

Chapter 96

(House Bill 176)

AN ACT concerning

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

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

BY repealing and reenacting, without amendments,

Article – Local Government
Section 9–501
Annotated Code of Maryland
(2013 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Local Government
Section 9–512
Annotated Code of Maryland
(2013 Volume and 2019 Supplement)

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

Article – Local Government

9–501.

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

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

(c) (1) “Public agency” means:

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

1. supported in any part by public money; or
2. authorized to spend public money; and

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

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

(3) "Public agency" does not include:

(i) a grand jury;

(ii) a petit jury;

(iii) a law enforcement agency; or

(iv) the judicial branch.

(d) "Public agency meeting" means the convening of a 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.

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

(f) "Staff meeting" means a meeting of three or more staff members of one or more public agencies.

9-512.

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

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

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

(3) to engage in collective bargaining;

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

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

(6) to hold preliminary discussions concerning the purchase or disposition

of real property;

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

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

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

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

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

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

(11) TO CONSIDER THE INVESTMENT OF PUBLIC FUNDS;

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

(13) TO 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.

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

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

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

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

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

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

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.