

Compliance Checklist

Open Meetings (§ 10-15-1 (B))

The Open Meetings Act applies to meetings of public bodies :

- _____ At which a quorum of the members of the public body is present in person or by telephone; and
- _____ During which the public body will formulate public policy, discuss public business or take action.

If the Open Meetings Act applies, the following checklist will help you comply with its requirements.

Notice Requirements

Non-emergency meetings:

- _____ Reasonable advance notice of the meeting has been provided to the public (§ 10-15-1 (D)).
- _____ The notice complies with the deadlines and procedures for meeting notices adopted by the public body under Section 10-15-1(D) of the Open Meetings Act.
- _____ The notice includes the date, time and location of the meeting.
- _____ The notice is published or posted in a place and manner accessible to the public.
- _____ Notice has been provided to all FCC licensed broadcast stations and newspapers of general circulation that have provided a written request for notice of meetings (§ 10-15-1 (D)).
- _____ The notice includes an agenda or information on how the public may obtain a copy of the agenda (§ 10-15-1 (F)).

Emergency Meetings (§ 10-15-1 (F))

Under limited circumstances, an emergency meeting may be held with little advance notice if:

- _____ The public body did not expect the circumstances giving rise to the meeting; and
- _____ If the public body does not act immediately, injury or damage to persons or property or substantial financial loss to the public body is likely.

Meeting Agenda (§ 10-15-1 (F))

The meeting agenda should:

- _____ Include a list of specific items the public body intends to discuss or transact at the meeting.

_____ Clearly describe agenda items that the public body intends to discuss or act on during the meeting in order to give adequate public notice.

_____ Except for an emergency meeting, the agenda is available to the public at least 24 hours before the meeting.

_____ Except for emergency matters, the public body takes action only on those items specifically listed on the agenda 24 hours before the meeting.

Telephonic Participation (§ 10-15-1 (C))

If a member of the public body participates in a meeting by telephone :

_____ There must be a law or a rule of the public body authorizing its members to participate by conference telephone or similar communications equipment; and

_____ It must be “difficult or impossible” for that member to attend the meeting in person; and

_____ Each member participating telephonically can be identified when speaking, all participants are able to hear each other at the same time, and members of the public attending the meeting are able to hear any member of the public body who speaks during the meeting.

Closed Meetings – Permissible Subjects (§ 10-15-1 (H))

If a public body wishes to hold a closed meeting, it may do so only to engage in one or more of the following:

_____ Deliberations about the issuance, suspension, renewal or revocation of a license. Section 10-15-1(H)(1).

_____ Discussion of the hiring, promotion, demotion, dismissal, assignment or resignation of a public employee, or the investigation or consideration of complaints or charges against a public employee. Section 10-15-1(H)(2).

_____ Deliberations in connection with an administrative adjudicatory proceeding held by the public body. Section 10-15-1(H)(3).

_____ Discussion of personally identifiable information about an individual student. Section 10-15-1(H)(4).

_____ Discussion of collective bargaining strategy prior to negotiations between a public body and a union representing employees of the public body; collective bargaining sessions involving the public body and union, Section 10-15-1(H)(5); and consultations and impasse resolution procedures at which the public body and the union are present. Section 10-7E-17(G) of the Public Employee Bargaining Act.

_____ Discussion of a sole source purchase that exceeds \$2,500 or of the contents of competitive sealed proposals during the contract negotiation process. Section 10-15-1(H)(6).

_____ Meeting with the public body's attorney pertaining to threatened or pending litigation in which the public body is or may become a participant. Section 10-15-1(H)(7).

_____ Discussion of the purchase, acquisition or disposal of real property or water rights. Section 10-15-1(H)(8).

_____ For committees or boards of public hospitals only, discussion of strategic or long-range business plans or trade secrets. Section 10-15-1(H)(9).

_____ For the Gaming Control Board only, a meeting that deals with information made confidential by the Gaming Control Act. Section 10-15-1(H)(10).

Closed Sessions – Procedures (§ 10-15-1 (I))

To properly close a portion of an open meeting, the following actions must be taken (§ 10-15-1 (I) (1)):

_____ A motion stating the specific provision of law authorizing the closed meeting and a reasonably specific description of the subject to be discussed.

_____ A roll call vote on the motion to close the meeting in the open session. The vote of each member is recorded in the minutes.

_____ Only the matters stated in the motion to close are discussed in the closed session.

_____ Generally, action on an item discussed in a closed session must be taken in an open meeting (§ 10-15-1 (H)).

_____ After a closed meeting is completed, a statement affirming that the matters discussed in the closed meeting were limited to those stated in the motion to close is recorded in the minutes (§ 10-15-1 (J)).

For closed meetings of a public body held separate from an open meeting, the above criteria apply except:

_____ Instead of a motion to close, appropriate public notice is provided that includes the specific provision of law authorizing the closed meeting and a reasonably specific description of the subject to be discussed (§ 10-15-1 (I)(2)).

_____ Following completion of the closed meeting, a statement is entered into the minutes of the next open meeting specifying that the matters discussed in the closed meeting were limited to those stated in the notice of the closed meeting (§ 10-15-1 (J)).

Meeting Minutes (§ 10-15-1 (G))

If the meeting is open, written minutes are required. Minutes must contain at least:

_____The date, time and place of the meeting; and

_____The names of all members of the public body attending the meeting and of those members who are absent; and

_____A description of the substance of all proposals considered during the meeting; and

_____A record of any decisions made and votes taken that shows how each member voted (voting by secret ballot is not permitted).

The following also apply to meeting minutes:

_____A draft copy of the minutes is prepared within 10 working days of the public meeting.

_____The minutes are approved, amended or disapproved at the next meeting where a quorum of the public body is present.

_____All minutes are made available for public inspection.