

**COMPLIANCE CHECKLIST**  
**FOR MEETINGS SUBJECT TO THE MARYLAND OPEN MEETINGS ACT \***

1. \_\_\_ Did you give “reasonable advance notice” of the meeting and retain a copy?
2. \_\_\_ Did you make arrangements for the public to attend and for minutes to be kept in writing or produced as live, archived, and streaming audio or video ?
3. \_\_\_ If part of the meeting might be closed to the public, have you first:
  - \_\_\_ made sure that the topic to be discussed falls entirely within one or more of the 14 “exceptions” that allow a public body to exclude the public? (see the other side of this page or <http://www.oag.state.md.us/Opengov/Openmeetings/AppC.pdf> for the list)
  - \_\_\_ given notice of the open meeting that must be held right before the members meet in closed session, so that the members can hold the required public vote to close?
  - \_\_\_ made sure that the presiding officer is ready to prepare a written statement that states the statutory authority for the closing, the topics to be discussed, and the reasons for excluding the public from the discussion of those topics? (see <http://www.oag.state.md.us/Opengov/Openmeetings/AppC.pdf> for a model form)
  - \_\_\_ made sure that the presiding officer will hold a recorded vote to close on the basis of the information provided on the written statement?
  - \_\_\_ arranged for minutes to be kept and adopted as sealed minutes of the closed session?
  - \_\_\_ made sure that the closed session discussion will not go beyond the exceptions and topics cited on the written statement?
  - \_\_\_ arranged to disclose in the minutes of the next open meeting a statement of the time, place, and purpose of the closed meeting; a record of the vote to close the meeting and the authority to do so; and a listing of the topics discussed, the persons present, and the actions taken?
  - \_\_\_ for a meeting recessed into closed session to conduct an administrative function, arranged to disclose in the minutes of the next open meeting a statement of the date, time, place, and persons present and a phrase or sentence identifying the subject matter discussed at the closed session?
4. \_\_\_ Did you prepare, for adoption as soon as practicable, minutes of the open meeting, including summaries of any prior closed sessions, and are they available for inspection?

\*A meeting will generally be subject to the Act if a quorum of the members of a public body has convened to conduct public business. The Act does not apply to a public body’s performance of the judicial function and most quasi-judicial functions, though it does apply to licensing, permitting, and many land use discussions. The Act applies only in a limited way to the performance of merely “administrative” functions. Some public bodies are governed by laws that impose more stringent requirements. If so, those requirements apply. For details on the scope of the Act, see the Open Meetings Act Manual.

(continued→ )

**STATUTORY AUTHORITY TO CLOSE SESSION  
(THE FOURTEEN “EXCEPTIONS”)**

**General Provisions Article § 3-305(b) (formerly State Government Article, §10-508(a))**

- (1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals;
- (2) To protect the privacy or reputation of individuals concerning a matter not related to public business;
- (3) To consider the acquisition of real property for a public purpose and matters directly related thereto;
- (4) To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;
- (5) To consider the investment of public funds;
- (6) To consider the marketing of public securities;
- (7) To consult with counsel to obtain legal advice on a legal matter;
- (8) To consult with staff, consultants, or other individuals about pending or potential litigation;
- (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations;
- (10) To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans;
- (11) To prepare, administer, or grade a scholastic, licensing, or qualifying examination;
- (12) To conduct or discuss an investigative proceeding on actual or possible criminal conduct;
- (13) To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter;
- (14) Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

(Revised October 1, 2014)