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**STATE OF MARYLAND**  
**OPEN MEETINGS COMPLIANCE**  
**BOARD**

***20 Official Opinions of the Compliance Board 86 (2026)***

**March 6, 2026**

**Baltimore City Council's**  
**Land Use and Transportation Committee**

The Complainants allege that the Baltimore City Council's Land Use and Transportation Committee (the "Committee") violated the Open Meetings Act (the "Act") by continuing to meet after discovering technical problems with a livestream, by not issuing an updated notice after the Committee stopped the meeting and reconvened in a different location, and by placing certain restrictions on public comments. As we explain below, we find no violations of the Act.

**Discussion**

*A. Technical problems with November 20, 2025, livestream*

We first address the Complainants' allegation that the Committee violated the Act by proceeding with a November 20, 2025, hearing "when there was no audio and closed captioning" on a livestream.

The Act generally requires public bodies to conduct meetings in open session, § 3-301,<sup>1</sup> and further provides that, "[w]henver a public body meets in open session, the general public is entitled to attend." § 3-303(a).

On November 20, the Committee convened a meeting at City Hall. Members of the public could attend in person or observe the proceedings remotely via telephone or the WebEx online meetings platform. About twenty-five minutes into the meeting, the chair acknowledged "a technical problem": audio and closed captioning were not working for

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<sup>1</sup> Statutory references are to the General Provisions Article of the Maryland Annotated Code.

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members of the public who were observing the meeting online.<sup>2</sup> The chair said that the Committee would consider “two more bills” then take a recess to “try to sort out this problem.” The body carried on with its meeting for about fourteen more minutes, after which the chair announced a recess to allow the Committee to relocate to a different room in City Hall that had working broadcast equipment.<sup>3</sup>

The Complainants allege that the Committee violated the Act by proceeding, for several minutes, to consider public business, despite technical problems with the livestream.

We find no violation. While “[t]he Act does not define what the right to ‘attend’ a meeting entails,” Office of the Attorney General, *Open Meetings Act Manual* 3-1 (12th ed., October 2023), “the Supreme Court of Maryland has made clear that it means the right to ‘observe the deliberative process and the making of decisions by the public body,’” 18 *OMCB Opinions* 143, 144 (2024) (quoting *City of New Carrollton v. Rogers*, 287 Md. 56, 72 (1980)); *see also* § 3-102(a) (providing that the public should “be allowed to observe” public business at meetings). “Normally, a public body that routinely convenes in a physical space can meet th[at] requirement[] by simply providing the public access to that space,” 14 *OMCB Opinions* 66, 70 (2020), as the Committee did here.

To be sure, the Committee also invited the public to observe the meeting via the WebEx online platform, for which audio and closed captioning stopped working in the middle of the meeting. We have previously said that a public body that meets only virtually (i.e., without an opportunity for the public to observe the meeting in person) violates the Act if the body proceeds with the meeting when the livestream malfunctions. *See* 14 *OMCB Opinions* at 71; 15 *OMCB Opinions* 28, 29 (2021). But the Committee here also invited the public to attend the meeting in person, and to listen in via telephone (which, as far as we can tell, did not suffer any technical problems). We have previously found no violation when a livestream failed but the public body also invited the public to attend a meeting in person. *See* 18 *OMCB Opinions* 143, 145-46 (2024). In a 2024 opinion, we emphasized that there was no indication that the body had denied entry to someone trying to observe the meeting in person after the livestream stopped working or that the body had met in a physical space that could not accommodate all members of the public who wanted to observe the proceedings in public. *Id.* at 145-46 (2024). The same is true here and, for the same reasons, we find no violation of the Act notwithstanding the technical issues with the WebEx broadcast of the Committee’s November 20 meeting.

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<sup>2</sup> A recording of the meeting is available on YouTube. *See* <https://www.youtube.com/watch?v=MT9cRB6howg> (last visited March 6, 2026). The relevant portion of the meeting begins around the 25:17 timestamp.

<sup>3</sup> The recess begins around the 39:00 timestamp.

We acknowledge, as the Complainants point out, that many “working residents, immunocompromised residents, and individuals with disabilities” opt to observe meetings remotely rather than attend in person. But as we said in our 2024 opinion, “reading the Act to find a violation here would not expand the public’s access to meetings generally and could, in fact, have the opposite effect.” 18 *OMCB Opinions* at 145. After all, the Committee, like most public bodies, is not required to offer a livestream of its meetings.<sup>4</sup> “If we were to find a violation because the [Committee] attempted but failed to provide a continuous livestream of a meeting that the public could also attend in person, our decision could dissuade public bodies from ever attempting to provide a livestream in the first place, for fear that a failure of technology could result in an Open Meetings Act violation.” 18 *OMCB Opinions* at 145. For all these reasons, we find that the Committee did not violate the Act by proceeding with its November 20 meeting after discovering that audio and closed captioning were not working on the WebEx platform.

*B. Notice of the post-recess portion of the meeting*

The Complainants further allege that the Committee improperly closed the November 20 meeting “and reopened it without adherence to statutory requirements for reconvening.” Specifically, they assert that the body should have “provide[d] new or corrected public notice.”

We find no violation based on this allegation. Notice is required each time a public body convenes a meeting subject to the Act. § 3-302(a). The Committee satisfied this requirement by announcing the November 20 meeting date a month in advance and placing it on an online meetings calendar. Although the Committee took an unplanned recess during the November 20 meeting, that break in the proceedings did not require the body to issue a new notice for the portion of the meeting that continued after the recess. After all, a recess, “strictly speaking” is simply “a short intermission or break within a meeting that does not end the meeting or destroy its continuity as a single gathering.” 9 *OMCB Opinions* 151, 153 (2014) (quoting Robert’s Rules of Order Newly Revised 80 (10th ed.)). Thus, the Committee was not required to issue a new notice for the November 20 meeting, and we find no violation of the Act based on this allegation.

*C. Public testimony*

Finally, we address the Complainants’ allegations that the Committee has improperly handled public comments. The Complainants allege that, during the November 20 meeting, the Committee chair allowed supporters of a bill to exceed the usual two-minute time limit but cut off opponents “mid-sentence.” The Complainants further allege

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<sup>4</sup> Only a relatively few specifically enumerated bodies subject to § 3-307 are required to livestream their meetings. See § 3-307(b). The Committee is not subject to § 3-307.

that, during a December 1, 2025, meeting, the Committee violated the Act by “only allowing testimony from a subset of individuals physically present in the chamber” and “barr[ing] all remote testimony.”

We find no violation of the Act based on these allegations. “Although members of the public have the right to *observe* meetings, the Act does not afford the public the right to *participate* in a meeting.” 19 *OMCB Opinions* 5, 6 (2025) (citing 13 *OMCB Opinions* 16, 16 n.1 (2019)). Thus, as we have said before, “[a] public body’s ‘handling of public comments’ is simply not ‘within the Act’s ambit.’” 18 *OMCB Opinions* 205, 206 (2024).

### **Conclusion**

We find no violations of the Act.<sup>5</sup>

#### **Open Meetings Compliance Board**

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<sup>5</sup> We offer no opinion on the Complainants’ allegations that the Committee violated laws other than the Act. *See, e.g.*, 9 *OMCB Opinions* 146, 146 n.1 (2014) (recognizing that “our authority extends only to the consideration of alleged violations of the Open Meetings Act”).