

The Constitutional and statutory history of the Board stems from the mid 1820's. The status of the Board has evolved from that of the implementing agency of an affirmative program of public improvements to later becoming a brake on the less well considered financial ventures of the State. After the period during which the State could not meet its obligations of principal and interest payments, the agents of the State, and, their successor, the Board of Public Works, were charged with disembroiling the State from its financial obligations. Thus, under Article XII of the Maryland Constitution, three Constitutional officers, ex officio, are constituted as agents of the State in the management of its public works.

The Constitution also provides that the Board has other duties as provided by law and, pursuant to statute, the Legislature has imposed on the Board a tremendous amount of diverse duties. These duties place a great burden on the Board which is composed of three officials who are already extremely busy carrying out the Constitutional and statutory duties imposed upon them as individual officers. Nonetheless, the legislative acts conferring these duties are indicative of the reliance of that body on the function of the fiscal restraint exercised by the Board.

The Board of Public Works is thus not a typical agency or commission, either by composition or in terms of its duties. Every function that it performs is critical to the public, and therefore its formal meetings have always been public meetings. The purpose of this bill is to require that any informal, preliminary Board meetings be open to the public as well.

Since the agenda of each Board meeting frequently runs to thousands of pages, the members meet, by convenience in the Executive Office, to discuss and highlight agenda items, and ask questions of one another, and, if necessary, confer with staff. These meetings are not necessarily a matter of routine. Nor are any other preliminary meetings sometimes held between the Treasurer and Comptroller necessarily a matter of routine. But no official action is taken at any of these preliminary sessions.

To impose the requirements of Article 76A on these meetings would result in a needless extension of an already time consuming process. Agenda items that occurred without prior notice would have to be deferred until the notice requirements were met. If not, any person could challenge not only the actions discussed at a preliminary session, but any subsequent official action of the Board. Minutes of these sessions would also be required.

The end result is a loss of valuable time for these three officers who serve ex officio, as the Board of Public Works. This time must come from time otherwise devoted to their duties as individual officers.