

Complaint to the Open Meetings Compliance Board

I am writing to file a written complaint with the Open Meetings Compliance Board and seeking a written opinion from the Board.

Person filing: Julie Hotopp

The public body that is the subject of the complaint: Board of Education of Howard County

The date of the action: December 10, 2019 (4:30 pm Closed Meeting of the Board of Education of Howard County)

Circumstances of the action of the public body, Board of Education of Howard County: On December 10, 2019, the Board of Education of Howard County held a closed meeting with four items on the agenda. One of these agenda items involved obtaining legal counsel for a previous Open Meetings Act complaint. Obtaining legal counsel is allowed in a closed meeting. However, on December 11, 2019, the board added a ratification vote to the agenda. When community members, including myself, inquired to find out the purpose of that newly added ratification vote, we were told that board members could not state the issue because it was discussed and added during the closed meeting.

According to page 31 of the board handbook, board members are to “confer with the Superintendent to construct an agenda for each meeting that is consistent with the Quarterly Agenda approved by the Board and provides an orderly method of conducting Board business. Individual Board members may ask the Chairman or the Superintendent to schedule an item on a Board agenda, or request [direction] from the full Board that an item be scheduled on a Board agenda” ([https://go.boarddocs.com/mabe/hcpssmd/Board.nsf/files/9XEKVT4C268E/\\$file/02%2026%202015%20Approved%20Board%20Handbook.pdf](https://go.boarddocs.com/mabe/hcpssmd/Board.nsf/files/9XEKVT4C268E/$file/02%2026%202015%20Approved%20Board%20Handbook.pdf)).

While it is appropriate to seek legal counsel in a closed meeting, it does not seem appropriate to carry out political actions, which would include adding items to the agenda. In this case, a political action was undertaken during the closed meeting, namely to add this item to the agenda. In doing so, the public were prohibited from knowing what this agenda item was, preparing for it, or discussing it. For example, I testified in public forum on December 19, but could only guess what the ratification vote might entail. In fact, the perception by some is that it was done intentionally to prevent constituents from knowing the nature of this vote.

This ratification vote ultimately was conducted at the board meeting on December 19, 2019, and appears to be intended to circumvent or respond to the prior Open Meetings Act complaint. The discussion around the vote was quite contentious, including concerns raised by at least two board members that the vote was being conducted in a manner against Robert’s Rules, which is supposed to be used for all board meetings. If this had been added to the agenda outside the closed session, board members could have discussed this item openly with their constituents, possibly remedying these problems before the vote or meeting. In addition, this then would have been perceived as a fair and open process.

Signed by the complainant, Julie Hotopp.

A handwritten signature in black ink, appearing to read "Julie Hotopp", written in a cursive style.