

SWCD Training Program | *January 2011*

# **Module 11:**

## **Conducting Public Meetings**



# **State Open Public Meetings Act Requirements & Compliance**

- Alaska Open Meetings Act applies to ALL District operations.
- Alaska Open Meetings Act (AS 44.62.310, 312), in brief:
  - No more than three members or a majority of the members, whichever is less, can be together at any time, except during a publicly noticed meeting
  - Meetings must take place in a location open to the public
  - Public noticing, proper procedure, Executive Sessions
- Districts should meet once a month, but can meet more often if necessary. The Chair may call an emergency meeting or special meeting with the concurrence of the majority of the Board.
- At each SWCD BOS meeting, the Board shall be supplied with draft minutes of any prior meeting not approved yet, a complete and accurate financial report, and any other information necessary for the Board to make an educated decision on matters coming before the Board.

## **Examples of Violations of The Open Meetings Act**

- Three or more Supervisors attend a function, event or non-district meeting and conduct district business.
- Supervisors discuss and make a decision outside of a public meeting (an exception to this is when someone NOT a Supervisor polls the Board in order to set a date and time for the next district meeting). This includes all forms of communications: discussions in-person, by telephone, or via e-mail.
- The District fails to properly provide public notice for a board meeting. Reasonable public notice is considered to be a minimum of 7 days prior to the meeting.

# Public Notification

## ▪ Posting

- Email to NRCDB Executive Director for posting on the State's website
- Post on SWCD and/or AACD website
- Post at SWCD Office or other public site such as a local post office
- SWCDs must notify all persons that have requested to be notified

## ▪ Contents of Notice

- Date, time and place of the meeting
- Contact information of the SWCD and notice regarding availability of assistance to those that need it
- If teleconference, location or teleconference number for call in



# Conducting Effective Board Meetings

Clear agenda prepared and distributed in advance, commonly as part of the public noticing. Agendas should follow a fixed order of business.

## \_\_\_\_\_SWCD Board of Supervisors Notice of \_\_\_\_ (Date) \_\_\_\_\_ Meeting And Proposed Agenda

The \_\_\_\_ SWCD will meet on (date), beginning at 4pm. The location will be \_\_\_\_\_.

- Call to order.
- Roll call of members present.
- Presentation of minutes of last meeting.
- Officers reports.
- Committee reports.
- Special orders --- Important business previously designated for consideration at this meeting.
- Unfinished business.
- New business.
- Announcements.
- Adjournment.

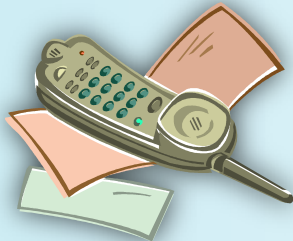
# Types of Meetings

- **Regular meeting** - proper minimum seven (7) day notice to the public.
- **Special meeting** - are meetings held at times or places different than normal, often scheduled to deal with specific items that need to be addressed before the next regular meeting.
  - **Regular Special meeting** - minimum seven (7) days notice to the public.
  - **Emergency meeting** - an actual emergency must exist to justify shortened or lack of public notice, the meeting must be called by a majority of Supervisors. Minutes must describe the reason for the emergency meeting. SWCDs must still make reasonable efforts to notify the public and emergency meetings should be very, very rare.

# Decision Making

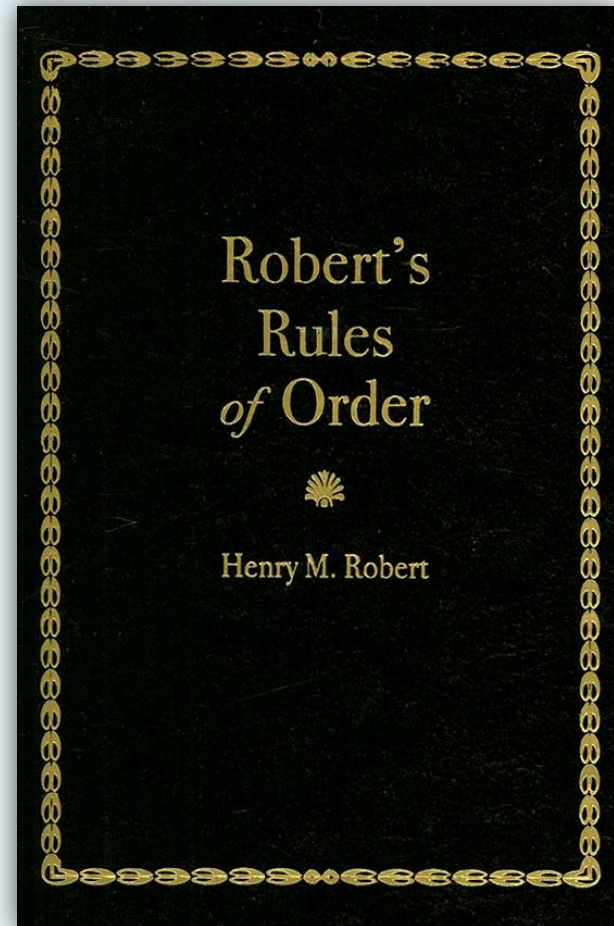


Decisions are after open discussion and public input opportunities, and based on education and full knowledge of all elements that may affect the decision.



# Robert's Rules of Order

- While it is not mandated, or even recommended, that Districts abide by every nuance of Robert's Rules of Order, there are some basic rules that should be followed and Robert's Rules should be consulted anytime the Board needs direction.





# How Are Motions Presented?

- **Obtaining the floor**
  - Wait until the last speaker has finished.
  - Address the Chair by saying, "Mr. Chair, or Mr. President."
  - Wait until the Chair recognizes you.
- **Make Your Motion**
  - Speak in a clear and concise manner.
  - Always state a motion affirmatively. Say, "I move that we ..." rather than, "I move that we do not ...".
  - Avoid personalities and stay on your subject.
- **Wait for Someone to Second Your Motion**
- **Another member will second your motion or the Chair will call for a second**
- **If there is no second to your motion it is lost**
- **The Chair States Your Motion**
  - The Chair will say, "it has been moved and seconded that we ..." Thus placing your motion before the membership for consideration and action.
  - The membership then either debates your motion, or may move directly to a vote.
  - Once your motion is presented to the membership by the chair it becomes "assembly property", and cannot be changed by you without the consent of the members.

- **Expanding on Your Motion**

- The time for you to speak in favor of your motion is at this point in time, rather than at the time you present it.
- The mover is always allowed to speak first.
- All comments and debate must be directed to the chair.
- Keep to the time limit for speaking that has been established.
- The mover may speak again only after other speakers are finished, unless called upon by the Chair.

- **Putting the Question to the Membership**

- The Chair asks, "Are you ready to vote on the question?"
- If there is no more discussion, a vote is taken.



# Voting On A Motion

- **There are three methods used for voting:**
  - **By Voice --** The Chair asks those in favor to say, "yes", those opposed to say "no". Any member may move for an exact count.
  - **By Roll Call --** Each member answers "yes" or "no" as his name is called. This method is used when a record of each person's vote is required and is common with regard to financial matters.
  - **By General Consent --** When a motion is not likely to be opposed, the Chair says, "if there is no objection ..." The membership shows agreement by their silence, however if one member says, "I object," the item must be put to a vote.



## There Are Two Other Motions That Are Commonly Used That Relate To Voting

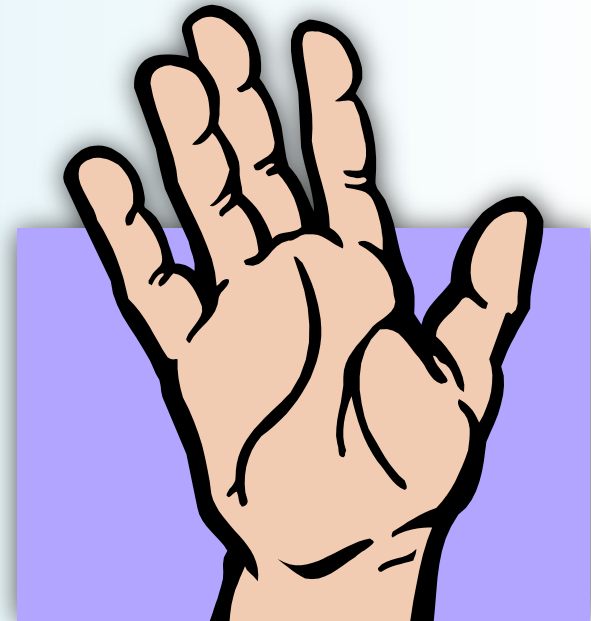
- **Motion to Table --** This motion is often used in the attempt to "kill" a motion. The option is always present, however, to "take from the table", for reconsideration by the membership.



- **Motion to Postpone Indefinitely --** This is often used as a means of parliamentary strategy and allows opponents of a motion to test their strength without an actual vote being taken. Also, debate is once again open on the main motion.

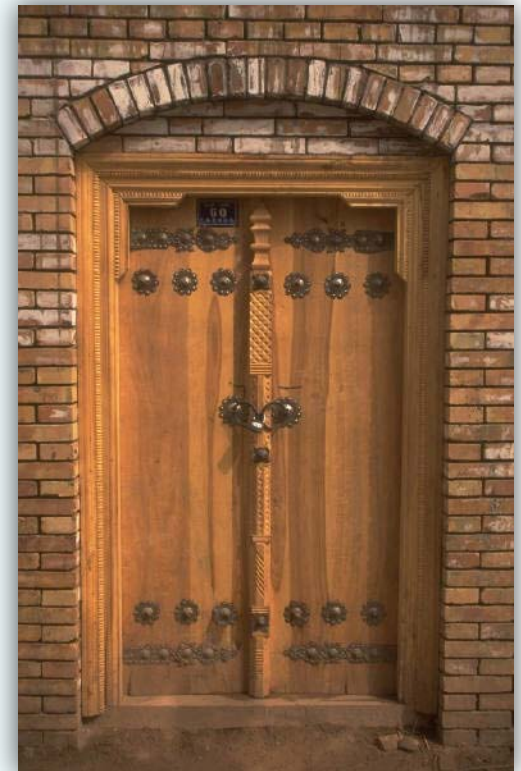
**Parliamentary Procedure is the best way to get things done at your meetings - but, it will only work if you use it properly.**

- Allow motions that are in order.
- Have members obtain the floor properly.
- Speak clearly and concisely.
- Obey the rules of debate.
- Most importantly, *BE COURTEOUS*.



# **Executive And/Or Closed-Session Rules & Regulations**

- Executive sessions may be called either outside or during a regularly scheduled meeting. Executive sessions include only the Board of Supervisors and those the BOS invites to participate.
- Minutes of the meeting must record the motion to enter executive session, with the reason stated, and must be supported by a majority vote of the Board.
- NO official Board action may take place in Executive Session. If the Board needs to take action, the Board must exit Executive Session and re-enter Public meeting to take action. The only exception to this is to give direction to legal counsel.



## **There are Only Four Permissible Justifications For Executive Session (With Examples)**

- **Matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity (not the monthly financial report, which MUST be discussed in public);**
  - Discussion regarding the purchase of property or other asset, that, should the information be made public, the cost to the district would increase
  - Legal strategy for a pending or active lawsuit
- **Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;**
  - Negative performance review or addressing an issue having to do with an employee, contractor, or associate



- **Matters which by law, municipal charter, or ordinance are required to be confidential; and**
  - Contract negotiations
  - Proprietary information
  - Information protected under federal or state law, matters in which there is a reasonable expectation of privacy
  - Employee or contractor review, an issue involving the reputation of an employee, contractor or associate
- **Matters involving consideration of government records that by law are not subject to public disclosure.**
  - Any NRCS, or similar, matters involving a private landowner
  - Matters involving a juvenile
  - Certain crime victim information
  - Any matter in which someone would have a reasonable expectation of privacy