

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

House Bill 510
Ways and Means

(Delegate McConkey, *et al.*)

Anne Arundel County - Board of Education and School Board Nominating
Commission - Open Meetings and Public Records

This bill requires that all actions of the Anne Arundel County Board of Education and the School Board Nominating Commission of Anne Arundel County be taken at a public meeting and that a record of the meetings and all actions be made public. There is an exception that allows the board and the commission to meet and deliberate in executive session provided that all actions and individual votes are contained in a public record.

The bill takes effect July 1, 2010.

Fiscal Summary

State Effect: None.

Local Effect: The Anne Arundel County Board of Education and the School Board Nominating Commission of Anne Arundel County can make records of their meetings and all actions taken at their meetings public with existing resources.

Small Business Effect: None.

Analysis

Current Law/Background: Under Maryland's Open Meetings Act, with limited exceptions which are detailed below, a "public body" must meet in open session. A public body is any entity that (1) consists of at least two individuals; and (2) is created by the Maryland Constitution; a State statute; a county charter; an ordinance; a rule, a resolution, or bylaw; or an executive order of the Governor or of the chief executive

authority of a political subdivision. Exclusions from the definition of “public body” include juries, the Governor’s cabinet and Executive Council, and single member entities.

Meetings by a public body may be closed to discuss certain personnel matters; protect the privacy or reputation of individuals; consider certain business matters; consult with counsel, staff, consultants, or other individuals; conduct collective bargaining negotiations; discuss public security; or conduct or discuss an investigative proceeding relating to criminal conduct.

The School Board Nominating Commission of Anne Arundel County was established in 2007 (Chapter 454) to select nominees from whom the Governor must choose for appointment to the Anne Arundel County Board of Education. The commission must submit at least two nominees to the Governor for each vacancy for the county board, unless there are fewer than two applicants for a vacancy. The county board of education consists of nine members, of whom three members are appointed from the county at large, five members are appointed from each of the five legislative districts in the county, and one is a student member.

Both the county board and the commission are considered a “public body” under the Open Meetings Act.

Minutes for the commission and the county board are both accessible on their respective web sites. The most recent county board minutes include a record of the votes made by each member.

Additional Information

Prior Introductions: None.

Cross File: SB 270 (Senators Simonaire and Reilly) - Education, Health, and Environmental Affairs.

Information Source(s): Anne Arundel County, Department of Legislative Services

Fiscal Note History: First Reader - February 15, 2010
mpc/mwc

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