

Reminder – New Open Meeting Law is now in effect!!

Changes effective as July 1, 2010

Before the Meeting

Posting Notice - New requirement to post agenda (“topics the chairperson reasonably expects to discuss at the meeting”)

48 hours except Saturday as well as Sunday and Holidays (A Monday evening meeting would need to be posted on Thursday).

At the Meeting

Remote participation - The Attorney General may authorize remote participation by members of a government body provided all parties are audible to each other, a quorum of the body including the chairperson is physically present at the meeting.

Announcement of meeting recording - The chairperson must announce if any party, including the Committee itself, is recording the meeting.

Executive Session - There are some procedural changes and a restructuring of the reasons for executive session (see Executive Session Quick Reference Guide).
The result of the roll call vote to enter executive session requires a majority of ALL members of the body (not just those present).

Minutes - Minutes (both open and executive session) must include a list of all documents used at the meeting, a summary of discussion of every topic.

Release of Executive Session Minutes - New procedure if not reviewed and released. Body must respond to request within 10 days and review and decide on release at next meeting or within 30 days whichever is shorter.

Public Records - Minutes, notes, recordings, any other materials used to prepare minutes, all documents and exhibits (photos, maps, etc.) used at a meeting.

Public Records Exemptions - Applications and other materials used in a body’s deliberations for hiring but not resumes. Materials used in performance evaluation only if **NOT** created by a member of the body. Most personnel information (seek advice of counsel).

Complaints

Enforcement -

New complaint process. Complainant files written complaint with the body within 30 days of the alleged violation setting forth the circumstances of the alleged violation. The body shall file the complaint and any remedial action with the Attorney General within 14 business days of receipt of the complaint. The attorney general may authorize an extension of time to the public body for the purpose of taking remedial action upon the written request of the public body and a showing of good cause to grant the extension. The Attorney General must hold a hearing before imposing any civil penalty (\$1,000 for each intentional violation).

Defense -

It shall be a defense to the imposition of a penalty that the public body, after full disclosure, acted in good faith compliance with the advice of the public body's legal counsel.

Meeting Definitions

Meeting -

A deliberation by a public body with respect to any matter within the body's jurisdiction.

Exemptions -

The following gatherings do **NOT** constitute meetings requiring compliance with the Open Meeting Law provided no deliberations occur:

An on-site inspection of a project or program;

A public or private gathering, including a conference or training program or a media, social, or other event;

The attendance by a quorum at a meeting of another public body that complied with open meeting law if the visiting members communicate only by open participation in the meeting on those matters discussed by the host body