

**COUNTY COMMISSIONERS OF CAROLINE COUNTY, MARYLAND**

**LEGISLATIVE BILL #2008-6**

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INTRODUCED BY: COMMISSIONERS COLE, LAYTON AND GHRIST  
INTRODUCED ON: APRIL 15, 2008  
ATTEST: \_\_\_\_\_  
JOHN W. COLE, PRESIDENT  
PUBLIC HEARING: MAY 6, 2008; COURTHOUSE, 109 MARKET STREET,  
RM. 106, DENTON, MARYLAND, BEGINNING 9:30 AM  
THIRD READING:  
ENACTED:  
EFFECTIVE:

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A BILL ENTITLED

**COUNTY COMMISSIONERS – REMOTE PARTICIPATION IN MEETINGS**

CODE OF PUBLIC LOCAL LAWS OF CAROLINE COUNTY  
Chapter 18 – COMMISSIONERS

*For the purpose of authorizing the remote participation by the County Commissioners of Caroline County in meetings under certain circumstances by using electronic communication technologies or other facilities; providing that this title be deemed a fair summary of this public local law for all purposes; and relating generally to the conduct of meetings by the County Commissioners of Caroline County.*

**RECITALS:**

**WHEREAS**, circumstances do not always allow the County Commissioners of Caroline County (“County Commissioners”) to be physically present at meetings; and

**WHEREAS**, it is in the best interests of the citizens of Caroline County for as many County Commissioners as possible to participate in all matters pertaining to the public interest; and

**WHEREAS**, electronic communication technology allows persons who are not physically present at a meeting to hear and speak with, and in some case see, parties who are physically present at meetings in which the public’s business is discussed; and

**WHEREAS**, the County Commissioners are interested in using these technologies to participate in any meeting that they otherwise may be unable to attend if it would serve and further the public interest; and

**WHEREAS**, Subtitle 5 of Title 10 of the State Government Article of the Annotated Code of Maryland, otherwise known as the Open Meetings Act (“OMA”), requires open meetings under certain circumstances; and

**WHEREAS**, The Maryland Attorney General has determined that the joint, physical presence of meeting participants is not a requirement of the OMA and that a meeting may be conducted if, for example, a quorum is present using a telephone conference call; and

**WHEREAS**, The Maryland Attorney General has determined that a meeting via a telephone conference call is open to the public if a speaker-phone is available at an announced location or a video monitor, if the conference is a video conference; and

**WHEREAS**, The Maryland Attorney General has determined that whatever technology may be used to satisfy the OMA, it must allow for the immediate interaction of meeting participants, which therefore requires the communication technology employed by the County Commissioners, if any, to allow for simultaneous exchanges among participants that can be heard by all parties; and

**WHEREAS**, the County Commissioners recognize that remote participation in meetings may not be appropriate under most circumstances due to potential negative impacts on the quality and depth of discussion and the importance of direct person-to-person contact in conducting public business; and

**WHEREAS**, at a minimum remote participants at a meeting must be able to actively and equally participate in the meeting and must have received all pertinent material prior to the meeting; and

**WHEREAS**, the County Commissioners recognize and agree that remote participation should not be used during public hearings, or at meetings where matters of public controversy will be undertaken, or during meetings when visual presentations such as power point slides and poster boards characterize the meeting, if the content of a visual presentation cannot be seen by a remote participant because of a technology limitation or for any other reason, except in the event a remote participant is visually impaired.

**NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COMMISSIONERS OF CAROLINE COUNTY, MARYLAND THAT:**

**SECTION 1.** Section 18-2 of Chapter 18 – COMMISSIONERS of the Code of Public Local Laws of Caroline County is hereby amended by adding a new subsection D thereto as follows:

**D. Provided that at least a quorum of County Commissioner is physically present at a meeting that is otherwise lawfully convened and assembled, any County Commissioner who is unable to physically attend the meeting shall be allowed to participate, including voting, using electronic communication technology or other facilities that allows for remote participation, provided, however, that such remote participation shall be noted in the minutes of the meeting together with the remote participant’s stated reason for physical absence from the meeting.**

**SECTION 2.** The title of this Bill, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this act for publication and all other purposes.

**SECTION 3.** This public local law shall take effect forty-five days after enactment by the County Commissioners of Caroline County, Maryland.

ENACTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2008.

ATTEST:

**COUNTY COMMISSIONERS OF  
CAROLINE COUNTY, MARYLAND**

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SARA B. VISINTAINER  
EXECUTIVE ASSISTANT

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JOHN W. COLE, PRESIDENT

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ROGER L. LAYTON, VICE PRESIDENT

(SEAL)

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JEFFERSON L. GHRIST, COMMISSIONER