

Introduced 09.08.2021
Public Hearing 09.20.2021
Council Action 10-4-2021
Executive Action 10-13-2021
Effective Date 12-13-2021

County Council of Howard County, Maryland

2021 Legislative Session

Legislative Day No. 15

Bill No. 13-2021

Introduced by the Chairperson at the request of the County Executive

AN ACT confirming and ratifying the authority of boards and commissions to hold their meetings in person, by telephone, video conferencing, or other electronic means, or any combination thereof; and generally relating to board and commission meetings.

Introduced and read first time Sept 8, 2021. Ordered posted and hearing scheduled.
By order Michelle Harrod
Michelle Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on Sept 20, 2021.

By order Michelle Harrod
Michelle Harrod, Administrator

This Bill was read the third time on October 4, 2021 and Passed , Passed with amendments _____, Failed _____
By order Michelle Harrod
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 5 day of October, 2021 at 1⁰⁰ a.m./p.m.
By order Michelle Harrod
Michelle Harrod, Administrator

Approved/Vetoed by the County Executive October 13, 2021

Calvin Ball
Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the
2 *Howard County Code is amended as follows:*

3 *By amending:*

4 *Title 2, Subtitle 1 “The Administrative Procedures Act”*

5
6 *Title 6 “County Executive and the Executive Branch”*

7 *Section 6.305 “Meetings to be public”*

8
9 **Title 2. Administrative Procedure.**

10 **Subtitle 1. Administrative Procedures Act.**

11
12 **Section 2.101. Definitions.**

13 Words and phrases used in this subtitle shall have their usual meanings except as
14 specifically defined as follows:

- 15 (a) *Agency* means a Board, Commission, Department or other unit of County
16 Government which is authorized by law to make rules or adjudicate contested cases.
- 17 (b) *Contested case* means a proceeding in which the legal rights, duties or privileges of a
18 person are required by law or constitutional right to be determined only after an
19 opportunity for a hearing.
- 20 (c) *Open meeting* means a meeting of a public body that the general public is entitled to
21 attend pursuant to the Open Meetings Act, subtitle 5, title 10 of the State Government
22 article of the Annotated Code of Maryland, as amended from time to [[time.]] TIME, AND
23 THE PROVISIONS OF SECTION 2.102 OF THIS SUBTITLE.
- 24 (d) *Order* means the whole or any part of an Agency's final disposition of a contested
25 case. An order includes licensing, but does not include rule making. An order may be
26 affirmative, negative, injunctive or declaratory in form.
- 27 (e) *Party* means a person or Agency named or admitted as a party in a contested case, or
28 a person or Agency properly seeking and entitled as of right to be admitted as a party in a
29 contested case. An Agency may admit any person or Agency as a party for limited
30 purposes.

1 (f) *Person* means an individual, partnership, corporation, association, or public or private
2 organization. "Person" does not include an Agency.

3 (g) *Procedural rules* means the rules that an Agency adopts to govern contested cases.

4 (h) *Public body* means a Board, Commission, or other entity of County Government that
5 is a "public body" within the meaning of section 10-502(h) of the Open Meetings Act,
6 subtitle 5, title 10 of the State Government article of the Annotated Code of Maryland, as
7 amended from time to time.

8 (i) *Rule* means a statement, or an amendment or repeal of a statement, of general
9 applicability and future effect that is authorized by law to be adopted by an Agency to
10 implement a law that the Agency administers or to govern the Agency's procedures. *Rule*
11 does not include a statement which does not affect the rights of the public or the
12 procedures available to the public and which is solely concerned with the internal
13 management of the Agency. *Rule* does not include an order or declaratory ruling of an
14 Agency.

15

16 **SECTION 2.102. OPEN MEETINGS.**

17 (A) AN OPEN MEETING MAY BE CONDUCTED IN PERSON, BY TELEPHONE, VIDEO
18 CONFERENCING, OR OTHER ELECTRONIC MEANS, OR ANY COMBINATION THEREOF.

19

20 **Section ~~[[2.102]]2.103. - Severability.~~**

21 If any section, paragraph or provision of this subtitle is held to be invalid or unenforceable for any
22 reason, the invalidity or unenforceability of the section, paragraph or provision shall not affect
23 any of the remaining provision of the subtitle.

24

25 **Title 6. County Executive and the Executive Branch.**

26 **Subtitle 3. Boards and Commissions.**

27

28 **Section 6.305. - Meetings to be public.**

29 (a) *Open Meetings.* All meetings of Howard County Boards and Commissions shall be public
30 meetings and open to the public at all times, except under circumstances in which a closed
31 meeting is permitted by law. Agendas shall be made available at least three days prior to the
32 meeting in an electronic medium readily available to the public. Minutes of open meetings shall

1 be made available as soon as practicable in at least one electronic medium readily available to the
2 public.

3 (b) *Prohibition for Meeting on Certain Days.* All Howard County Boards and Commissions shall
4 be prohibited from holding meetings which include an opportunity for public testimony on any
5 day on which Rosh Hashanah, Yom Kippur, Eid Ul Fitr or Eid Ul Adha is observed.

6 (c) *METHOD OF CONDUCTING.* AN OPEN MEETING MAY BE CONDUCTED IN PERSON, BY
7 TELEPHONE, VIDEO CONFERENCING, OR OTHER ELECTRONIC MEANS, OR ANY COMBINATION
8 THEREOF.

9

10 ***Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland, that***
11 ***this Act shall become effective 61 days after its enactment.***

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on October 13, 2021.

Michelle Harrod
Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2021.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2021.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2021.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2021.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2021.

Michelle Harrod, Administrator to the County Council