



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 the meeting.

Guide No. 2 - Executive Sessions

The Open Meeting Act allows public bodies such as conservation district boards to conduct executive sessions under limited circumstances. An executive session generally denotes a proceeding that is properly closed to the public. Such executive sessions may be attended only by board members and individuals who are invited by the board because their presence is necessary to the business at hand. Following are some of the major rules in conducting an executive session.

When can a district board hold an executive session?

Section 307 (A) of the Open Meeting Act states that public bodies can only hold executive sessions for the reasons stated in this section of the Act. Listed below are those reasons that most fit conservation district boards. If there is a question, boards should contact the Oklahoma Conservation Commission before proposing an executive session.

1. Discussing the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee.

2. Discussing the purchase or appraisal of real property.

3. Confidential communications between the board and its attorney concerning a pending investigation, claim, or action (but only) if the board, with the advice of its attorney, determines that disclosure will seriously impair the ability of the board to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest.

4. Discussing matters where disclosure of information would violate confidentially requirements of state or federal law.

An example of this would be the discussion and review of contracts developed by NRCS for programs like the Environmental Quality Incentives Program (EQIP). It is important that district directors participate in these Farm Bill programs and keep informed of what is in the contracts. But because of privacy requirements the information in the contracts can not be revealed in open session.

The agenda item for the executive session for this purpose will include name of program (EQIP, etc.) and the name of the person who has the contract.

Minutes

Minutes are taken to document the time the board enters the executive session, who attends the session, a brief description of items discussed and the time the board goes back to the open session. Minutes are sealed in an envelope and are not available to anyone other than the board members without a court order. Write on the outside of the envelope, executive session of the (name) Conservation District and the date. The minutes should be kept in a secure place, such as a locked filing cabinet. A board member or someone else designated by the board can take minutes.

Requirements before an executive session can be held:

There must be an item on the agenda of a regular or special board meeting for a proposed executive session. An executive session can only be held when a motion is made, seconded and passed by a majority of board members.

The proposed agenda item must state specifically the provision of Section 307. The following is an example of suggested language or executive session agenda item: Vote in open session on whether to enter executive session as authorized by Title 25 Section 307(B)(1) of the Open Meeting Act to discuss performance duties of the district secretary and district manager.

If the executive session is approved by a motion and majority vote of board members, a person is designated in the open session to keep minutes during the executive session and the board designates who will attend the executive session.

During and following the executive session:

The session is only for discussion of items and no votes can be taken while in the executive session. After the board goes back into the open session, motions can be made and voted on regarding the issue(s) if there is an item on the agenda that calls for possible action.

Only items specified in the agenda item for the proposed executive session can be discussed in an executive session. For example, if the agenda lists discussion of the performance of the district secretary only, then no discussion can be held on performance of other district employees.

It doesn't take a vote to end the executive session and go back into the open session. It simply requires reestablishment of a quorum once back in open session, noting who is present.

Matters discussed in the executive session are confidential and are not to be discussed with employees or others.

Other Resources on Executive Sessions:

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 Open Meeting 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 Executive Sessions, but certainly doesn't cover all the rules and requirements. Boards should maintain a copy of the Open Meeting Act in the district office to review if there are questions on meeting requirements.