

HOUSE BILL 176

L2

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By: **St. Mary's County Delegation**

Introduced and read first time: January 15, 2020

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **St. Mary's County Open Meetings Act – Closed Sessions**

3 FOR the purpose of authorizing a public agency in St. Mary's County to meet in a closed
4 session to consider the investment of public funds, to consult with counsel for legal
5 advice, and, under certain circumstances, to discuss cybersecurity; and generally
6 relating to the St. Mary's County Open Meetings Act.

7 BY repealing and reenacting, without amendments,

8 Article – Local Government

9 Section 9–501

10 Annotated Code of Maryland

11 (2013 Volume and 2019 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article – Local Government

14 Section 9–512

15 Annotated Code of Maryland

16 (2013 Volume and 2019 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Local Government**

20 9–501.

21 (a) In this subtitle the following words have the meanings indicated.

22 (b) “Official action” means a phase of the process in which a public agency in St.
23 Mary's County makes a decision or recommendation, including receipt of information and
24 deliberation.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) (1) “Public agency” means:

2 (i) a governmental unit of St. Mary’s County, including an advisory
3 or quasi-judicial agency, that is:

4 1. supported in any part by public money; or

5 2. authorized to spend public money; and

6 (ii) the St. Mary’s County Board of Education.

7 (2) “Public agency” includes a subcommittee or other subordinate unit of a
8 governmental unit listed in paragraph (1) of this subsection.

9 (3) “Public agency” does not include:

10 (i) a grand jury;

11 (ii) a petit jury;

12 (iii) a law enforcement agency; or

13 (iv) the judicial branch.

14 (d) “Public agency meeting” means the convening of a quorum of the constituent
15 membership of a public agency to deliberate or act on a matter under the supervision,
16 control, jurisdiction, or advisory power of the public agency.

17 (e) “Quorum”, unless otherwise defined by applicable law, means a simple
18 majority of the constituent membership of a public agency.

19 (f) “Staff meeting” means a meeting of three or more staff members of one or more
20 public agencies.

21 9–512.

22 (a) A public agency meeting or a staff meeting may be conducted in a closed
23 session only:

24 (1) to consider or discuss the assignment, promotion, resignation, salary,
25 demotion, dismissal, reprimand, or appointment of a member of a public agency or
26 employee, unless the individual, as a matter of public record, makes a written request for
27 an open session;

28 (2) to discuss strategy in collective bargaining or litigation;

1 (3) to engage in collective bargaining;

2 (4) to discuss the distribution of police forces to cope with public safety
3 emergencies;

4 (5) to discuss cost estimates for capital projects to be subsequently placed
5 through the bidding process;

6 (6) to hold preliminary discussions concerning the purchase or disposition
7 of real property;

8 (7) when State law or federal regulation prohibits a meeting open to the
9 public;

10 (8) to meet a condition for anonymity of a donor contained in a gift or
11 bequest to the public agency;

12 (9) when secrecy is necessary to prevent the premature disclosure of the
13 format or content of examinations or the disclosure of results of examinations as related to
14 individual students; [or]

15 (10) if the meeting is conducted by the County Board of Education or its staff
16 to:

17 (i) consider the discipline of a student, unless the parent, guardian,
18 or student requests an open session of the County Board of Education; or

19 (ii) discuss specific students, families, or personnel and the
20 disclosure of the discussions could prove detrimental or harmful to those individuals;

21 **(11) TO CONSIDER THE INVESTMENT OF PUBLIC FUNDS;**

22 **(12) TO CONSULT WITH COUNSEL TO OBTAIN LEGAL ADVICE; OR**

23 **(13) TO DISCUSS CYBERSECURITY, IF THE PUBLIC BODY DETERMINES**
24 **THAT PUBLIC DISCUSSION WOULD CONSTITUTE A RISK TO:**

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

27 **(II) NETWORK SECURITY INFORMATION, INCLUDING**
28 **INFORMATION THAT IS:**

29 **1. RELATED TO PASSWORDS, PERSONAL**
30 **IDENTIFICATION NUMBERS, ACCESS CODES, ENCRYPTION, OR OTHER COMPONENTS**

1 **OF THE SECURITY SYSTEM OF A GOVERNMENTAL ENTITY;**

2 **2. COLLECTED, ASSEMBLED, OR MAINTAINED BY OR FOR**
3 **A GOVERNMENTAL ENTITY TO PREVENT, DETECT, OR INVESTIGATE CRIMINAL**
4 **ACTIVITY; OR**

5 **3. RELATED TO AN ASSESSMENT, MADE BY OR FOR A**
6 **GOVERNMENTAL ENTITY OR MAINTAINED BY A GOVERNMENTAL ENTITY, OF THE**
7 **VULNERABILITY OF A NETWORK TO CRIMINAL ACTIVITY; OR**

8 **(III) DEPLOYMENTS OR IMPLEMENTATION OF SECURITY**
9 **PERSONNEL, CRITICAL INFRASTRUCTURE, OR SECURITY DEVICES.**

10 (b) (1) A closed session shall be announced in advance at a meeting that is
11 open to the public.

12 (2) An announcement of a closed session shall include the nature of the
13 business of the closed session.

14 (3) The closed session shall be limited to the matters described in
15 subsection (a) of this section.

16 (c) The minutes of the next open session shall include the justification for holding
17 the closed session, the names of those in attendance, and the times the meeting begins and
18 ends.

19 (d) An ordinance, resolution, rule, regulation, or decision may not be finally
20 adopted at a closed session.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2020.