



BILL NO.: House Bill 58
TITLE: State Government – Open Meetings Act – Definition of Public Body
POSITION: **OPPOSE**
DATE: January 20, 2010
COMMITTEE: Health and Government Operations
CONTACT: Leslie Knapp Jr.

The Maryland Association of Counties (MACo) **OPPOSES** House Bill 58. The bill expands the definition of “public body” under the Open Meetings Act to include a body that is created by: (1) a memorandum of understanding, memorandum of agreement, or contract entered into by the chief executive authority of a political subdivision of the State; or (2) a political subdivision of the State while carrying out a quasi-legislative function.

The bill does not appear to address a widespread and ongoing problem or issue of concern. County policy-making is conducted transparently and counties consistently comply with the intent and requirement of the Open Meetings Act. If a particular entity has an issue that has raised concerns, it should be dealt with in a more narrow fashion.

The bill also imposes an additional administrative and potential cost burdens on local governments at a time when both counties and municipalities have been subjected to significant budget cuts and numerous new reporting and administrative requirements.

Additionally, the bill’s language is overbroad and may subject certain bodies to the Open Meetings Act where it is not reasonable or necessary. For example, if a county executive enters into a contract with an engineering firm to oversee progress on a capital project and the contract requires that a group of engineers meet once every two weeks to review the project, under the bill, a group of engineers performing a purely technical role are subject to the Open Meetings Act, and its extensive requirements.

HB 58 imposes additional and unnecessary burdens on local governments and is overbroad in scope. Accordingly, MACo recommends the Committee issue an **UNFAVORABLE** report on HB 58.