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STATE OF MARYLAND
OPEN MEETINGS COMPLIANCE
BOARD

20 Official Opinions of the Compliance Board 225 (2026)

July 13, 2026

**Montgomery County Board of Education's Advisory
Committee on Communication and Community Engagement**

The Complainant alleges that the Montgomery County Board of Education's Advisory Committee on Communication and Community Engagement (the "Committee") violated the Open Meetings Act (the "Act") by failing to timely prepare and post minutes online. For the following reasons, we agree that the Committee violated the Act.

Discussion

The Act requires, "as soon as practicable after a public body meets," that it "have minutes of its session prepared," § 3-306(b)(1),¹ and, "[t]o the extent practicable," posted online, § 3-306(e)(2).

Regarding the preparation of minutes, we have said that "the Act permits a public body to take a reasonable amount of time to review draft minutes for accuracy and to approve the minutes." 2 *OMCB Opinions* 87, 88 (1999). "[F]or a public body that meets monthly, we generally have advised that minutes be adopted on a cycle that parallels the body's meeting schedule, so that a meeting's minutes will be adopted at the body's next meeting." 19 *OMCB Opinions* 163, 168-69 (2025). "[W]hen the gaps between its meetings will be long," however, we have said that a public body should "consider alternative ways of adopting minutes," 8 *OMCB Opinions* 150, 160 (2013), for example, by email, *see, e.g.*, 13 *OMCB Opinions* 36, 37 (2019). A public body that meets only quarterly, then, "should find an alternative way of adopting minutes so that people who could not attend the meeting do not have to wait three months to find out what the public body did." 8 *OMCB Opinions* 176, 177 (2013); *see also* 8 *OMCB Opinions* 111, 111-12 (2012) (disagreeing with the suggestion "that a delay of three months would be generally acceptable").

¹ Statutory references are to the General Provisions Article of the Maryland Annotated Code.

As for posting minutes online, we have said that the practicability of doing so “is fact-dependent” and “[w]e are seldom in a position to second-guess what was ‘practicable’ for a public body’s staff at a given point of time.” 12 *OMCB Opinions* 83, 83 (2018). When we have found violations of § 3-306(e)(2) in the past, the body acknowledged that it had failed to post minutes online when it was practicable to do so, *see, e.g.*, 18 *OMCB Opinions* 101, 102 (2024), or we inferred that posting a particular set of minutes was practicable because the body had posted other documents online during the relevant period, *see, e.g.*, 15 *OMCB Opinions* 123, 130 (2021).

Here, the Complainant alleged that, as of May 11, 2026, the Committee had met on three occasions and failed to prepare or post minutes of those meetings. The Committee confirmed that it had met three times: on May 7, 2025; September 18, 2025; and February 11, 2026. For each of those meetings, the Committee drafted and then approved minutes at the next meeting—that is, the Committee approved the May 7 minutes on September 18, approved the September 18 minutes on February 11, and approved the February 11 minutes on May 14 (three days after this complaint was filed). “[D]ue to an unintentional oversight,” however, no minutes were posted online until April 29, 2026.²

Based on this record, we conclude that the Committee violated § 3-306(b)(1) by taking too long to approve meeting minutes. For each meeting, the body took more than three months—a period that, as to any one meeting, may have been permissible if caused by “temporary staffing shortages or special circumstances (a key employee’s illness, for example).” 19 *OMCB Opinions* 163, 169 (2025) (quoting 2 *OMCB Opinions* 87, 89 (1999)). But we have cautioned that the infrequency of a public body’s meetings does not permit routine delays of three months or more in the approval of meeting minutes. We thus find a violation of § 3-306(b)(1) and advise the Committee to find “an alternative way of adopting minutes, so that people who could not attend [a] meeting do not have to wait three months to find out what the [Committee] did.” 8 *OMCB Opinions* at 177; *see also* 8 *OMCB Opinions* 125, 126 (2013) (finding that a public body that met infrequently complied with the Act when it approved minutes by email).

As to the posting of minutes online, we understand the Committee’s acknowledgement of “unintentional oversight” to mean that it was practicable to post minutes online as of May 11 (when the complaint was filed). We thus find violations of § 3-306(e)(2) for the Committee’s failure to post online the two sets of minutes that had been approved by that time.

² According to the Committee, it realized on April 27 that the minutes had not been posted online when it received a Public Information Act request for the minutes.

Conclusion

We conclude that the Committee violated § 3-306(b)(1) by taking more than three months to approve each of three sets of meeting minutes, and violated § 3-306(e)(2) by failing to post online two sets of minutes when it was practicable to do so.

This Opinion is subject to the acknowledgement and announcement requirements of § 3-211.

Open Meetings Compliance Board

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