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STATE OF MARYLAND
OPEN MEETINGS COMPLIANCE BOARD

10 *Official Opinions of the Compliance Board* 126 (2016)

Re: Board of Commissioners, Housing Authority of the City of Annapolis
Richard Hutzell, Capitol Gazette Communications, *Complainant*

November 9, 2016

Complainant Richard Hutzell alleges that the Board of Commissioners of the Housing Authority of the City of Annapolis ("Authority") violated the Open Meetings Act on August 22, 2016, by meeting without giving notice to the public.

The Authority's Chairman, responding on the Authority's behalf, does not deny the allegation that no notice was given. She states that the Commissioners properly met in closed session because the topics that they discussed fell within two of the Act's express exceptions to the Act's openness mandate. She further states that the Authority will now ensure that it prepares a written closing statement before closing its meetings. The response does not dispute the lack of notice for the meeting.

The Act requires a public body to meet in open session unless the Act expressly provides otherwise. § 3-301.[1] As relevant here, the Act expressly provides fourteen exceptions to that general rule. § 3-305. To invoke an exception, however, a public body must first vote, in open session, on a motion to close the meeting, and its presiding officer must prepare a written statement that discloses the exception relied upon for excluding the public, the topics to be discussed, and the public body's reasons for excluding the public from the discussion of that topic. § 3-305(d). In short, to hold a closed session under the authority granted by § 3-305, a public body must first hold a public meeting, and to hold a public meeting, it must first give notice. *Id.*, § 3-302.

[1] Statutory citations are to the General Provisions Article of the Maryland Annotated Code (2014, with 2016 supp.).

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We find that the Authority violated the Act by failing to give notice of the August 22 meeting and by failing to meet the conditions that the Act imposes on the discussion of an excepted topic in closed session. The Authority might find it helpful to use the form closing statement that is posted, with instructions, on the Open Meetings page of the Attorney General's website. The requirements applicable to closed meetings are also explained in Chapter 5 of the Open Meetings Act Manual, likewise posted there. We further refer the Authority to the material on the Act's training requirement set forth in § 3-213, as the Authority has not submitted to us the name of the officer, member, or employee whom it has designated to take training in the Act.

As required by § 3-211, the Authority must announce these findings at its next meeting and submit to us a signed copy of this opinion. Also, as required by § 3-213, the Authority must designate an officer, member, or employee to take training on the requirements of the Act.

Open Meetings Compliance Board

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