



# 10-Minute Supervisor Trainings

Kentucky Soil and Water Conservation Commission

SEPTEMBER 2016

## OPEN MEETINGS AND OPEN RECORDS

As public agencies, conservation districts should hold their meetings in accordance with Kentucky's requirements and store their records in such a way that they are available for open records requests.

### Open Records Act (KRS 61.870-884)

- Public records include all books, papers, maps, photographs, cards, tapes, discs, diskettes, recordings, software, or other documentation regardless of physical form or characteristics, which are prepared, owned, used, in the possession of or retained by a public agency.
- ALL conservation district records are public records, but not all are available to the public. For instance, documents protected by Section 1619 are public records but not available to the public.
- A member of the public can request public records. The request must:
  - Be in writing
  - Include specific records to be reviewed
  - Include the name of the person making the request
  - Be signed
- The custodian of the records has 3 days to respond to the request.
- If state records, contact your field representative. If federal records, contact your district conservationist.
- Requestor may review the records in the office or request copies.
- If you receive a request for records that aren't yours, notify the applicant and furnish the name and address of who does have those records.
- Applicant can be charged up to \$0.10 a copy for copied records.
- If the application places an unreasonable burden OR if repeated requests are intended to disrupt the essential functions of your office, an official custodian can refuse inspection of records. This should ONLY be done with legal guidance.
- Records cannot be obtained for a commercial purpose.
- Make sure to keep records according to the records retention policy.
- SmartProcure requests can be filled using the directions already sent out.



### **Open Meetings Act (KRS 61.805-850):**

- ANY TIME a quorum of supervisors is gathered to discuss district business, it should be an open meeting.
- This includes regular meetings, special meetings, committee meetings, and informational meetings (when you're not taking any action).
- It is very important that the public's business be taken care of in the public.
- If at all possible, have your meetings at the time announced in your legal notice. If your meeting time changes regularly throughout the year, include that in your legal notice (e.g., Meetings are held the 3rd Monday of the month at 7:00 November through April and 6:00 May through October).
- If you will be having a special meeting (these should be rare), the announcement must include the date, time, and agenda for the meeting. At least 24 hours before the meeting, this information should be:
  - Posted on the door of your office building
  - Posted on the door of the building where the meeting will be
  - Received by all board members, your field representative, and anyone else who has requested notification
- Members can attend in person or by videoconference. A member can listen via telephone, but they cannot be counted toward a quorum or take any action.
- Meetings should be conducted according to Robert's Rules of Order.
- Visitors cannot be REQUIRED to identify themselves.
- Visitors, board members, or employees have the right to record the meeting, as long as it does not interfere with the meeting. They are not required to tell anyone they are recording.
- Closed Session can only be entered 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)."
  - (b) Buying or selling property, but only if the discussion is likely to affect the value of the property
  - (c) Discussions of pending litigation
  - (f) Discussions that might lead to the appointment, discipline, or dismissal of an individual employee
- No motions can be made 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.
- Closed sessions are not recorded, and no minutes are kept.
- 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.