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STATE OF MARYLAND
OPEN MEETINGS COMPLIANCE BOARD

12 Official Opinions of the Compliance Board 83 (2018)

City of Greenbelt Advisory Planning Board

August 22, 2018

The complaint alleges that “the Greenbelt City Council . . . violated the Open Meetings Act when it failed to publish minutes, as soon as practicable, for the Advisory Planning Board . . . meetings” held by that board on fifteen dates, ranging from February 1, 2017 to May 9, 2018. The City Solicitor responded on behalf of the City. The board posted some minutes before the Complainant submitted his complaint and has now posted the others.

The Advisory Planning Board and the City Council are separate public bodies. The complaint does not allege any act or omission on the part of the City Council. We find that the City Council did not violate the Act. We will treat the complaint as a complaint against the board.

Several provisions of the Act apply here. First, § 3-306(b), as pertinent, provides: “[A]s soon as practicable after a public body meets, it shall have minutes of its session prepared.” The complaint does not allege that the board failed to adopt minutes in a timely fashion, and it provides no information on when each set was adopted. The complainant alleges only that he did not find the minutes online. He does not allege that he asked to inspect them or that he submitted a Public Information Act request for copies. The response states that the board has adopted minutes. From our sampling of the minutes that are now posted on the City’s website, it appears that the board adopts minutes at each meeting and that it meets frequently enough that the public does not need to wait long to see the minutes. The board did not violate § 3-306(b).

Second, § 3-306(e) provides: “To the extent practicable, a public body shall post online the minutes or recordings required to be kept [under the Act].” The Act thus does not require posting unless and until it is “practicable” for the public body. We are seldom in a position to second-guess what was “practicable” for a public body’s staff at a given point of time, and we have seen, from other matters, that even when staff are available for a task, it is not always easy for them to see that materials are posted on the particular government’s website. Here, the response states that, through “administrative oversight,” the board had not posted its minutes until recently. We have no facts about the cause of the “administrative oversight.” However, we see no sign that the board selectively posted its minutes, purposefully delayed

posting them or denied the complainant the opportunity to inspect them. Further, the minutes are now posted, and some were posted quickly anyway. Given these circumstances, we find that the oversight did not rise to the level of a violation of the Act.

In conclusion, we find that neither the board nor the Council violated the Act. Also, we ask members of the public to seek information from public bodies before invoking our procedures. Here, a visit to City Hall or a Public Information Act request would likely have yielded the minutes, and brought the oversight to staff's attention, more efficiently than this complaint.

Open Meetings Compliance Board

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