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STATE OF MARYLAND
OPEN MEETINGS COMPLIANCE
BOARD

20 *Official Opinions of the Compliance Board* 295 (2026)
September 23, 2026
Boonsboro Town Council

The Complainant alleges that the Boonsboro Town Council (the "Town Council" or "Council") violated the Open Meetings Act (the "Act") by exchanging emails that rose to the level of a "meeting" for which the Council did not provide notice or an opportunity for the public to observe. The Complainant further alleges that the Council violated the Act by failing to note on the agenda of an open meeting on July 14, 2025, that the Council would be discussing and voting on a proposal to acquire license plate-reading cameras. For the reasons below, we cannot conclude that the email exchange was a "meeting" subject to the Act. But we find that the July 14, 2025, meeting agenda violated the Act by not apprising the public that the Council would be discussing license plate-reading cameras.

Background

The Town Council consists of the mayor, the assistant mayor, and five other members. *See* Boonsboro Charter, Art. II, § 201. A majority of the members—that is, four members—constitutes a quorum of the Council. *See id.* at Art. II, § 208; *see also* § 3-301.[1]

The Town Council convened on Monday, July 14, 2025.

The Friday before, several town officials exchanged emails about a proposal by the company Flock to bring license plate-reading cameras to Boonsboro:

- At 11:51 a.m., the Town's police chief sent an email to the mayor, five members of the Council, and members of the Town staff with information from Flock and the message, "Flock's provided this and I wanted to share before the meeting on Monday."
- At 11:52 a.m., the Town's office manager responded to the police chief, copying

[1] Unless otherwise noted, statutory references are to the General Provisions Article of the Maryland Annotated Code.

the town manager and asking, "Do you need this added to the agenda before I send it out?"

- At 11:57 a.m., the police chief responded to the Town's office manager and town manager, "I'm not sure [office manager], regardless of my answer it probably won't be the right answer, I'll defer to you and what you think."
- At 11:58 a.m., the police chief replied to everyone on his first email, saying, "Just an FYI, Flock's just realized the pricing sheet still shows installation that is waived and our total cost is $26,500.00."
- At 12:32 p.m., a Council member replied all, "Sounds like a good deal to me!"
- At 1:30 p.m., the police chief replied all, "It really is [Council member]." The police chief also noted that a representative from a different company (not Flock) told him that it could "basically integrate our entire existing system, plus give us 15 additional cameras . . . ." He noted that "[t]his is the same system" used by the Hagerstown Police Department and "many others" and would "integrate with Flock's [sic] and give us dual recording and storage options there as well." The police chief gave other specifics about the second company's fee and Flock's "year-to-year lease," Flock's nationwide span that would "allow us, if needed, to tap into other Flock's [sic] systems," and how the two systems, "once up and running" would "more than double our current system," with "cameras at the reservoir and down at the sewage treatment area." The police chief said "[s]omething else to consider" was "a civilian watch center . . . to monitor cameras (if that need ever arises), which would be much more cost-effective than additional officers." He ended the email by saying he was "looking forward to hearing from each of you Monday."
- At 1:39 p.m., a second Council member replied all, asking, "Would any of these cameras be placed at the wastewater treatment plant[?] That's a concern of mine. Thanks for keeping us updated."
- At 2:32 p.m., the police chief replied all, apologizing to the second Council member and adding, "that is where I meant to say the one was going."
- At 4:15 p.m., a member of the Council replied all, saying, "No problem, thank you!"

The agenda for the Council meeting on Monday, July 14, 2025, listed among the agenda items "Facilities Reports," including a "Police Department Report." But the agenda provided no other details about what the police chief's report would address.

At the July 14 meeting, the police chief started his report to the Council with updates on an audit and two grants that the department had received.[2] He then said, "whatever you guys have, questions on the cameras that we've submitted, or I mean, how, how do we

[2] A recording of the meeting is available on YouTube. *See* https://www.youtube.com/watch?v=ZUAs2NwSOsc (last visited Sept. 23, 2026). The police chief's comments begin around the 1:01:45 timestamp.

proceed, or, I'll throw that back to you guys."[3] A member of the Council said that he knew that "the email came through" but he hadn't read it yet. After some discussion about recent noise complaints, the Council members discussed logistics about acquiring cameras, including whether the Council needed to get multiple bids and the specifics of the quotes that the Town had already received. Council members appeared to support the idea that the police chief recommended—i.e., that the Town acquire Flock cameras and additional cameras from another company, with the second company integrating all the cameras into a single system.

One Council member asked how they could take action to acquire cameras and whether it needed to appear as a specific agenda item. The town manager responded that the Council had already budgeted funds for the police department, the Council just needed to approve the purchase, and the Council "need[ed] to establish in this meeting" which purchases would be made with funds from the fiscal year 2025 budget so the Town could "close out FY25." The Council member who asked how to take action questioned whether the body could vote on a contract that hadn't been listed on the agenda. Council members and staff discussed the possibility of the Council approving the purchase of the Flock cameras at the July 14 meeting and waiting until August to approve the purchase of cameras from the second company.

A member of the Council moved to approve the purchase of Flock cameras and the related software. Another member seconded the motion, and the Council unanimously approved the purchase.

Discussion

A. Alleged "meeting" by email

We begin with the Complainant's allegation that the exchange of emails on July 11, 2025, rose to the level of a "meeting," which violated the Act because the public had no notice or opportunity to observe the Council's deliberations.

"As its name suggests, the Open Meetings Act 'applies only when a public body 'meets.'" 17 *OMCB Opinions* 101, 103 (2023) (quoting 7 *OMCB Opinions* 272, 273 (2011)). Under the Act, a public body "meets" when it "convene[s] a quorum . . . to consider or transact public business." § 3-101(g). As noted above, a quorum of the Council is four.

We have long recognized that, "even in the absence of a 'physical meeting consisting of a quorum of a public body,' an 'exchange of emails or other communications

[3] The police chief's remarks on cameras begin around the 1:03:10 timestamp.

between members . . . might rise to the level of a meeting' subject to the Act." 16 *OMCB Opinions* 66, 66 (2022) (some internal quotation marks omitted) (quoting *Grant v. County Council of Prince George's County*, 465 Md. 496, 533 (2019)). "To determine whether a particular exchange of communications rose to the level of a meeting, we have previously referred to the Wisconsin Attorney General's prediction about factors that courts would likely consider in addressing whether an email exchange was a meeting: '(1) the number of participants involved in the communication; (2) the number of communications regarding the subject; (3) a time frame within which the electronic communications occurred; and (4) the extent of the conversation-like interactions reflected in the communications.'" 16 *OMCB Opinions* 212, 214 (2022) (quoting 9 *OMCB Opinions* 259, 265 (2015)).

"Considering such factors, we have more than once found that the exchange of emails among individual members of a public body rose to the level of a 'meeting' for purposes of the Act." 16 *OMCB Opinions* at 214; *see also* 19 *OMCB Opinions* 204, 207 (2025) (finding that a "meeting" took place when a town administrator emailed an entire town council to get members' thoughts about how to proceed with a particular project and, over the next three hours, a quorum of the body responded, using reply-all emails); 17 *OMCB Opinions* 101, 106 (2023) (finding that a "meeting" took place when a quorum sent "reply all" emails to all members of the public body, within about one hour, about the same topic); 14 *OMCB Opinions* 33, 37 (2020) (concluding that a series of emails on one topic, exchanged among a quorum of a public body's members over about fourteen hours, "was so tightly grouped as to amount to a meeting"); 13 *OMCB Opinions* 39, 40-41, 44 (2019) (finding that a public body violated the Act when a quorum "considered and decided" via fifteen email messages, including four "demonstrably among a quorum," over two days "to send letters on behalf of 'a majority' of the body").

In several other cases, however, we have found that communications among members of a public body did not amount to a "meeting" subject to the Act. *See, e.g.*, 18 *OMCB Opinions* 194, 198 (2024) (finding no "meeting" when a staff person supporting the public body emailed all members of the body, one member of the body responded using the "reply all" function, but none of the other members of the body responded to that "reply all" email and instead responded only to the sender of the original email, other staff members, and to a single member of the body); 13 *OMCB Opinions* at 48 (finding that a public body did not "meet" when the town manager sent an email to the members of the body and each spoke with her, one by one, about the matter, "apparently without any interaction or discussion among themselves"); 11 *OMCB Opinions* 20, 20-21 (2017) (finding that no "meeting" occurred when one member of a public body sent an email to the other members but only one member, recused from the matter, responded); 9 *OMCB Opinions* 259, 264 (2015) (considering it a "close question" but finding no "meeting" for purposes of the Act when four members of a seven-member public body responded by "reply all" emails to a question posed by the body's attorney when there was no indication

that any member read or replied to any other member's message, "and no one sent a follow-up message to the others that day").

Here, we have a cluster of emails exchanged over the course of about five hours. A quorum of the Town Council received several of those emails, but only two members of the Council—fewer than a quorum—engaged in any discussion. "Although we have previously acknowledged the possibility that a quorum may have 'convened' 'if enough members, though in separate locations, are all watching their email accounts at the same time,' we have stopped short of finding a meeting 'without evidence of near-simultaneous interaction among the quorum on public business." 20 *OMCB Opinions* 28, 34 (2026) (quoting 9 *OMCB Opinions* 259, 262 (2015)). "In the context of electronic media," we have said, "something more is needed for a meeting than the mere 'capacity' for immediate group interaction; in our view, there should also be some level of awareness that a quorum is present for a specific period of time." 9 *OMCB Opinions* at 263. Although two members of the Council sent emails, we cannot tell from the record whether any other members of the body read those messages, "let alone during that time period, or even whether [a quorum of] members were online at the same time." *Id.* Thus, "although the capacity for simultaneous interaction among a quorum might have been there, the timing and content of these emails do not establish that a quorum of the Council 'met.'" *Id.* We find no violation based on this allegation. Nonetheless, we urge the Council's members to minimize "reply all" emails and messages addressed to a quorum of a body, as such communications may unintentionally evolve into a "meeting" under the Act.

B. Allegedly omitting a known item from the agenda

We turn next to the Complainant's allegation that the Town Council violated the Act by not making clear on the agenda for its July 14, 2025, meeting that the body would consider a contract to purchase Flock cameras.

The Act requires, before a public body meets in open session, that it "make available to the public an agenda . . . containing known items of business or topics to be discussed." § 3-302.1(a)(1)(i). As we have previously explained, "[t]he purpose of the agenda requirement is to provide members of the public 'information that will help them decide whether to attend a particular meeting.'" 16 *OMCB Opinions* 62, 62 (2022) (quoting 15 *OMCB Opinions* 1, 3 (2021)). Thus, while "a description need not be particularly detailed," 16 *OMCB Opinions* 197, 199 (2022), it should provide at least enough information to help members of the public understand what the body intends to discuss, *see* 16 *OMCB Opinions* at 62.

Here, the Complainant asserts that the Town Council knew that the contract with Flock would be presented and voted upon and, thus, the Council violated the Act by not including those details on the agenda. The Council responds that "there was no indication"

at the time the agenda was prepared "that anyone from the Town Council intended to put the matter to a vote at th[e] July [14] meeting." The Council asserts that "[t]he information provided by the Police Chief was for information only so that the Council members would have data on camera purchases."

As noted above, the Act requires an agenda to include "known items of business *or topics to be discussed*," § 3-302.1(a)(1)(i) (emphasis added), a category broad enough to include discussion topics that do not lead to a vote. Thus, even if the Town Council did not know that it would vote on Flock's proposal, we think that the agenda should have mentioned the topic if the Council expected to discuss it at the July 14 meeting.

"Whether a particular item of business was 'known' to the public body when it made its agenda available is a question of fact," 14 *OMCB Opinions* 102, 103 (2022), and we are "not a fact-finding tribunal," 8 *OMCB Opinions* 170, 171 (2013). We thus rely on the submissions of complainants and public bodies to establish the facts in a particular situation.

Here, the record indicates that the police chief not only emailed the Flock contract details to Council members but referenced the July 14 meeting when doing so and expressed his expectation of hearing the Council members' thoughts the day of the meeting. The clear implication, we think, was that the police chief intended to bring up Flock's proposal during the meeting. The Council asserts that the police chief does not set the agenda for Council meetings. That may be, but the Act's agenda provision requires a public body to inform the public of items of business and topics of discussion that the body expects to come up at a meeting. And, based on the record before us, we think it reasonable to conclude that Council members knew that the police chief would bring up Flock's proposal at the July 14 meeting. After all, the Town Council set aside time at the July 14 meeting to hear from the police chief (as the Council apparently does at all of its regular meetings),[4] and the police chief's emails on July 11 made clear that at least part of his time on July 14 would be devoted to the Flock proposal.

We find the Council's reliance on 19 *OMCB Opinions* 105 (2025) unpersuasive. In that opinion, we found no violation based on a county board of commissioners' omission of an item from a meeting agenda because, we concluded, although there was some indication that the topic might come up at the meeting, we had "no basis to conclude from the record before us that the body *knew* that it would." 19 *OMCB Opinions* at 108. In that matter, the complainant had presented emails between school board officials, indicating that the topic at issue (an appointment to a vacant school board seat) was likely to come up

[4] We draw this inference from looking through meeting agendas posted on the Council's website. Agendas of regular meetings appear to consistently include "Police Department Report" as agenda items. *See* https://www.town.boonsboro.md.us/agendas (last visited Sept. 23, 2026).

at a meeting of the board of county commissioners. *Id.* But no members of the board of county commissioners—the public body responsible for making the appointment—sent or received those emails. *Id.* We thus had no basis to infer that any member of the board of county commissioners knew that the appointment would come up at the meeting in question.

Here, by contrast, the relevant emails involved messages from the police chief to a quorum of the Town Council containing information that the chief said that he wanted the members to have in advance of the July 14 meeting, as well as the chief's remark that he was "looking forward to hearing from each of [of the Council members]" on the day of the meeting. Moreover, two of the Council members responded to the chief's emails. We thus conclude that members of the Council knew that the information regarding Flock's proposal would come up at the meeting.

Although we cannot tell from the record when the Council first made the agenda available to the public, it appears that the Council knew more than twenty-four hours before the meeting that Flock's proposal would be a topic of discussion at the July 14 meeting. We thus conclude that the agenda should have reflected that fact. *See* § 3-302.1(a)(3) (noting that, "[i]f an agenda has not been determined at the time the public body gives notice of the meeting, the public body shall make available the agenda as soon as practicable after the agenda has been determined but no later than 24 hours before the meeting"). The bare description "Police Department Report" was too vague. *See* 19 *OMCB Opinions* 186, 188 (2025) (finding the agenda topic description "staff comments" not detailed enough to satisfy the Act when the public body knew that staff intended to present information about a specific business proposal). We find a violation of § 3-302.1(a).

Conclusion

We cannot conclude that the exchange of emails among Council members and Town staff on July 11, 2025, rose to the level of a "meeting" subject to the Act. But we conclude that the agenda for the July 14, 2025, meeting violated § 3-302.1(a) by failing to specify that the Council would be discussing a proposal to acquire license plate-reading cameras.

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

Open Meetings Compliance Board
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