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STATE OF MARYLAND
OPEN MEETINGS COMPLIANCE
BOARD

19 Official Opinions of the Compliance Board 384 (2025)

December 26, 2025

Board of County Commissioners of St. Mary's County

The Complainant alleges that the Board of County Commissioners of St. Mary's County (the "County Board" or "Board") violated the Open Meetings Act (the "Act") by participating in an annual "State of the County" event for which attendees were charged an admission price. The County Board responds that the event was not a "meeting" to which the Act applied. For the reasons below, we agree with the County Board and find no violation of the Act.

Background

On September 9, 2025, the St. Mary's County Chamber of Commerce hosted a luncheon at the Bay District Fire Department building. The Chamber advertised the event as an opportunity to "[h]ear from our County Commissioners about the county, and [to] ask . . . questions in a moderated Q/A session."¹ Tickets to attend the lunch—scheduled to last one-and-a-half hours—cost \$40 to \$45 a person. Four of the five members of the County Board attended the event.

According to the County Board, the event opened with "routine Chamber business, such as announcements and upcoming events." This was followed by lunch and the presentation of a "State of the County" video. The twelve-minute video featured County staff and department leaders discussing County programs, acquisitions, and ongoing projects, such as a new computer-aided dispatch system for the County's department of emergency services, ongoing efforts to update the County's comprehensive plan, and improvements to County parks.²

¹ See event posting at <https://cca.smcchamber.com/EvtListing.aspx?dbid2=MDSTM&evtid=62387&class=E> (last visited Dec. 26, 2025).

² The video is available at <https://www.stmaryscountymd.gov/stateofcounty/> (last visited Dec. 26, 2025).

19 Official Opinions of the Compliance Board 384 (2025)

December 26, 2025

Page 385

The final portion of the event was a thirty-minute question-and-answer session with the four members of the County Board.³ Each member gave opening remarks. The County Board president commented on funding cuts by the federal government and remarked that the County had not suffered as much economically as other communities. Another member of the County Board commented on the economic growth in the County, the possibility of “unfunded mandates” coming from the General Assembly, and the need for the County to be cautious about spending money on new projects. The third member of the body applauded the new computer-aided dispatch system, modernization of the County’s transit system, and a new “Agricoast” brand that the County is using to promote agricultural vendors based in the County. He also encouraged people to participate in the process to update the County’s comprehensive plan and said traffic issues and the County’s upcoming budget will be challenges. Finally, the fourth member of the County Board focused his opening comments on the County’s high bond rating, the shortage of affordable housing, and ongoing construction on a two-lane residential access road and a YMCA building.

Following these opening remarks, a moderator asked the four members of the County Board three questions. The first was about expanding access to affordable workforce housing in the County. Members of the County Board responded that the lack of affordable workforce housing is a state and national issue and the County does not build housing. One commissioner also remarked that the County could improve the permitting process for new construction, and another commissioner said he was personally opposed to high-density housing. Two commissioners said that the County could enact incentives for builders, but they did not specify what such incentives might be, and no member of the County Board indicated that any particular proposal was currently pending or likely to come before the body.

The second question from the moderator was about what legislative issues the County Board was currently working on with the County delegation of State lawmakers or what issues the body was excited to work on. One commissioner mentioned “bills that deal with MetCom” (the County’s water and wastewater utility) but provided no further information. Other members of the body said that they did not know what the General Assembly was working on but they were expecting “unfunded mandates,” and one member said that the County intended to keep a “low profile” this legislative session.

The third and final question concerned ongoing construction on a new YMCA building. One commissioner responded that the facility would have two swimming pools.

³ A recording of the question-and-answer session is available at <https://www.youtube.com/watch?v=odnonhyyFHg> (last visited Dec. 26, 2025).

Discussion

The Complainant alleges that the County Board violated the Act by attending the State of the County luncheon because the event cost money to attend and, thus, was not truly open to the public. *See* § 3-301⁴ (providing that, absent an express exception in the Act, “a public body shall meet in open session”); *see also, e.g.*, 8 *OMCB Opinions* 19, 25 (2012) (concluding that a meeting was not “open” when only those who were invited or who paid \$25 were allowed to attend). The County Board responds that the event was not a “meeting” and thus, was not subject to the Act.⁵

“As its name suggests, the Open Meetings Act applies only when a public body ‘meets’ to perform certain functions.” 18 *OMCB Opinions* 12, 24 (2024) (some internal quotation marks omitted); *see also* § 3-103(a) (providing that the Act does not apply to a public body when it is carrying out administrative, judicial, or quasi-judicial functions); § 3-101(b) (defining “administrative function”); § 3-101(e) (defining “judicial function”); § 3-101(j) (defining “quasi-judicial function”). Under the Act, “[m]eet’ means to convene a quorum of a public body to consider or transact public business.” § 3-101(g). “Quorum,” in turn, “means: (1) a majority of the members of a public body; or (2) the number of members that the law requires.” § 3-101(k).

Here, there is no dispute that a quorum of the County Board attended the State of the County event. The only question is whether the quorum convened at the gathering to consider or transact the County Board’s public business, making it a “meeting” of the County Board.

As we have previously explained, “[t]he Act does not apply to a ‘chance encounter, social gathering, or other occasion that is not intended to circumvent’ the Act. 9 *OMCB Opinions* 94, 96 (2013) (quoting what is now § 3-103(a)(2)). We have also said that “members of a public body do not violate the Act merely by attending a meeting of an entity that is not itself subject to the Open Meetings Act, even if the topic of discussion relates directly to a matter before the public body.” 1 *OMCB Opinions* 120, 121 (1994) (concluding that the presence of quorums of local election boards at a gathering of a state association of election officials did not constitute meetings of the local boards when the session involved only the election of the state association’s members); *see also City of New Carrollton v. Rogers*, 287 Md. 56, 64, 71 (1980) (concluding that an event hosted by a citizens association in an area proposed to be annexed to a city, at which members of a city council answered questions about the city, was not a meeting of the city council). “But the

⁴ Statutory references are to the General Provisions Article of the Maryland Annotated Code.

⁵ The County Board also asserts that it enjoys a presumption of compliance with the Act. But as we have said before, the presumption of compliance applies only to civil actions filed in circuit court, *see* Md. Code Ann., Gen. Prov. § 3-401(c), not in the Compliance Board complaint process, 15 *OMCB Opinions* 132, 132 (2021).

19 *Official Opinions of the Compliance Board 384 (2025)*

December 26, 2025

Page 387

fact that a gathering is hosted by or characterized as a meeting of another entity does not preclude a finding that the gathering also constitutes a ‘meeting’ of a public body when a quorum of that body’s members considers or transacts public business at the gathering.” 18 *OMCB Opinions* 12, 25 (2024). “Thus, when a quorum of the members of a public body is present at another entity’s event, we look to whether ‘the public body itself separately conducts public business, as distinct from the proceedings of the larger group.’” 16 *OMCB Opinions* 185, 187 (2022) (quoting 1 *OMCB Opinions* 183, 185 (1996)).

“In making this assessment, ‘[w]e consider such factors as whether the host entity is a private body or a public body subject to the Act, the nature of the gathering and the topic of discussion, whether the meeting is a step in the public body’s decision-making process, whether the topic of discussion involves a matter that is certain to come before the public body, and what the members of the public body do at the gathering.’” 19 *OMCB Opinions* 113, 115 (2025) (quoting 16 *OMCB Opinions* at 188). Applying these principles, we have found that a board of county commissioners was “meeting” when a quorum of the body participated in an event hosted by a private foundation, because the commissioners were sitting “at the front of the room on a panel facing the audience” for “about an hour and fifteen minutes,” “answer[ing] questions and engag[ing] in a back-and-forth discussion with [a] moderator and audience members about” such topics as traffic, zoning laws, and a specific development proposal that was currently before the body for consideration. 17 *OMCB Opinions* 109, 110 (2023). We have also found that a town council was “meeting” when a quorum of that body attended the meeting of the town’s planning commission to listen to a presentation on a specific matter of business that the town council would be voting on. 16 *OMCB Opinions* at 188-89.

In contrast, we have found that a city council did not “meet” when a quorum of the body attended a chamber of commerce event involving a discussion of topics such as water supply, traffic projects, procurement policies, and technology because, although the event “unquestionably involved matters of public business,” the members of the city council did not themselves engage in the discussion. 3 *OMCB Opinions* 310, 312 (2003). Likewise, we concluded that a county council was not “meeting” when a quorum of its members attended an event hosted by a development corporation that involved discussion of a development project that was not certain to come before the county council and there was no indication that the councilmembers used the event to deliberate on their own business. 18 *OMCB Opinions* at 27. We also found that a town council did not “meet” when a quorum of its members attended a church-hosted event about a county comprehensive plan that would not come before the town council, and the members of the town council in attendance did not discuss any town business. 19 *OMCB Opinions* 113, 116 (2025).

In one prior opinion, we addressed allegations nearly identical to those here—that a board of county commissioners violated the Act by attending “State of the County” events that were hosted by a chamber of commerce and open only to those who bought tickets.

19 *Official Opinions of the Compliance Board 384 (2025)*

December 26, 2025

Page 388

19 *OMCB Opinions* 125 (2025). There, we concluded that a 2025 event was not a “meeting” of the public body because, although all members of the body were present, they sat apart from each other, with no more than two members at the same table in a room with at least 100 attendees, and members of the body socialized with other guests but avoided discussion about policy matters. *Id.* at 128. We could not determine, however, whether similar events in 2024 and 2023 were “meetings” of the public body. *Id.* at 128-30. During the earlier events, members of the body sat together at the same table, facing an audience, but the record did not disclose whether the members were “answering questions or engaging in a discussion of topics that were currently before the Board or likely to come before the body for consideration.” *Id.* at 129, 130.

Here, we cannot conclude that the “State of the County” event was a “meeting” of the County Board. To be sure, members of the body were not merely present at the event; a quorum sat together at the front of the room, facing an audience and responding to a moderator’s questions. But “[e]ven in those opinions in which we have emphasized the active participation of a quorum of a public body at another entity’s gathering and concluded that the event was a ‘meeting’ of the public body, the event in question involved discussion of a matter that was pending before the public body.” 18 *OMCB Opinions* 12, 27-28 (2024) (citing 17 *OMCB Opinions* 109, 110 (2023) (concluding that a forum organized by a private entity was a “meeting” of a county council when a quorum of the council attended, answered questions, and made comments on several issues, including a matter then pending before the Council); 9 *OMCB Opinions* 40, 42-43 (2013) (concluding that three members of a five-member public body convened a “meeting” of the public body when they appeared on a radio program and discussed a matter that the public body would be acting on ten days later)). The discussion here touched on matters of concern to County residents and businessowners, such as the availability of affordable workforce housing, traffic, and a new YMCA facility. Members of the body also referred to incentivizing developers to build more workforce housing. But the members of the County Board did not address any matters pending before the body or any specific proposals certain (or even likely) to come before the Board for consideration. Thus, we cannot say that members of the County Board used the State of the County event to “consider or transact public business,” § 3-101(g), or that the discussion fell within any “phase[] of the deliberation, policy formation, and decision making” of the County Board to which the Act applies, § 3-102(b)(1) (stating the legislative policy of the Act that “the public, its representatives, and the media” be able to “witness the[se] phases”); *see also* 15 *OMCB Opinions* 148, 151 (2021) (noting that we have construed “public business” to mean “all matters within the jurisdiction of a public agency which are before an agency for official action or which reasonably, foreseeably may come before that agency in the future” (some internal quotation marks omitted)). Indeed, this absence of a specific item pending or likely to come before the Board for consideration distinguishes this from the only two prior opinions in which we concluded that a public body’s attendance at a private entity’s event was a “meeting” of the body. *See* 17 *OMCB Opinions* at 110 (concluding that an event hosted

by a private foundation was a “meeting” of a public body when a quorum of the body attended and discussed, among other things, a specific development proposal that was currently before the body for consideration); 9 *OMCB Opinions* at 42-43 (concluding that a public body “met” when a quorum of its members participated in a radio program about a matter that would soon come before the body). For all these reasons, we conclude that the State of the County event was not a meeting of the County Board.

That said, “the appearance that business was being conducted secretly”—or in front of only those willing or able to pay to observe—“did not serve the purpose of the Act to ‘increase[] the faith of the public in government.’” 9 *OMCB Opinions* 259, 264 (2015) (quoting § 3-102(b)). Thus, the County Board should not read our conclusion to “condone[] the action of a quorum of the Commissioners.” 3 *OMCB Opinions* 224, 226 (2002). Indeed, because these types of events invite audience members and moderators to ask questions of a public body’s members, the topic of conversation can quickly shift to an item currently pending or likely to come before the body for consideration—even if the body’s members did not plan to broach the subject. We thus caution public bodies against participating in such events or, if they do attend, to be especially vigilant in avoiding comments on any matters that are pending or likely to come before the body and, thus, constitute the “public business” of the body. *See, e.g.,* 7 *OMCB Opinions* 269, 270 (2011) (noting that, while a social gathering is not subject to the Act, “the exclusion evaporates, and the Act applies, when an event that begins as a . . . social gathering is then used to convey information that constitutes public business within the Act”); 3 *OMCB Opinions* 310, 312 (2003) (noting that “the key point will often be the actions of the public body members when an item related to public business comes up for discussion,” and “if the public body members do not themselves participate in a give-and-take discussion about a matter related to public business, then no ‘meeting’ of the public body will have occurred”).

Conclusion

We find no violation of the Act.⁶

Open Meetings Compliance Board

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⁶ The County Board also asserts in its response that it complied with the St. Mary’s County Open Meetings Act. We offer no opinion on that question, as our authority is limited to interpreting the Maryland Open Meetings Act. *See, e.g.,* 9 *OMCB Opinions* 146, 146 n.1 (2014).