

Chapter 456

(House Bill 396)

AN ACT concerning

Montgomery County Planning Board – Open Meetings – Video and Audio Streaming and Minutes

PG/MC 101-22

FOR the purpose of requiring the Montgomery County Planning Board to stream live video or teleconference audio or other audio of the open meetings of the Board and to prepare minutes of each open meeting; requiring the Board to maintain on its website complete and unedited archived recordings of livestreamed open meetings and the minutes of its open meetings; providing that the inability of the Board to comply with the livestreaming requirements due to technical issues does not affect the validity of actions taken by the Board at an open meeting; and generally relating to meetings of the Montgomery County Planning Board.

BY repealing and reenacting, with amendments,

Article – Land Use

Section 20–202

Annotated Code of Maryland

(2012 Volume and 2021 Supplement)

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

Article – Land Use

20–202.

(a) (1) Subject to paragraph (2) of this subsection, a county planning board:

(i) is responsible for planning, subdivision, and zoning functions that are primarily local in scope; and

(ii) shall exercise, within the county planning board's jurisdiction, the following powers:

1. planning;
2. zoning;
3. subdivision;

4. assignment of street names and house numbers; and
5. any related matter.

(2) The functions under paragraph (1) of this subsection do not include the regional planning functions of the Commission relating to or affecting the regional district as a planning unit.

(b) (1) A county planning board has exclusive jurisdiction over:

(i) local functions, including:

1. the administration of subdivision regulations;
2. the preparation and adoption of recommendations to the district council with respect to zoning map amendments; and
3. the assignment of street names and house numbers in the regional district; and

(ii) mandatory referrals made in accordance with Subtitle 3, Part I of this title by the county planning board's respective county government or any unit of the county government.

(2) The Montgomery County Planning Board has exclusive jurisdiction over a mandatory referral made in accordance with Subtitle 3, Part I of this title by the County Board of Education, a municipal corporation or special taxing district, or a publicly owned or privately owned public utility.

(c) (1) Subject to paragraph (2) of this subsection, the Montgomery County Planning Board shall:

- (i) review the annual capital budgets of the county and future capital budget projections; and
- (ii) submit recommendations to the county council.

(2) The county government shall have sole responsibility for the preparation of the capital budgets and programs of public works.

(d) Each county planning board shall:

- (1) meet from time to time with its respective county council; and
- (2) perform surveys, studies, and other planning duties the county council assigns to the county planning board.

(E) (1) THIS SUBSECTION APPLIES ONLY TO THE MONTGOMERY COUNTY PLANNING BOARD.

(2) THE BOARD SHALL:

(I) STREAM LIVE VIDEO OR LIVE TELECONFERENCE AUDIO OR OTHER AUDIO OF THE OPEN MEETINGS OF THE BOARD;

(II) MAINTAIN ON ITS WEBSITE A COMPLETE AND UNEDITED ARCHIVED RECORDING OF EACH OPEN MEETING THAT IS LIVESTREAMED IN ACCORDANCE WITH THIS SUBSECTION; AND

(III) NOTWITHSTANDING § 3-306(B)(2)(I) OF THE GENERAL PROVISIONS ARTICLE:

1. PREPARE MINUTES OF EACH MEETING AS SOON AS PRACTICABLE AFTER THE MEETING; AND

2. PUBLISH AND MAINTAIN ON ITS WEBSITE THE MINUTES OF EACH OPEN MEETING PREPARED IN ACCORDANCE WITH THIS SUBSECTION.

(3) THE INABILITY OF THE BOARD TO COMPLY WITH PARAGRAPH (2)(I) AND (II) OF THIS SUBSECTION DUE TO TECHNICAL FAILURE THAT ENTIRELY PREVENTS OR OTHERWISE AFFECTS THE QUALITY OF THE LIVE VIDEO OR AUDIO STREAMING OF A MEETING OF THE BOARD DOES NOT AFFECT THE VALIDITY OF ANY ACTION TAKEN BY THE BOARD DURING THE MEETING IF:

(I) THE BOARD OTHERWISE COMPLIES WITH THIS SUBSECTION AND THE OPEN MEETINGS ACT; AND

(II) THE INABILITY TO COMPLY IS NOT DUE TO WILLFUL ACTION BY THE BOARD.

(4) IN ADDITION TO COMPLYING WITH THE MINUTES REQUIREMENTS OF THE OPEN MEETINGS ACT UNDER § 3-306 OF THE GENERAL PROVISIONS ARTICLE, IF THE BOARD IS UNABLE TO COMPLY WITH PARAGRAPH (2)(I) OF THIS SUBSECTION, THE BOARD SHALL MAKE GOOD-FAITH EFFORTS TO RECORD AN OPEN MEETING BY VIDEO OR AUDIO AND MAINTAIN ON ITS WEBSITE A COMPLETE AND UNEDITED ARCHIVED RECORDING OF THE MEETING.

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

October 1, 2022.

Approved by the Governor, May 16, 2022.