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STATE OF MARYLAND
OPEN MEETINGS COMPLIANCE BOARD

10 Official Opinions of the Compliance Board 91 (2016)

Prince George's County Local Development Council
Nathaniel Baccus, III, *Complainant*

September 13, 2016

Complainant Nathaniel Baccus, III alleges that the Prince George's County Local Development Council ("Council") violated the Open Meetings Act by failing to give notice reasonably in advance of its June 30, 2016 meeting. Complainant states that notice was not posted until June 27.

The Council's chair explains that the Council had decided during its May 25 meeting that it would next meet on June 29. However, the Council's administrative tasks are handled by the county executive's staff, and June 29 was the day of the county executive's "BBQ," an event that staff were required to attend. Therefore, on June 22, the Council's meeting date was changed to June 30. Emails provided to us show that two days later, on Friday, June 24, at 5:27 p.m., the county executive's assistant sent the meeting agenda, which included the meeting date, time, and place, to the county's web support staff for posting on the Council's webpage. The web support staff replied at 7:30 that night that he had posted it. It thus appears that the notice was posted in the form of an agenda 6 days in advance.

As we have noted before, the public does not necessarily expect public bodies to post materials online after business hours and on weekends. *See 9 OMCB Opinions* 110, 114-16 (2014) (addressing online notice given on a Saturday that the public body would meet on Sunday). An online notice is thus different than notice in a newspaper, which the public can reasonably be expected to see on the day that the paper is published. Even so,

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we cannot say that a notice given 6 days in advance is unreasonably short, and we do not find a violation here.

We add some practical advice for citizen boards that, because of their composition, cannot easily adhere to a regular meeting schedule and, therefore, in the Complainant's words, seem to post their online notices in a "haphazard way." Online notices will not seem haphazard if a public body includes on its webpage some information about how the public body schedules its meetings and a range of dates for when notices will be posted and finalized. If a public body may need to meet at short notice during certain times of the year, the public can be alerted to that fact. Additionally, as discussed in Chapter 2, § A of the Open Meetings Act Manual (2015 edition), public bodies may use supplemental methods, such as emailing notices to people who sign up to receive them or informing the media; indeed, public bodies *must* use additional methods when meetings are called at the last minute.

It appears that the Council is addressing the question of how to give adequate notice. We see that the Council now has an email subscription list and that it has posted for its September meeting an agenda that conveys the information that it will hold regularly-scheduled meetings on the third Wednesday of every month. We suggest that the Council also post that information on the webpage proper, along with information on where to look for updates.

In conclusion, we find that the Council did not violate the Act, and we have advised it on ways in which to improve its notices.

Open Meetings Compliance Board

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