



Oklahoma Conservation Commission

District Directors' Responsibilities:

A 10-Minute Guide Series

This is one in a continuing series of informational/discussion topics designed to help conservation district directors become more informed and knowledgeable about their responsibilities. It is suggested that board members review these guides before a board meeting, and then have a 10 minute discussion on them at a meeting.

Guide No. 1 - Oklahoma's Open Meeting Act

It is the responsibility of all district directors to be knowledgeable about the Open Meeting Act and the requirements that pertain to conservation district board meetings. Penalty for willful violations of the Act is a fine up to \$500 and/or imprisonment in the county jail for up to one year.

The following information covers some of the highlights of the Act and directors are encouraged to review the complete Act in more detail. Additional resources are listed on the back side of this page.

Prior to a Meeting:

- ◆ Notice of meetings must be provided to the County Clerk prior to meetings. Written notice of the date, time, and place of meetings must be filed with the clerk by December 15th of the preceding year for regularly scheduled meetings. This schedule can be changed by written notice not less than 10 days prior to change. Special meetings can be held by filing a notice of date, time, and place in writing, in person or by phone not less than 48 hours prior to the meeting. (Other rules apply to emergency or continued or reconvened meetings).
- ◆ The agenda (including date, time and place of meeting) must be posted at least 24 hours before the meeting in prominent public view at the principal conservation district office. This excludes Saturdays, Sundays and legal holidays, so an agenda for a regularly scheduled meeting at 10:00 a.m. on Monday, must be posted by 10:00 a.m. on the preceding Friday.

- ◆ Agendas should state the purpose of the meeting and clearly describe each agenda item so that an ordinary citizen with no specialized knowledge of the board's prior action or deliberations will be able to understand from the agenda what the board will be doing at the meeting.

Places and Times for Meetings:

Meetings must be held at places and times that are convenient to the public.

Voting:

The vote of each board member must be publicly cast and recorded. Votes will be recorded in the minutes. If a motion carries unanimously and the minutes record the required information regarding which board members were present and absent at the meeting, an entry stating "Motion passed 5-0" or "Motion passed unanimously" is sufficient. However, if a motion passes with a vote of 3-2, the minutes must record the way each member voted.

Executive Sessions:

The Act allows public bodies to conduct executive sessions under limited circumstances. Before an executive session can be conducted, it must appear properly worded on the agenda. The board must have a motion and a majority vote to enter an executive session.

*Prepared by OCC District Services Division
December 2006*

Minutes:

Minutes of a district board meeting must be kept by a designated individual and be made available for public inspection. These minutes are an official summary of the proceedings and must contain (1) the manner and time that notice was given of the particular meeting; (2) the members present and absent; (3) all matters considered by the board; and (4) all actions taken by the board.

New Business:

“New business” items can be considered at a regularly scheduled board meeting if it is a matter not known about or which could not have reasonably been foreseen prior to the time of posting the agenda. Boards should use caution when considering new business items because the public will not have advance knowledge that it will be discussed. Unless it is an urgent item that needs immediate attention it may be best to put it on the next board meeting agenda for consideration. New business can not be considered in “Special Meetings”.

During the Meeting:

While enacted to encourage and facilitate an informed citizenry's understanding of government, the Act does not guarantee a citizen the right to participate in the discussion or decision-making process at an open meeting.

The Act provides that a person attending a public meeting may record the proceedings by videotape, audiotape, or by any other method as long as such recording does not interfere with the conduct of the meeting.

What Constitutes a Meeting:

The Act's definition of a “meeting” is sufficiently broad enough to include not only an officially scheduled, formally convened gathering of a public body, but also any informal gathering where a majority of the public body's members are personally present and conducting business. The “conduct of business” includes not only taking official action, but the entire decision-making process in which the public body is engaged, including mere discussions and deliberation where no final action is taken.

As a result, informal gatherings of a majority of board members trigger the requirements of the Act whenever public business is discussed.

This means if three or more board members are together, it will be considered a meeting and an agenda must be posted and other rules of the Act followed. The Act also states that a public body can not use electronic or telephonic communications to circumvent the Act, which could include emails and phone calls.

What to do if it is discovered than an action inadvertently did not comply with the Act?

If a board discovers that an action inadvertently did not comply with the Act, corrective action can be taken. The proper procedure is to begin the entire Open Meeting Act process over again, from filing notice to the posting of an agenda, holding an open meeting at which votes are publicly cast and recorded and so on.

Posting meeting information on websites:

If a conservation district has a website, it is required that a listing of regularly scheduled meetings be posted on the website. The website posting must also include the date, time, place, and agenda of each meeting. The date, time, place and agenda of any special or emergency meeting must also be posted on the website when reasonably possible.

Other Resources:

Chapter Four of the Conservation District Handbook.

Attorney General's website: www.oag.state.ok.us
Click on publications and you can find a publication on the Act.

Each year the Attorney General's office holds open meeting/records acts workshops. Districts will be notified when these are scheduled.

The Oklahoma Press Association has a book on the Open Meetings/Record Act available for \$15. The Oklahoma Conservation Commission has provided a copy of this book to all districts.

Questions can be emailed to Lisa Knauf, District Services Division, Oklahoma Conservation Commission at Lisa.Knauf@conservation.ok.gov

This guide lists some of the major points of the Open Meeting Act, but certainly doesn't cover the entire Act and all of its requirements. Boards should maintain a copy of the Act in the district office to review if there are questions on meeting requirements.