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Open Meetings Compliance Board
c/o Attorney General's Office
200 St. Paul Place
Baltimore, MD 21202

SENT BY EMAIL ONLY TO: opengov@oag.state.md.us

RE: Open Meetings Act Complaint 19-28
Anne Arundel County Gun Violence Prevention Task Force

Dear Sir or Madam:

This letter is in response to Open Meetings Act Complaint 19-28 concerning an alleged meeting of the Public Education and Messaging Sub-Committee (the "Sub-Committee") of the Anne Arundel County Gun Violence Prevention Task Force (the "Task Force"). The Sub-Committee did not meet on July 11, 2019, and, therefore, there was no violation of the Maryland Open Meetings Act, Maryland General Provisions Code Annotated, §§ 3-101, et seq. (the "Act").

BACKGROUND

The Anne Arundel County Gun Violence Prevention Task Force was created by County Executive Steuart Pittman through the issuance of Executive Order Number 9 on April 5, 2019. (See Executive Order Number 9, a copy of which is attached hereto as Exhibit A). The Executive Order provides that the Task Force is comprised of 17 ex officio members identified in the Executive Order, up to 18 at-large members appointed by the County Executive, and up to 2 at-large members appointed by the County Council, for a total of 37 members.

The Task Force met for the first time on May 16, 2019. (See Meeting Minutes dated May 16, 2019, a copy of which is attached hereto as Exhibit B). At that meeting, issues for the Task Force to consider were identified by the Task Force, and, as a group, the Task Force agreed to form six sub-committees, including the six-member Public Education and Messaging Sub-Committee. (See “Subcommittee Roster”, a copy of which is attached hereto as Exhibit C).

On June 26, 2019, Daryl Hodge, a citizen of Anne Arundel County, filed a complaint related to the Task Force. He alleges that the Public Education and Messaging Sub-Committee planned to hold a meeting on July 11, 2019, that would not be announced to the public or open to the public. The Public Education and Messaging Sub-Committee did not meet on July 11, 2019.

THE OPEN MEETINGS ACT

The Maryland Open Meetings Act requires that public bodies, as defined in the Act: meet in open session, except as otherwise provided in the Act (§ 3-301 of the Act); give reasonable advance notice of their meetings (§ 3-302 of the Act); permit the general public to attend open sessions (§ 3-303 of the Act); and prepare, make available to the public, and maintain meeting minutes (§ 3-306 of the Act). A public body may meet in closed session under certain circumstances specified in the Act and interpreted in favor of open meetings (§ 3-305 of the Act).

A meeting of a public body, as defined in the Act, occurs when a quorum of the members of a public body convene to consider or transact public business. (§ 3-101(g) of the Act). A “quorum” is defined as a majority of the members of a public body or such other number as an applicable law requires. (§ 3-101(k) of the Act). As Executive Order Number 9 is silent as to what constitutes a quorum, the Act’s definition applies.

ANALYSIS

There is no question that the Task Force as a whole is a public body subject to the Act. The Task Force has more than two members and was created by Executive Order of the County Executive, the chief executive authority of a political subdivision of the State. (See § 3-101(h)(ii)8). Mr. Hodge makes no complaint about the Task Force as a whole. Rather, his complaint goes to a planned meeting of the Public Education and Messaging Sub-Committee of the Task Force. The County’s position is that the various sub-committees that have been formed, including the Public Education and Messaging Sub-Committee, are not public bodies. However, that question need not be decided by this Board because there was no meeting of the Sub-Committee on July 11, 2019.

A conference call for the members of the Public Education and Messaging Sub-Committee was scheduled for July 11, 2019. The County does not dispute that this conference call was not advertised to the public, and there was no plan to open the conference call to the public. However, no conference call of the Sub-Committee

occurred. The chair of the Sub-Committee and one of the members did have a telephone conversation related to Sub-Committee business on that date. (See Statement of Dawn Stoltzfus, Chair of the Public Education and Messaging Sub-Committee of the Anne Arundel County Gun Violence Prevention Task Force, a copy of which is attached hereto as Exhibit D). These two members of the Sub-Committee did not constitute a majority or quorum of the six-member Sub-Committee.

Therefore, even if the Sub-Committee is a public body, which the County disputes, the telephone conversation between two members on July 11, 2019, did not constitute a meeting, and was not a violation of the Act.

If you have any questions or need anything further, please let me know.

Very truly yours,



Lori L. Blair Klasmeier
Deputy County Attorney