

10 Minute Supervisor Trainings



April 2024

OPEN MEETINGS

The Open Meetings Act (KRS 61:800-850) applies to all meetings held by state and local government agencies. All gatherings of a quorum of the members of a public agency at which public business is discussed or action is taken are public meetings and must be open to the public, regardless of where they are held, and whether they are regular, special, informational, or casual gatherings held in anticipation of a regular or special meeting.

GENERAL REQUIREMENTS OF OPEN MEETINGS

Time and place of meetings - All meetings of public agencies, and committees or subcommittees thereof, must be held at specified times and places that are convenient to the public.

Quorum - A majority of the possible members of a public agency is considered a quorum. A conservation district has 7 possible members, so a quorum is 4. This is true even if the district has vacancies on the board.

Minutes of meetings - Public agencies must keep minutes of action taken at every meeting as an accurate record of votes and actions taken. These minutes must be open for inspection by the public no later than the conclusion of the agency's next public meeting.

Robert's Rule of Order - Meetings should be conducted according to Robert's Rules of Order ensuring agenda items are addressed and any action taken is duly discussed, approved or denied by board members.

Public attendance at meetings - Meeting room conditions should allow for effective public observation of the meetings. No person attending the meeting can be required to identify himself or herself in order to attend a meeting. The agency cannot place conditions on attendance of the public at a meeting other than to maintain order.

News media coverage - Public agencies must permit news media coverage, including recording and broadcasting.

Committee Meetings - Committees of a public agency must also comply with the requirements of the Open Meetings Act. A committee of a public agency is also a public agency for open meetings purposes, and a quorum of its members is calculated on the basis of the committee's membership and not the membership of the public agency that created it. Meaning if the conservation district board appoints 3 board members to a budget committee, then at least 2 of those members must be present to constitute a quorum.

SPECIAL CALLED MEETINGS

All meetings held with any change to either the date, time or location are considered special called meetings and must comply with the certain requirements.

Only the presiding officer or a majority of the board members may call a special called meeting.

As soon as possible, written notice must be posted in a conspicuous place.

in the building where the special meeting will take place and in a conspicuous place in the building where the conservation district normally holds their meetings. Notice must be posted at least 24 hours before the special meeting.

Written notice must be provided at least 24 hours in advance to anyone that normally attends a conservation district regular meeting with the specifics of the special called meeting date, time, location and agenda. Ensure all board members, your field representative, and others who have requested notification of meetings are notified. Written notices may be personally delivered, emailed, faxed or mailed.

Discussion and actions at the meeting will be limited to the items on the agenda only.

CLOSED SESSION

Conservation districts may enter into closed session only after a motion, which should include the exact part of KRS 61.810(1) that allows that specific closed session. For instance, "I move that we enter closed session to discuss our pending litigation as allowed by KRS 61.810(1)(c)."

Most common items discussed during closed session for conservation districts include:

- Buying or selling property, but only if the discussion is likely to affect the value of the property.
- Discussions of pending litigation.
- Discussions that might lead to the appointment, discipline, or dismissal of an individual employee

No motions can be made, no audio or video recordings and no minutes are taken during closed session.

The closed session can be discussed with other board members who were not there, but care should be taken to make sure that no one else can hear.

Advisors can be asked to stay for closed session. They should also keep the proceedings in confidence.

Please note that part (f) of section KRS 61.810(1) allows for very specific personnel matters to be discussed during closed session. Your board may only go into closed session to discuss appointing, disciplining or dismissing an employee. General personnel matters such as evaluations and raises are to be discussed during an open meeting.

The full list of items that may be discussed in closed session can be found under KRS 61.810(1) or on page 25-26 of the Kentucky Open Records & Open Meetings Act Guide.

VIDEO TELECONFERENCING

An agency's meetings may be conducted by video teleconference. A video teleconference is a "meeting occurring in two (2) or more locations where individuals can see and hear each other by means of video and audio equipment."

Notice of a video teleconference shall clearly state the meeting will be conducted via video teleconference and it shall "provide specific information on how any member of the public or media organization may view the meeting electronically."

Conservation districts can choose to conduct a video-teleconferenced meeting where no two members will attend from the same physical location, thus declining to provide a physical location where the public may attend.

However, if two or more members will attend the video-conference meeting from the same physical location, then the notice of such video-teleconferenced meeting must precisely identify a primary location where all members can be seen and heard, and where the public may attend.

Any interruption in the video or audio broadcast shall result in immediate suspension of the meeting until the broadcast is restored.

Meetings cannot be conducted via telephone conference, under KRS 61.826, all board members must be both seen and heard. A board member may listen in via telephone however, they cannot be counted toward a quorum and cannot vote on any action items.

FOR MORE INFORMATION

Kentucky Open Meetings Act:

<https://apps.legislature.ky.gov/law/statutes/chapter.aspx?id=37294>

Kentucky Open Meetings Guide: <https://www.ag.ky.gov/Documents/2022%20-%20Open%20Records%20Open%20Meetings%20Guide.pdf>

Kentucky Attorney General's Previous Decisions:

<https://www.ag.ky.gov/Resources/orom/Pages/default.aspx>