

Types of Meetings

There are six types of meetings: (1) organizational meetings; (2) regular meetings; (3) special or emergency meetings; (4) work sessions; (5) public hearings; and (6) executive sessions. This section describes the salient features of each type of meeting.

Organizational Meetings. Usually very soon after each election, a meeting may be necessary to establish the procedures concerning conduct of council meetings. Local practices may vary, but generally the meeting should establish: regular dates, times, and locations for routine council meetings; rules of procedure for conducting business at meetings (*Robert's Rules*, etc.); and assignment of council member duties (i.e., mayor pro tempore, committee chairpersons, etc.). Many municipalities adopt and publish a schedule of meeting dates for an entire year, while others are set by charter.

Regular Meetings. This is the official, final public action meeting. It is the only meeting where the council may adopt ordinances or regulations. There is no requirement that councils meet any set number of times per month (nor even that they meet at all) in the *Maryland Constitution* or in state law. This requirement is left to each municipality's charter. The sample charter formally in the *Annotated Code of Maryland* recommends meeting at least once each month (Art. 23B, Sec. 8). Many municipal charters throughout the state prescribe regular meetings and require that the meeting date be set at the annual or semi-annual organizational meeting of the council.

One very important feature of the regular meeting is the public forum aspect. The regular meeting generally includes at least a citizen comment period and often incorporates a formal public hearing on one or more subjects. While allowing public comment to some degree, the regular meeting always allows the public an opportunity to hear the council discussion on each subject.

Special or Emergency Meetings. Regular meetings are scheduled in advance (usually one or two per month) to allow the public, press, and persons having business for the council to attend the meetings. However, emergencies and special situations may require convening a special meeting often with little, if any, advance notice. Examples of special meeting items include, but are not limited to: emergency ordinances, unexpected matters requiring official action before the next regularly

scheduled meeting, emergency equipment replacement, financial problems, and health and safety emergencies. While the occasional need for such meetings cannot be denied, the term "emergency" should be used very carefully to avoid abuse of the special meeting. The procedures for calling special meetings are generally provided in each municipality's charter. However, special meetings run the risk of violating the state Open Meetings Act if conducted without reasonable notice to the public. Therefore, it is particularly important in conducting special meetings to record the vote which calls the meeting and the notice of the meeting.

Work Sessions. These are the most common meetings in most municipalities. Work sessions are essentially "shirt-sleeves" meetings where the council discusses issues informally to achieve more complete understanding of one or more subjects. Many work sessions are held in another room away from the formal council chamber with a "round-table" type seating arrangement to promote informal discussion.

These sessions take many forms and cover virtually any subject matter. Typical work sessions will include a variety of items and will generally serve as a background discussion about items scheduled for official action at the next regular meeting. For example, the council may discuss possible designs for a new playground, hear status reports, discuss an ordinance that has been introduced and awaits enactment, or consider ideas for new programs. Some subjects, such as the annual budget, may be the topic of many such sessions before official action at a regular meeting.

Work sessions are not formal meetings; therefore, the council cannot take official action or final votes. In order to allow some understanding of the status of discussion items, most councils use either a “consensus” poll of the members or a “straw vote” to determine the sense of the council concerning each item. This consensus is not binding on the council members at a subsequent meeting when official votes are taken, but it does serve as a reasonable guide for the public, staff, press, and other council members.

Work sessions must be open to the public. The open-ended, informal discussion format, however, is intended to allow council members to discuss agenda subjects in a give-and-take fashion without the formality of hearings, formal motions, and written reports. The number of council members and staff participating in these discussions, combined with the tentative nature of many of the subjects, lead most councils to prohibit or discourage citizen participation in the discussion during work sessions. Citizens and the media are welcome as observers but usually may not participate unless called upon as resource persons.

Municipalities may find it desirable to schedule a regular date and time for work sessions throughout the year. This allows council and staff to plan workloads and schedule other events. It also provides reasonable notice of the meetings to the public which is required by law.

Public Hearings. The council holds public hearings when it is considering a subject having unusually high community impact and when it is considering items for which local, state, or federal regulations mandate such hearings. The main purpose of such a hearing is to obtain testimony from the public. An issue on which a public hearing is held may be the subject of several work sessions and may generate potentially more citizen participation than can be accommodated at a regular meeting with its other normal business items. An additional meeting of the council for a public hearing can be valuable in providing the public an opportunity to learn the current status of a project and give the council, as the public policy makers, clear indications of public sentiment before making a decision. Additional work sessions at a subsequent meeting generally follow the public hearing before final council action on the matter at a regular hearing.

Executive Sessions. If allowed by charter, these meetings are closed to the public and press and generally are held for discussion of legal (litigation, advice from counsel, etc.), personnel, or other confidential matters. There are very specific legal provisions for closing the meeting such as recording the vote of council members who authorized the meeting and recording the circumstances of the meeting in the official minutes of the municipality. Executive meetings should be held only in accordance with the strict mandates of the Open Meetings Act.

Maryland Open Meetings Act

In 1954, the Maryland General Assembly enacted a law that required open meetings for legislative bodies of Maryland Municipal Corporations. That law, which remains part of the *Maryland Annotated Code*, provides:

“All meetings, regular and special, of the legislative body, by whatever name known, in every municipal corporation in Maryland, including the City of Baltimore, shall be public meetings and open to the public at all times. Nothing contained herein shall be construed to prevent any such body from holding an executive session from which the public is excluded but no ordinance, resolution, rule or regulation shall be finally adopted at such an executive session (Art. 23A, Sec. 8).”

The requirements of this law have been added to and, in large part, superseded by the enactment in 1977 of the Maryland Open Meetings Act (State Government Art. Sec. 10-501 et seq.). The Law requires all Maryland public bodies including city and town councils to open their meetings to the public.

What is the purpose of the Open Meetings Act, “Sunshine Law”? The policy of the General Assembly of Maryland in enacting this law is set out in Section 10-501 of the Law:

“It is essential to the maintenance of a democratic society that, except in special and appropriate circumstances:

1. public business be performed in an open and public manner; and
2. citizens be allowed to observe:
 - (i) the performance of public officials; and
 - (ii) the deliberations and decisions that the making of public policy involves.”

This overriding policy of openness will guide the courts in deciding cases under the Law. The Maryland Court of Appeals has expressed its view of the Law in 1980 decision involving a municipality:

“While the Act does not afford the public any right to participate in the meetings, it does assure the public right to observe the deliberative process and the making of decisions by the public body at open meetings. In this regard, it is clear that the Act applies, not only to final decisions made by the public body exercising legislative functions at a public meeting, but as well to all deliberations which precede the actual legislative act or decision, unless authorized by [the Act] to be closed to the public. The Act makes no distinction between formal and informal meetings of the public body; it simply covers all meetings at which a quorum of the constituent membership of the public body is convened “for the purpose of considering or transacting public business.” It is, therefore, the deliberative and decision-making process in its entirety which must be conducted in meetings open to the public since every step of the process, including the final decision itself, constitutes the consideration or transaction of public business.” (287 Md. 56 (1980))

The Compliance Board. A state Open Meetings Compliance Board reviews and resolves complaints filed by the public, public bodies, the media, or any other entity alleging a violation of the open meetings act.

Utilization of the Board is voluntary and the opinions of the Board are not binding on any public body. However, public bodies usually follow the recommendations of the Compliance Board. The Board provides quick and inexpensive resolutions to questions about the applicability of the open meetings act to specific situations.

The Board issues written advisory opinions and distributes summaries of its opinions to public bodies in order to provide guidance on compliance with the law. The Board also reviews allegations of an anticipated violation of the law by a public body and advises the body on how it could comply with the law. A complaint must be in writing and signed by the person making the complaint. The Board notifies the public body of the complaint which then has 30 days to issue a written response. A short time later the Board makes an advisory determination concerning the complaint and notifies the affected parties. (It should be noted that an opinion of the Board may not be used in a court proceeding.) The Board is also empowered to take immediate action on a written or oral complaint for a meeting of a public body that has been scheduled but not yet held.

The Board consists of three members appointed by the Governor with the advice and consent of the Senate. The Office of the Attorney General staffs the Board.

Definitions of a Public Body. Under current law a public body is defined as an as entity consisting of two or more individuals formally created by state or local law or by an executive order of the Governor or chief executive authority of a political subdivision. All meetings of such bodies where a quorum is present must be held in open session unless the body is carrying out an executive, judicial, or quasi-judicial function, or unless it is closing a meeting or a portion of a meeting for one of 14 specified reasons (i.e., exceptions). However, several public bodies have been specifically exempted from the requirements of this law including petit and grand juries, judicial nominating commissions, local government insurance pools, hospital governing boards, and the Governor’s Cabinet or a local counterpart.

The scope of the Open Meetings Act applies to a public body when it is meeting to consider a legislative

matter or 1) granting a license or permit; or 2) a special exception variance, conditional use, zoning classification, the enforcement of any zoning law or regulation, or any other zoning matter. This does not apply when the public body is fulfilling an executive function. Furthermore, the public body could use one of the 14 exceptions to close portions of its meeting, if it were appropriate.

The law is also made applicable to multimember boards, commissions, or committees appointed by the Governor or the chief executive authority of the political subdivision if the Board includes at least two individuals not employed by the state or political subdivision.

Notice and Conduct of Public Meetings. Current law requires that, before meeting in a closed or open session, a public body must give reasonable advance notice of the session. The law requires that such notice: 1) be in writing; 2) include the date, time, and place of the session, and 3) if appropriate, include a statement that part or all of the meeting may be conducted in closed session. This notice may be given by any reasonable method including by providing notice to representatives of the news media who regularly report on sessions of the public body, or by posting or depositing the notice at a convenient public location at or near the place of the session (if the public body previously has given public notice that this method will be used).

Current law provides that whenever a public body meets in open session, the general public is entitled to attend. The law requires that a public body adopt and enforce reasonable rules regarding the conduct of persons attending its meetings and the videotaping, televising, photographing, broadcasting, or recording of its meetings. Moreover, if the presiding officer determines that the behavior of an individual is disrupting an open session, the public body may have the individual removed. Unless the public body or its members or agents act maliciously, the public, members, and agents are not liable for having an individual removed.

Procedures for Closing a Public Meeting and Minute Keeping. Unless a majority of the members of a public body are present and vote in favor of closing the session, the public body may not meet in closed session. Accordingly, before closing a meeting, a presiding officer must conduct a recorded vote and prepare a written statement of the reason for closing the meeting. The written statement must include a citation of the statutory authority for closing the meeting and the topics to be discussed. In addition, if an objection has been made to closing the meeting, the public body must send to the Open Meetings Law Compliance Board a copy of the aforementioned written statement. The Board will use the information to report to the General Assembly on trends in the use of the various reasons for closing a meeting. Furthermore, a public body must preserve the minutes and any tape recording of a closed session for at least one year.

Under current law, written minutes must be prepared after a public body meets, whether in open or closed session. When a public body meets in closed session, the minutes that are prepared for consideration at the next open session must include:

1. a statement of the time, place, and purpose of the closed session;
2. a record of the vote of each member as to closing the session;
3. a citation of the authority under the law for closing the session; and
4. a listing of the topics of discussion, persons present, and each action taken during the session.

Minutes and tape recordings of a closed session may generally remain sealed from public inspection, except as follows. The law requires the automatic release of minutes of closed discussions regarding the investment of public funds or the marketing of public securities, once the transaction has taken place. The minutes of a closed session may also be released if a majority of the members of a public body votes to release them.

Reasons for Closing a Public Meeting (“The Exceptions”). The law governs the circumstances under which a public body may meet in closed session. First, the law provides for exceptions that authorize a public body to meet in a closed session. The exceptions allow a public body to meet in closed session to: 1) discuss a performance evaluation of appointees, employees, or officials over whom it has jurisdiction; 2) consult with counsel to obtain legal advice; 3) discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security; 4) consider a matter that concerns the location, expansion, or retention of business or industry in the state; or 5) discuss an investigative proceeding on actual or possible criminal conduct. Another exception is added to cover situations in which a public body needs to discuss a procurement matter and the disclosure of the discussion would adversely impact the ability of the public body to participate in the procurement process. A complete listing of the 14 exceptions follows:

A public body (not acting in an executive or judicial capacity) may only close a meeting for one or more of these 14 reasons to:

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

Penalties for Improperly Closing a Public Meeting. Current law provides that, in situations where a public body may have met illegally in closed session, an aggrieved party may file a petition in circuit court concerning the alleged wrongdoing. If the court determines that the public body closed a session illegally, it can void any actions taken during the closed session (except actions relating to levying taxes, appropriating public funds, or issuing bonds).

A member of a public body who willfully participates in a meeting of the body knowing that the meeting is being held in violation of the provisions of the Open Meetings Act may be personally subject to a civil penalty not to exceed \$100.

Press. Under the Open Meetings Act or Public Information Act, a member of the press has no greater legal right to information or access to meetings than any other member of the public. However, the press performs an important function in informing citizens about the actions and operations of government, and

the council should accommodate their special role where feasible. Many bodies take special efforts to inform the press of meetings and what is to be considered. Some bodies provide a special press table in a suitable location so that reporters have a comfortable place to take notes. A few bodies routinely provide interested reporters with minutes of the meeting.

If the council adjourns a meeting into a closed session allowed by the Open Meetings Act, the council can exclude members of the press, like other citizens, from the closed session. Occasionally, a reporter may voice an objection to the closure of a meeting. If this occurs, the presiding officer should note the objection in the minutes of the meeting and take particular care that the council follows the appropriate procedures for closing a meeting.

There may be occasions when a television reporter wishes to record a portion of a meeting on videotape or when a news photographer wishes to take photographs during the meeting. The law requires public bodies to adopt and enforce rules for attendance, photographing and video and audio taping of their meetings. The Attorney General's office or MML can provide a municipality with a model policy.

Meeting Procedures

Agenda. It is advisable to have a written agenda for every meeting. An agenda provides a guide or road map so that the meeting proceeds in an orderly fashion. It notifies members of the council, other officials, the public, and the media of the subjects that the council will consider. If an agenda is prepared sufficiently in advance, it can be included in the public notice of the meeting required by the Open Meetings Act.

There is no mandated format for an agenda, and its contents should be guided by the needs of the council. An agenda routinely includes the following items:

1. call to order
2. action on minutes of previous meeting
3. reports from committees or officials
4. old or unfinished business
5. ordinances for first reading
6. ordinances for second reading
7. ordinances for final reading
8. resolutions
9. new business
10. miscellaneous business
11. comments from the public
12. adjournment.

An agenda is merely a tool to aid in conducting an orderly meeting. If, during the meeting, it appears that deviation from or revision of the written agenda would expedite proceedings, the council should be flexible enough to allow it. It is not necessary to include all of the items listed above on every agenda. The agenda should fit the immediate needs of the council in transacting the business it expects to have before it.

Including an approximate time for each major agenda item, e. g. reports from committees—15 minutes, can facilitate the process of moving a meeting along as well as notifying the public of when, during a long meeting, an item is likely to come up. The time guide or limit serves primarily as an indication to the council members of how well a meeting is proceeding. It should not become a rigid restraint if more or less time is required for fair consideration.

Consent Items. A useful method for handling routine or noncontroversial items which the council must approve is to place them together as a single item on the agenda. This allows the council to dispose of them by a single motion and vote. Examples of appropriate items for such an agenda include approval of minutes, payment of minor bills, routine renewal of leases, and certain minor proclamations and

resolutions. Generally, the system works as follows:

1. Before the meeting, a list of “consent” items is prepared. The items are either listed on the written agenda or on a separate list attached to the agenda. Such an item is one that while requiring council action does not appear to merit debate and appears to have the support of the council.
2. At the meeting, the council considers the consent items as a single item requiring one motion for approval and one vote.
3. If a council member wants to discuss or debate a consent item or vote on it separately, the council can separate that item from the list and consider it at a separate time on the agenda. The council would then adopt the balance of the consent agenda with the one motion-one vote process.

Basic Parliamentary Procedure. Parliamentary Procedure is a set of rules for conduct at meetings. It allows a process for everyone to be heard and for decisions to be made in an orderly manner. Unless a city’s/town’s charter imposes requirements on the format for conducting meetings, the municipality is free to adopt any process or procedure that will work for it. Today, *Robert’s Rules of Order Revised* is recognized as the authority on parliamentary procedure. It is the basic handbook of operation for most cities and towns and can be adapted to fit the needs of each municipality.

The number of officials that must be present for business to be conducted legally will usually be found in the city’s/town’s charter and/or by ordinance or in adopted rules for conduct at meetings.

Motions. A motion is a proposal that the assembly take a stand or action on an issue. Members of an assembly can:

- Present Motions (make a proposal)
- Second Motions (express support for discussion of another member’s motion)
- Debate Motions (give opinions on the motion)
- Vote on Motions (make a decision)

There are four general types of motions.

1. *Main Motions*—introduce subjects to the assembly for its consideration. They cannot be made when another motion is before the assembly. They yield to privileged, subsidiary and incidental motions. (example: “I move that we...”)
2. *Subsidiary Motions*—change or affect how the main motion is handled. They are voted on before the main motion. (example: “I move the question before the assembly be amended by adding the following...”)
3. *Privileged Motions*—are most urgent. They concern special or important matters not related to pending business. (example: “I move we adjourn at...”)
4. *Incidental Motions*—are questions of procedure that arise out of other motions. They must be considered before the other motion. (example: “I move to suspend the rules for the purpose of...”)

About Motions

- A motion must relate to the business at hand, and be presented at the right time. It must not be obstructive, frivolous or against the charter.
- Usually a second is needed to a motion. A second indicates that another member would like to consider the motion. It prevents spending time on a question which only interests one person.
- Some motions can be amended by striking out, inserting, or both at once. Amendments must relate to the subject as presented in the main motion. Some motions that are not subject to amendments: move to adjourn; move to temporarily suspend consideration of an issue; move to end debate; and move to amend an amendment.
- Some motions can be debated again and revoted to give members a chance to change their minds. The move to reconsider must come from the winning side. Some motions that can be

reconsidered: move to postpone discussion for a certain time; move to give closer study of something; move to amend a motion; move to introduce business.

- Some motions are so important that the speaker may be interrupted to make them. The original speaker regains the floor after the interruption has been attended to. An example is to complain about the heat, noise, etc.
- Parliamentary procedure guards the right to free and full debate on most motions. However some privileged and incidental motions are not debatable. Some motions that are not debatable: move to adjourn; move to call an intermission; move to suppress, limit, or to extend limits of debate; move to temporarily suspend consideration or “table” an issue.
- Most motions require only a majority vote, but motions concerning the rights of the assembly or its members need a 2/3 vote to be adopted. The municipal charter may specify the vote required for passage under certain circumstances.
- A motion may be tabled (laid aside temporarily) to take care of a more urgent matter. There is always the option to “take from the table” any motion for reconsideration by the assembly.
- A motion to postpone indefinitely is a parliamentary strategy—it allows members to dispose of a motion without making a decision for or against. It is useful in case of a badly chosen main motion for which either a “yes” or “no” vote would have undesirable consequences.

There are four methods for voting on a motion.

1. By voice
2. By show of hands
3. By roll call
4. By ballot

Routine business, (such as approving the minutes), can take place without the formality of motions and voting, the Chair assuming general (unanimous) consent. If a motion isn't likely to be opposed the Chair can say “If there is no objection...” Members of the assembly show their agreement by their silence. If a member says “I object,” the matter must be put to a vote.

As a rule of thumb, only the most formal assemblies strictly adhere to *Robert's Rules of Order*. A city/town may adapt them to fit their needs and meeting styles. The Chair (presiding officer) or any elected officer should be the parliamentarian for the assembly. The principle duty of the parliamentarian is to advise the presiding officer, who should be free to appoint one in whose abilities he/she has confidence. The parliamentarian needs to be familiar with the rules for conducting meetings that the assembly has adopted and/or are found in the municipal charter.

How to Present a Formal Motion—

1. *Obtain the floor:*
 - Wait until the last speaker is finished.
 - Rise and address the chair.
 - Give your name unless the assembly is small and the members are known to each other.
2. *Make your motion:*
 - State the motion in an affirmative manner.
 - Avoid personalities and stay on the subject.
3. *Wait for another member to second the motion.*
 - Or the Chair will call for a second.
 - If there is no second, the motion will fail to be considered.
4. *Chair states the motion* by saying, “It is moved and seconded that we...” Debate and voting can now occur.
5. *Expand on the motion.*
 - Mover is allowed to speak first.
 - Direct all comments to the Chair.

- Keep to the time limit (if there is one) for speaking.
 - In the debate of a motion, each member has no right to speak twice on the same question as long as any member who has not spoken on that question desires the floor.
6. The Chair will ask, “Are you ready for the question?”
- If there is no more discussion, a vote is taken and the Chair announces the results.

Obtain the Floor
(1)

Make the Motion
(2)

Wait for a Second
(3)

No Second
Motion Fails

Chair States Motion

(4)

Motion is
Expanded

(5)

Chair puts the
Question

(6)

Motion Fails to
Receive Enough
Votes

Motion Carries
By Required
Number of Votes