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STATE OF MARYLAND
OPEN MEETINGS COMPLIANCE
BOARD

19 Official Opinions of the Compliance Board 326 (2025)

November 19, 2025

La Plata Town Council

The Complainant alleges that the La Plata Town Council (the “Town Council” or “Council”) violated the Open Meetings Act (the “Act”) by convening a meeting to which the public was not invited, by failing to disclose the legal authority for closing the meeting to the public, and by failing to post minutes of the meeting to the Town’s website. The Town Council responds that its gathering was not a regular meeting but, rather, a “team-building retreat,” the retreat was advertised and open to the public, and the Council provided a summary of the retreat at a subsequent Council meeting. As we explain below, we conclude that the retreat was a “meeting” subject to the Act, and the Council violated the Act by failing to provide reasonable advance notice of the retreat and by failing to prepare minutes.

Background

On September 11, 2025, the Town Council participated in what it describes as “an Open Session, a moderated team-building retreat assisted by professional facilitators” away from Town Hall. The Council says that it “did not include this retreat on the Town Council’s online meeting calendar as that calendar is reserved for formal meetings where the Council conducts regulatory and legislative business.” The Council asserts that “the retreat was designed for team development purposes,” as most Council members were elected in May and “are new to their role[s],” and “no regulatory or legislative actions [were] planned or undertaken” at the retreat.

The Council asserts that the retreat was open to the public. The body says that it provided notice of the event on September 2, sending the following message through the Town’s “website notification function” to “parties who ha[d] signed up to receive notification[s]”:

News Release

The Mayor and Council of the Town of La Plata will participate in a team-building workshop at Wills Memorial Park at 500 Saint Marys Ave., La Plata, MD 20646, on September 11, 2025, 8:00 AM- 4:00 PM.

The notification also provided the name and contact information of the Town’s director of legislative services, who could answer any “questions regarding this news release.”

The Town Council asserts that the retreat was also announced at the September 2, 2025, meeting of the Town’s Planning Commission, and at the September 9, 2025, meeting of the Town Council.

The retreat’s facilitators prepared an event summary, which was presented by the Town Manager to the Town Council and the public during the September 23, 2025, meeting of the Council. The summary, which the Town Council attached to its response to the complaint before us, indicates that the purpose of the retreat was “[t]o facilitate the Town Council’s review of the current strategic framework and create new strategic priorities for the Town of La Plata.” The summary further indicates that the Town Council identified certain “[i]nitiatives to advance by December 31, 2025,” including a “Tourism Zone Ordinance,” “Downtown partnership formalization,” an “Adequate Public Facilities Ordinance,” a “Safe Streets Grant,” a “Reserve Fund Policy,” and “Charter review.”

Discussion

The Complainant alleges that the Town Council’s September 11 gathering violated the Act because, in the Complainant’s view, the public was not invited, the Council failed to disclose the legal authority for excluding the public, and the body failed to post minutes of the event on the Town’s website. But resolving these allegations requires us first to consider a more basic question: Did the Act apply to the September 11 retreat?

As we have long said, “[t]he label attached to a particular session conducted by a public body, such as ‘retreat,’ does not determine whether the Open Meetings Act applies.” 4 *OMCB Opinions* 28, 30 (2004). “Whether a retreat is subject to the Act is to be analyzed in the same way as any other question about the Act’s application: Was a quorum of a public body convened to consider any phase of a topic of public business subject to the Act?” 3 *OMCB Opinions* 122, 124 (2000); accord 9 *OMCB Opinions* 273, 277 (2015) (“When a quorum is present and discusses public business subject to the Act, the Act applies no matter what the event is called.”); see also § 3-101(g) (“‘Meet’ means to convene a quorum of a public body to consider or transact public business.”). “If, for example, the purpose of the retreat is simply to improve interpersonal relations, the Act would not apply.” 3 *OMCB Opinions* at 124 (quoting Office of the Attorney General, *Open Meetings*

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Act Manual 12 (4th ed. 2000)). “A retreat or similar informal gathering would be a meeting, however, if it were a device to set the public body’s agenda or discuss the merits of specific matters that are to be dealt with by the body.” *Id.*; accord 6 *OMCB Opinions* 63, 68 (2008) (concluding that, “to the extent” that a retreat “was limited to discussion of interpersonal relations and social conversation among participants,” it was not subject to the Act, but noting that, if the conversation “extended to a proposed change in [the body’s] procedures,” “that aspect of” the retreat would have been subject to the Act).

Here, the Town Council’s description of the September 11 event—“a moderated team-building retreat”—sounds like the types of gatherings we have previously said fall outside the scope of the Act. *See, e.g.*, 12 *OMCB Opinions* 102, 102 (2018) (noting that retreats “held purely to improve interpersonal relationships,” to “engage only in social activities or “team-building” exercises,” “are usually not “meetings” subject to the Act).

But the summary of the retreat, attached to the Council’s response to the complaint, indicates that the event went beyond interpersonal relations. As noted above, Council members at the retreat discussed “new strategic priorities” for the Town and identified specific initiatives that they want to advance before the year’s end, including ordinances, a grant, a reserve fund policy, and a charter review. We have previously said that the public “is entitled to observe” such discussions about “priority-setting,” 3 *OMCB Opinions* at 124-25, and strategic plans, which “clearly involve[] public business, 6 *OMCB Opinions* 187, 189 (2009); *see also* 4 *OMCB Opinions* at 33-34 (concluding that a discussion at a retreat about updating “strategic directions” appeared to “involve the early stages of policy matters that, at some point, would come back before the [public body] for final action,” and, thus, was likely subject to the Act’s requirements); 12 *OMCB Opinions* 102, 103 (2018) (concluding that a facilitator-led discussion at a retreat about a town’s “mission” and “vision” “entailed public business”). We thus conclude, based on this summary, that the retreat involved the conduct of public business and was a “meeting” subject to the Act.

We turn, then, to the alleged violations—specifically, that the retreat was not open to the public and that the Council failed to prepare minutes of the retreat.

Regarding the first issue, we have no reason to doubt the Town Council’s assertion that the public was allowed to attend the September 11 retreat. Indeed, the Complainant does not assert that he tried to attend and was turned away. But the Complainant *does* assert that “there was no [n]otice to the [p]ublic of the [m]eeting.”

The Act provides that, “[b]efore meeting in a closed or open session, a public body shall give reasonable advance notice of the session,” § 3-302(a), and we have previously recognized that a public body has “considerable flexibility” in determining how to provide that notice, *e.g.*, 18 *OMCB Opinions* 171, 173 (2024); *see also* § 3-302(c) (authorizing specific methods of notification, including “any other reasonable method”). We have also

said, however, that “[a] hallmark of ‘reasonable’ notice under the Act is reasonable consistency as to the method used; notice is hardly effective if it does not appear in the place where the public expects to find it.” 11 *OMCB Opinions* 78, 82 (2017); *see also* 16 *OMCB Opinions* 47, 49-50 (2022) (recognizing that a public body may violate the Act’s “reasonable advance notice” requirement “when it deviate[s] from its usual method of giving notice”); *accord* 16 *OMCB Opinions* 163, 164 (2022).

Here, the Town Council *did* advertise the retreat through its website notification messaging system and announcements at two prior town meetings. But the Council acknowledges that it did not list the retreat on its online calendar, its usual method of notifying the public of its meetings. We thus find that the Town Council failed to provide reasonable advance notice of the retreat, in violation of § 3-302(a). *See, e.g.*, 16 *OMCB Opinions* 30, 30 (2022) (finding that a public body violated the Act by omitting special meetings from an online calendar where it notified the public of regular meetings); 11 *OMCB Opinions* 78, 82 (2017) (finding that a public body’s “apparent deviation from its usual method—its online calendar—violated the § 3-302 requirement of “reasonable advance notice”).

Turning to the Complainant’s second grievance—the lack of minutes—we note that the Act requires that, “as soon as practicable after a public body meets,” the body “shall have minutes of its session prepared.” § 3-306(b). Here, the Town Council asserts that the retreat facilitators prepared a summary of the event, which the Town Manager presented at the Council’s September 23 meeting. But the Council apparently did not prepare minutes of the retreat. The facilitators’ summary is not an adequate substitute, as it does not reflect “(i) each item that the public body considered; (ii) the action that the public body took on each item; and (iii) each vote that was recorded.” § 3-306(c). Even if the summary *had* included all these details, the Council would not have satisfied the Act by presenting the summary at the September 23 meeting—and including the details in the minutes of *that* meeting—as members of the public would not know to look in the September 23 meeting minutes to learn what transpired at the September 11 meeting. Thus, we find that the Town Council violated § 3-306 by failing to prepare minutes of the September 11 retreat.

Conclusion

We conclude that the Town Council’s September 11 retreat was a “meeting” subject to the Act. We further find that the Council violated the § 3-302(a) of the Act, by failing to provide reasonable advance notice of the retreat, and violated § 3-306, by failing to prepare minutes of the retreat.

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

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