

HOUSE BILL 176

L2

0lr1013

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

Introduced and read first time: January 15, 2020

Assigned to: Health and Government Operations

Committee Report: Favorable

House action: Adopted

Read second time: February 25, 2020

CHAPTER _____

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.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

5 (c) (1) “Public agency” means:

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

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

9 2. authorized to spend public money; and

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

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

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

14 (i) a grand jury;

15 (ii) a petit jury;

16 (iii) a law enforcement agency; or

17 (iv) the judicial branch.

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

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

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

25 9–512.

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

28 (1) to consider or discuss the assignment, promotion, resignation, salary,

1 demotion, dismissal, reprimand, or appointment of a member of a public agency or
2 employee, unless the individual, as a matter of public record, makes a written request for
3 an open session;

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

5 (3) to engage in collective bargaining;

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **(II) NETWORK SECURITY INFORMATION, INCLUDING**
2 **INFORMATION THAT IS:**

3 **1. RELATED TO PASSWORDS, PERSONAL**
4 **IDENTIFICATION NUMBERS, ACCESS CODES, ENCRYPTION, OR OTHER COMPONENTS**
5 **OF THE SECURITY SYSTEM OF A GOVERNMENTAL ENTITY;**

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

9 **3. RELATED TO AN ASSESSMENT, MADE BY OR FOR A**
10 **GOVERNMENTAL ENTITY OR MAINTAINED BY A GOVERNMENTAL ENTITY, OF THE**
11 **VULNERABILITY OF A NETWORK TO CRIMINAL ACTIVITY; OR**

12 **(III) DEPLOYMENTS OR IMPLEMENTATION OF SECURITY**
13 **PERSONNEL, CRITICAL INFRASTRUCTURE, OR SECURITY DEVICES.**

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

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

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

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

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

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