legislative and Regulatory (“L&R”) Committee is a “public body”

In 1985, the Commission adopted a resolution that a “Legislative” Committee “be and it is hereby established.” In 2002, the Commission adopted a resolution that changed the name of that committee to its current name – the “Legislative and Regulatory Committee.” We find that this committee was expressly created by resolution, is a public body subject to the Act, and, like the other two committees, has been violating § 3-301 by failing to meet in open session.

Conclusion

We conclude that the committees in question are subject to the Act and that they violated § 3-301 whenever they met in closed session to perform a function subject to the Act. We thank the complainant and the Commission for their careful research into the relevant history and for their thorough and detailed submissions. As public bodies, the committees must each designate a member for training if the committee wishes to close a meeting under the Act, *see* § 3-213, and they must acknowledge this opinion in accordance with § 3-211. We encourage the Commission to review the status of its other committees.

Open Meetings Compliance Board

Lynn Marshall, Esq.

Nancy McCutchan Duden, Esq.

ALFRED C. CARR, JR.
Legislative District 18
Montgomery County



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Health and Government Operations
Committee

Subcommittees

Insurance and Pharmaceuticals
Government Operations
and Estates and Trusts

The Maryland House of Delegates
ANNAPOLIS, MARYLAND 21401

September 2, 2020

Open Meetings Compliance Board
c/o Attorney General's Office,
200 St. Paul Place,
Baltimore, MD 21202
via email to OpenGov@oag.state.md.us

Re: Housing Opportunities Commission of Montgomery County

I am writing to ask the Open Meetings Compliance Board to render an opinion on whether the Housing Opportunities Commission of Montgomery County (HOC) is in compliance with the Open Meetings Act regarding notice and minutes for committee meetings.

The HOC is governed by a 7-member board of commissioners that typically meets monthly. Commissioners are nominated by the County Executive and confirmed by the County Council. Many matters that come before the full commission are first reviewed at committee meetings and the full commission almost always upholds committee recommendations.

The HOC has a website (hocmc.org) and a [page](#) where they publish notices of upcoming full commission meetings. However, committee meetings are conducted out of the public eye. There is no notice to the public of the date, time or location of upcoming committee meetings and no minutes. For many years, HOC was in the practice of publishing a calendar in its commission meeting agenda briefbook (staff report issued in preparation for monthly full commission meetings) of upcoming meeting dates including committee meetings, but this practice appears to have stopped in 2018.

One committee is called the *Budget and Finance Committee* also referred to as the *Budget, Finance and Audit Committee* (BF&A). It consists of 3 commissioner members

and is currently chaired by commissioner Nelson. This committee met on or about May 19th, 2020 to consider 7 agenda items that were brought to the full board on June 3rd, 2020. **There was no notice to the public about the date, time or location of the BF&A meeting that occurred on or about May 19th, 2020.** The BF&A has been in existence for over 2 decades. The HOC's formally adopted written policies and resolutions (Internal Audit Policy (10/7/2015); Procurement Policy; Budget Policies #1, #2, #3, and #4; and Interest Rate Exchange Agreement Policy Governing the Use of Derivative Products (Resolution No. 19-16 adopted 2/6/19) memorialize the existence of the BF&A and require that certain matters be first referred to the BF&A committee.

Another committee is called the *Development and Finance Committee* (DFC). It consists of 3 commissioner members and is currently chaired by commissioner Simon. This committee met on or about May 22nd, 2020 to consider 3 agenda items that were brought to the full board on June 3rd, 2020. **There was no notice to the public about the date, time or location of the DFC meeting that occurred on or about May 22nd, 2020.** The DFC has been in existence at least since 2006. The HOC's formally adopted written resolutions including the Interest rate exchange agreement policy governing the use of derivative products (Resolution No. 19-16) adopted 2/6/19, and the Budget Policy #5 (Resolution No.: 06-115b) memorialize the existence of the DFC and require that certain information be reported to the DFC.

Yet another committee is called the *Legislative and Regulatory Committee* (LRC). It includes 3 commissioner members and is currently chaired by commissioner Kelleher. This committee met on or about June 29th, 2020 to consider 1 agenda item that was on the agenda to be brought to the full board on July 1, 2020. **There was no notice to the public about the date, time or location of the LRC meeting that occurred on or about June 29, 2020.** The DFC has been in existence at least since 2012.

The commission sometimes also from time to time establishes ad hoc committees that may not qualify as public bodies due to their temporary nature.

Commissioner members of each committee (BF&A, DRC & LRC) are appointed by the Chair of the commission although committee appointments are not mentioned in minutes of the full board. The HOC may argue that the BF&A, DFC and LRC committees are informal because there is no reference to them in HOC's bylaws. But they are memorialized in written adopted resolutions and policies and have been in place long enough (at least since 1998) to be considered de facto formal committees or standing committees to any person who works for or with the HOC or its commissioners.

Committees are also codified in HOC's Administrative Guide for Commissioners and Staff. If HOC argues that committees are informal, I would counter that in doing so, they attempt to evade the intent of the Open Meetings Act.

I ask the OMCB to determine whether HOC's 3 standing committees are public bodies and whether the failure to notify the public of the date, time and location of board committee meetings and to produce written minutes violates the Open Meetings Act.

Sincerely,



Delegate Al Carr
3904 Washington St
Kensington, MD 20895
alfred.carr@house.state.md.us

attachments/links:

- [June 3, 2020 HOC full board meeting agenda briefbook](#)
- [June 3, 2020 HOC full board meeting minutes](#)
- [July 1, 2020 HOC full board meeting agenda](#)
- [HOC procurement policy \(Resolution No.: 17-33, effective June 7, 2017\)](#)
- [HOC budget policy #1 \(Resolution No. 98-125, December 1998\)](#)
- [HOC budget policy #2 \(Resolution No. 98-12, December 1998\)](#)
- [HOC budget policy #3 \(Resolution No. 98-125, December 1998\)](#)
- [HOC budget policy #4 \(Resolution No. 04-51, June 2004\)](#)
- [HOC budget policy #5 \(Resolution No. 06-115b, December 2006\)](#)
- [February 6, 2019 HOC full board meeting minutes including Interest Rate Exchange Agreement Policy Governing the Use of Derivative Products \(Resolution No. 19-16\)](#)
- [October 7, 2015 HOC full board meeting briefbook containing HOC's Internal Audit Policy and Resolution 15-75 approving changes](#)
- [Administrative Guide for Commissioners and Staff \(2008\)](#)

AL CARR
Legislative District 18
Montgomery County

Health and Government Operations
Committee

Subcommittees

Insurance and Pharmaceuticals
Health Occupations and
Long-Term Care

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December 6, 2020

Open Meetings Compliance Board
c/o Attorney General's Office,
200 St. Paul Place,
Baltimore, MD 21202
via email to OpenGov@oag.state.md.us

Re: Housing Opportunities Commission of Montgomery County

I am writing to ask the Open Meetings Compliance Board to render an opinion on whether the Housing Opportunities Commission of Montgomery County (HOC) is in compliance with the Open Meetings Act regarding closed meetings of the full commission convened during calendar year 2018.

The HOC is governed by a 7-member board of commissioners that typically meets monthly. Commissioners are nominated by the Montgomery County Executive and confirmed by the County Council. The HOC has a website (hocmc.org) and a [page](#) where they publish notices of upcoming full commission meetings.

In reviewing documents posted on the meetings page of HOC's website and documents provided directly by HOC's general counsel, the full commission met in closed session on 17 occasions during calendar year 2018. Per the table below, I am concerned that the HOC failed to comply with the open meetings act for each of these meetings.

Meeting Date	Description	OMA Compliance Issues
January 10, 2018	Regular monthly meeting. Open session adjourned into closed session.	Topics not disclosed; Time, place and vote not disclosed in minutes of next open meeting.
January 31, 2018	Special closed meeting.	Failure to convene first in open session; Topics not disclosed; Time and place not disclosed in minutes of next open meeting.
February 6, 2018	Special closed meeting	Failure to provide public notice; Topics not disclosed; Time and place not disclosed in minutes of next open meeting.
February 7, 2018	Regular monthly meeting. Open session adjourned into closed session.	Topics not disclosed; Time, place and vote not disclosed in minutes of next open meeting.
March 7, 2018	Regular monthly meeting. Open session adjourned into closed session.	Topics not disclosed; Time, place and vote not disclosed in minutes of next open meeting.
April 4, 2018	Regular monthly meeting. Open session adjourned into closed session.	Topics not disclosed; Time, place and vote not disclosed in minutes of next open meeting; Discrepancy between verbal and written closing statements.
April 6, 2018	Special closed meeting	Failure to convene first in open session; Topics not disclosed; Time, place and vote not disclosed in minutes of next open meeting.
May 2, 2018	Regular monthly meeting. Open session adjourned into closed session.	Topics not disclosed; Time, place and vote not disclosed in minutes of next open meeting; Discrepancy between verbal and written closing statements.
May 18, 2018	Special meeting. Open session adjourned into closed session.	Insufficient notice for preceding open session; Lack of closing statement; Topics not disclosed; Time, place and vote not disclosed

		in minutes of next open meeting.
June 6, 2018	Regular monthly meeting. Open session adjourned into closed session.	Topics not disclosed; Time, place and vote not disclosed in minutes of next open meeting.
July 11, 2018	Regular monthly meeting. Open session adjourned into closed session.	Topics not disclosed; Time and place not disclosed in minutes of next open meeting; Discrepancy between verbal and written closing statements.
August 14, 2018	Special closed meeting	Inadequate notice of closed session; Topics not disclosed; Time, place and vote not disclosed in minutes of next open meeting; Discrepancy between verbal and written closing statements.
Sept 5, 2018	Regular monthly meeting. Open session adjourned into closed session.	Topics not disclosed; Time and place not disclosed In minutes of next open meeting; Discrepancy between verbal and written closing statements.
Sept 28, 2018	Special closed meeting	Failure to convene first in open session; Topics not disclosed; Time and place not disclosed In minutes of next open meeting.
October 3, 2018	Regular monthly meeting. Open session adjourned into closed session.	Topics not disclosed; Time and place not disclosed In minutes of next open meeting; Discrepancy between verbal and written closing statements.
November 7, 2018	Regular monthly meeting. Open session adjourned into closed session.	Topics not disclosed; Time and place not disclosed In minutes of next open meeting; Discrepancy between verbal and written closing statements.

December 5, 2018	Regular monthly meeting. Open session adjourned into closed session.	Topics not disclosed; Time and place not disclosed In minutes of next open meeting; Discrepancy between verbal and written closing statements.
Unknown date(s) between January 1 and July 1, 2018	Board met to discuss the executive director's performance, compensation and contract renewal that offered on July 1, 2018	No mention of these actions in any meeting notices, agendas or minutes.

I ask the OMCB to determine whether HOC violated the Open Meetings Act for each listed closed meeting of the full board convened during 2018.

Sincerely,



Delegate Al Carr
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attachments/links

- [HOC website page containing meeting notices and minutes](#)
- [Google drive folder provided by A. Memon on containing written closing statements and meeting audio](#)
- [July 1, 2018 employment contract signed by Chair and Executive Director](#)

Bill - MC 7-21

By: Delegate Carr
(To be offered in the Education, Elections, and Housing Committee)

AMENDMENT TO MC 7-21
(Sprint Copy)

On page 2, in line 4, after “DISCUSS” insert “:

(I)”;

in line 7, after the semicolon insert “OR

(II) ANY OTHER PERSONNEL MATTER THAT AFFECTS ONE OR MORE SPECIFIC INDIVIDUALS;”;

in line 10, after “COUNSEL” insert “TO OBTAIN LEGAL ADVICE”; in line 15, strike “OR”; and in line 16, after “(6)” insert “PROTECT THE PRIVACY OR REPUTATION OF AN INDIVIDUAL WITH RESPECT TO A MATTER THAT IS NOT RELATED TO PUBLIC BUSINESS;”;

(7) CONDUCT COLLECTIVE BARGAINING NEGOTIATIONS OR CONSIDER MATTERS THAT RELATE TO THE NEGOTIATIONS;

(8) CONSIDER THE INVESTMENT OF PUBLIC FUNDS;

(9) CONSIDER THE MARKETING OF PUBLIC SECURITIES;

(10) DISCUSS, BEFORE A CONTRACT IS AWARDED OR BIDS ARE OPENED, A MATTER DIRECTLY RELATED TO A NEGOTIATING STRATEGY OR THE CONTENTS OF A BID OR PROPOSAL, IF PUBLIC DISCUSSION OR DISCLOSURE WOULD ADVERSELY IMPACT THE ABILITY OF THE COMMISSION OR COMMITTEE TO PARTICIPATE IN THE COMPETITIVE BIDDING OR PROPOSAL PROCESS;

(11) DISCUSS CYBERSECURITY, IF THE PUBLIC BODY DETERMINES THAT PUBLIC DISCUSSION WOULD CONSTITUTE A RISK TO:

(I) SECURITY ASSESSMENTS OR DEPLOYMENTS RELATING TO INFORMATION RESOURCES TECHNOLOGY;

(II) 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

(III) DEPLOYMENTS OR IMPLEMENTATION OF SECURITY PERSONNEL, CRITICAL INFRASTRUCTURE, OR SECURITY DEVICES; OR

(12)".

EXPLANATION OF AMENDMENT

Establishes additional circumstances under which the Housing Opportunities Commission may meet in closed session by replicating a number of provisions of the Open Meetings Act.

By: Delegate Carr
(To be offered in the Education, Elections, and Housing Committee)

AMENDMENT TO MC 7-21
(Sprint Copy)

On page 2, in line 12, after the semicolon insert “**OR**”; and strike beginning with the semicolon in line 15 down through “**SESSIONS**” in line 19.

EXPLANATION OF AMENDMENT

Removes language authorizing the Housing Opportunities Commission to hold a closed session if two-thirds of the members present vote that there is a compelling reason to do so.

Bill No.: _____
Requested: _____
Committee: _____

Drafted by: Moriarty
Typed by: Elise
Stored – 10/15/20
Proofread by _____
Checked by _____

By: **Montgomery County Delegation**
Requested by: Delegate Carr

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Housing Opportunities Commission – Closed Sessions**

3 **MC 7–21**

4 FOR the purpose of limiting the circumstances under which the Housing Opportunities
5 Commission of Montgomery County or a committee of the Montgomery Commission
6 may meet in closed session; prohibiting the Montgomery Commission or a committee
7 of the Montgomery Commission from discussing or acting on certain matters while
8 meeting in closed session; and generally relating to the Montgomery Commission.

9 BY adding to

10 Article – Housing and Community Development
11 Section 16–107.2
12 Annotated Code of Maryland
13 (2019 Replacement Volume and 2020 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – Housing and Community Development**

17 **16–107.2.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 **(A) THE MONTGOMERY COMMISSION OR A COMMITTEE OF THE**
2 **MONTGOMERY COMMISSION MAY MEET IN CLOSED SESSION OR ADJOURN AN OPEN**
3 **SESSION AND RECONVENE IN A CLOSED SESSION ONLY TO:**

4 **(1) DISCUSS THE APPOINTMENT, EMPLOYMENT, ASSIGNMENT,**
5 **PROMOTION, DISCIPLINE, DEMOTION, REMOVAL, OR RESIGNATION OF APPOINTEES,**
6 **EMPLOYEES, OR OFFICIALS OVER WHOM THE MONTGOMERY COMMISSION HAS**
7 **JURISDICTION;**

8 **(2) CONSIDER THE ACQUISITION OF REAL PROPERTY FOR A PUBLIC**
9 **PURPOSE AND MATTERS DIRECTLY RELATED TO THE ACQUISITION;**

10 **(3) CONSULT WITH COUNSEL;**

11 **(4) CONSULT WITH STAFF, CONSULTANTS, OR OTHER INDIVIDUALS**
12 **ABOUT PENDING OR POTENTIAL LITIGATION;**

13 **(5) COMPLY WITH A SPECIFIC CONSTITUTIONAL, STATUTORY, OR**
14 **JUDICIALLY IMPOSED REQUIREMENT THAT PREVENTS PUBLIC DISCLOSURES ABOUT**
15 **A PARTICULAR PROCEEDING OR MATTER; OR**

16 **(6) SATISFY AN EXCEPTIONAL REASON, IF AT LEAST TWO-THIRDS OF**
17 **THE COMMISSIONERS PRESENT VOTE TO FIND THAT THE REASON IS SO**
18 **COMPELLING THAT IT OVERRIDES THE GENERAL PUBLIC POLICY IN FAVOR OF OPEN**
19 **SESSIONS.**

20 **(B) THE MONTGOMERY COMMISSION OR A COMMITTEE OF THE**
21 **MONTGOMERY COMMISSION MEETING IN CLOSED SESSION UNDER THIS SECTION**
22 **MAY NOT DISCUSS OR ACT ON ANY MATTER NOT SPECIFIED UNDER SUBSECTION (A)**
23 **OF THIS SECTION.**

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2021.