# **Open Meeting Law**

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- This is not an exhaustive discussion of OML
- Most common issues that arise in practice

Please read and review the materials Only

## **General Overview**

### Open Meeting:

- Ensures transparency by public bodies
  - Open meetings, public deliberations
- Allows for confidentiality of <u>certain</u> records and deliberations
- -- Enforced by Attorney General's Office



## **Open Meeting Law Primer**

Public Bodies Must:

- Provide Notice
- Conduct Meetings Open to Public
  - -Unless in executive (closed) session
- Keep Mindtesational Use Only
- Review and Acknowledge OML materials

## **Public Body**

 "A multiple-member board, commission, committee, or subcommittee within the executive branch... however created, elected, appointed or otherwise constituted, established to serve a public purpose."

## **Provide Notice**



- At least 48 hours prior to meeting excluding weekends and holidays
  - Date, time, place, topics reasonably anticipated at the meeting
  - Date and time notice was posted
- Exceptions for emergencies Use Only
- State public bodies post to website

## **Conduct of Meetings**

#### Quorum

- 7 members must be physically present for commission meetings, including chair or person designated to run the meeting
- Quorum of subcommittees must be present for subcommittee meeting

### Deliberations only allowed during the open meeting

- A deliberation is an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any matters within the group's jurisdiction on which the quorum may make a decision or recommendation
- Certain discussions regarding procedural and administrative matters may relate to public business within the group's jurisdiction such as organizational leadership, committee assignments, and rules/bylaws for the organization
- No deliberations outside of the open meeting

#### Excludes

Distribution of agendas, reports, scheduling, provided no opinion is expressed

# Conduct of Meetings: Remote Participate

- Must be adopted before use by majority vote
- Public bodies are not required to adopt it
- Once adopted, any member can participate remotely only if physical attendance would be "unreasonably difficult"
- Remote participates and all persons at meeting must be clearly audible to each other

- Quorum, including chair or person authorized to chair the meeting, must be physically present
  - Roll call votes; announcement re: who is participating remotely; noted in minutes

## **Conduct Meetings: Closed Session**

- Typically allowed only in certain circumstances
  - Examples:
    - Strategy for litigation
    - Criminal misconduct
    - Security personnel or devices

## **Keep Minutes**

- Date, Time, Place, list of members present/absent
- Summary discussion of each topic
- Decisions made and record of all votes
- List of documents used at the meeting
- Names of members who participated remotely and reason for the remote participation

# **Keep Minutes (cont.)**

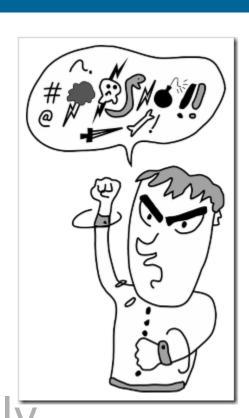
- Minutes will be created and approved in a timely manner for both open and closed sessions
- Documents must be retained
- Closed session minutes must be disclosed once publication will no longer defeat the purpose of having entered into closed session in the first place, unless otherwise exempt from disclosure

## Review and Acknowledgement

- Must review materials
  - Read and understand requirements and consequences of violation
- Sign certification and return to Carla via email

## Complaints

- Member of Public can file complaints with the public body within 30 days of violation occurring or date reasonably could have been know to occur
- 14 business days to respond/document remedial action if applicable
- If Member of Public is not satisfied with response, they can file complaint with AGO 30 days after making the complaint



## **Complaint Remedies**

- Compel future compliance
- Mediation
- Trainings
- Demand public release of minutes and materials
- Civil penalties on the public body
- Nullify actions taken in violation of OML
- Other appropriate reliefe Only

