

OCT. 13, 1992

Ordinance #75

AN ORDINANCE CONCERNING OBSERVER'S CONDUCT AT OPEN MEETINGS OF THE TOWN OF LEONARDTOWN.

1.01 Public Attendance

a) At any open session of the Leonardtown Council, its Boards or Commissions, here in after the Public Body, the general public is invited to attend and observe.

b) Except in instances when the public body expressly invites public testimony, questions, comments, or other forms of public participation, or when public participation is otherwise authorized by law, no member of the public attending an open session may participate in the session.

1.02 Disruptive Conduct

a) A person attending an open session of the public body may not engage in any conduct, including visual demonstrations such as the waving of placards, signs, or banners, that disrupts the session or that interferes with the right of members of the public to attend and observe the session.

b) (1) The presiding officer may order any person who persisted in conduct prohibited by subsection (a) of this section or who violates any other regulation concerning the conduct of the open session to be removed from the session and may request police assistance to restore order.

(2) The presiding officer may recess the session while order is restored.

1.03 Recording, Photographing, and Broadcasting of Open Sessions.

a) A member of the public, including any representative of the news media, may record discussions of the public body at an open session by means of a tape recorder or any other recording device if the device does not create noise that disturbs members of the public body or other persons attending the session.

b) A member of the public, including any representative of the news media, may photograph or videotape the proceedings of the public body at an open session by means of any type of camera if the camera:

1) Is operated without artificial light; and

2) Does not create noise that disturbs members of the public body or other persons attending the session.

c) A representative of the news media may broadcast or televise the proceedings of the public body at an open session if the equipment used:

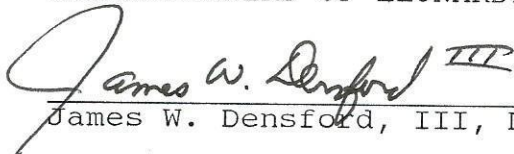
- 1) Is operated without artificial light; and
- 2) Does not create noise that disturbs members of the public body or other persons attending the session.

d) The presiding officer may restrict the movement of a person who is using a recording device, camera, or broadcasting or televising equipment if such restriction is necessary to maintain the orderly conduct of the session.


1.04 Recording Not Part of Record

A recording of an open session made by a member of the public, or any transcript derived from such a recording, may not be deemed a part of the record of any proceeding of the public body.

COMMISSIONERS OF LEONARDTOWN


James W. Densford, III, Mayor

Wayne L. Vincent, Vice President


Leon E. Battle, Councilman

Paul F. Ludwid, Councilman

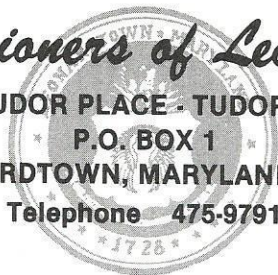

Norman A. Norris, Councilman


Ruth W. Proffitt, Councilwoman

ORIGINAL

Commissioners of Leonardtown

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JAMES W. DENSFORD, III, *Mayor*

COUNCIL

WAYNE L. VINCENT, *Vice President*
LEON E. BATTLE
PAUL F. LUDWIG
NORMAN A. NORRIS
RUTH W. PROFFITT

TOM M. SHEA
Administrator

Date: September 8, 1992
To: Mayor & Council
From: Tom M. Shea *TMS*
Subject: Open Meetings Regulations

Attached please find a draft ordinance regarding the State Open Meetings Regulation. It will be necessary to adopt this draft for the Town to be in compliance with Article 10-507 (B) of the State Government Article. This draft provides ample opportunity to record, photograph, and broadcast open meetings, limited only by the need for decorum and courtesy to meeting participants and observers.

This draft is just a suggestion, you may determine it needs to be more restrictive and I have enclosed a copy of the State Article for your review. Please contact me with any recommendations you have prior to your next meeting on Monday, September 14, 1992. If I don't hear from anyone, I'll prepare the draft for approval on September 14, 1992.

Thank You!



§ 10-507

STATE GOVERNMENT

Cross reference. — See Bill review letter note to § 10-503 of this article.
Amendment effective July 1, 1992. — The 1991 amendment, effective July 1, 1992, sub-

stitutes "a closed or open session" for "a session that this subtitle requires to be open" in (a); and adds (b) (3).

§ 10-507. Attendance at open session.

Applied in *City of College Park v. Cotter*, 309 Md. 573, 525 A.2d 1059 (1987).

(Amendment effective July 1, 1992.)

§ 10-507. Attendance at open session.

(a) *In general.* — Whenever a public body meets in open session, the general public is entitled to attend.

(b) *Rules.* — A public body shall adopt and enforce reasonable rules regarding the conduct of persons attending its meetings and the videotaping, televising, photographing, broadcasting, or recording of its meetings.

(c) *Removal of individuals.* — (1) If the presiding officer determines that the behavior of an individual is disrupting an open session, the public body may have the individual removed.

(2) Unless the public body or its members or agents acted maliciously, the public body, members, and agents are not liable for having an individual removed under this subsection. (1991, ch. 655.)

Cross reference. — See Bill review letter note to § 10-503 of this article.
Amendment effective July 1, 1992. — The

1991 amendment, effective July 1, 1992, adds present (b) and redesignates former (b) as (c).

§ 10-508. Closed sessions permitted.

Conflict of laws. — Contention that this section should be read into a municipal charter provision which flatly prohibited closed meetings was rejected due to the impact of § 10-504 of this article. *City of College Park v. Cotter*, 309 Md. 573, 525 A.2d 1059 (1987).

Section 10-504 of this article provides legislative authority for a public body to waive its attorney-client privilege by flatly prohibiting closed meetings in the municipal charter. *City of College Park v. Cotter*, 309 Md. 573, 525 A.2d 1059 (1987).

Waiver of attorney-client privilege. —

(Amendment effective July 1, 1992.)

§ 10-508. Closed sessions permitted.

(a) *In general.* — Subject to the provisions of subsection (d) of this section, a public body may meet in closed session or adjourn an open session to a closed session only to:

(1) discuss:

(i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or

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