

The City of Brunswick considers open and transparent government to be a critical priority. We believe that the foundation of good government occurs when the public has the opportunity and participates in the process.

However, recently, a complaint was made against the City of Brunswick to the Open Meetings Compliance Board regarding a Closed Meeting held on August 17, 2021, where the discussion topic was a proposal for a business to locate in the City. The City had been diligently working with a business about the potential of locating in Brunswick. We were working towards beginning the public discussions and process. We regret that due to issues with this business and other government agencies (beyond the City of Brunswick), all discussions have now ceased.

The Compliance Board found that the City violated §§ 3-301 and 3-302 by failing to make clear in the meeting notice that the Council would meet in open session before closing the meeting, § 3-305(d) by failing to provide the public an opportunity to object to the closure, and § 3-306(c)(2) by failing to provide a proper citation to the statutory authority for the closed session and by failing to refer, at least generally, to all individuals present during the closed session. The City believes these to be technical violations surrounding how the closed meeting was announced and summarized. While the same procedures and processes were followed for this meeting that have been followed by the City for all other closed meetings for many years, we understand the Board's findings and interpretations, and will immediately make necessary adjustments to our process and procedures going forward.

Under Section 3-305(b)(4) of the Open Meetings Act, a public body is allowed to close a meeting to "consider a matter that concerns the proposal for a business or industrial organization to locate, expand or remain in the State". This is allowed based on the "understanding that some businesses might be deterred from making proposals about a potential relocation, expansion or retention of an existing facility if all such discussions were open to the public view". While there were several other allegations raised in the complaint regarding the topic and allowability of conducting such a meeting in closed session, they were unfounded by the Compliance Board. The overall purpose of the closed meeting and the discussion within the meeting was appropriate for closed session under the law.

Businesses frequently approach the City in confidence, initially, as they determine the feasibility of potentially locating to our area. As part of the City's continued efforts to attract business and employers to Brunswick, we frequently try to initially honor a business request to have these discussions in confidence, while also understanding the need for public transparency. It is also important to note that while initial feasibility discussions for a business can occur during a closed meeting, formal Council actions and decisions are conducted during open meetings after public input opportunities. No decisions or formal actions were taken by the Mayor or Council during the August 17, 2021 closed meeting.