



Oklahoma Conservation Commission

District 10-Minute Guide Series

This is one in a continuing series of informational discussion topics designed to help conservation district directors and employees become more informed and knowledgeable about their responsibilities. It is suggested that employees and board members review and then have a 10-minute discussion on a selected guide at each board meeting as part of the district's commitment to continuing education for leadership and staff.

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 but does not cover the entire Act and all its requirements; employees and directors are encouraged to review the complete Act in more detail.

Prior to a Meeting:

Prior notice of all meetings must be filed with the County Clerk. Written notice of the date, time, and place of regular meetings must be filed with the clerk by December 15th of the preceding year. This schedule can be changed by written notice not less than 10 days prior to the change.

Special meetings may 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 notice rules apply to emergency or continued or reconvened meetings.

Posting the Agenda:

The agenda including the 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.

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. Website postings must also include the date, time, place, and agenda packet of each regular and special meeting. The date, time, place and agenda of any emergency meeting must also be posted on the website when reasonably possible.

Places and Times for Meetings:

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

Meetings may not be held via remote means. Board members who are not physically present at the meeting location may not participate in meeting discussions or votes.

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. Minutes must include who made 1st and 2nd motions.

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. (*See Guide No. 2 – Executive Sessions for more information.*)

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 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 is best to put the item on the next board meeting agenda for consideration. New business cannot be considered in Special Meetings or Emergency Meetings; doing so is a violation of the Open Meeting Act.

Public Attendees of a 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 conducting 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 may be considered a meeting and an agenda should be posted and other rules of the Act followed. The Act also states that a public body cannot use electronic or telephonic communications to circumvent the Act, which includes emails and phone calls.

What if 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.

Other Resources:

Board Meeting section of the Conservation District Handbook and the District Resources section of the Oklahoma Conservation Commission website at conservation.ok.gov.

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

Each year the AG’s office holds open meeting/ records acts workshops. All employees and directors are encouraged to attend one of these workshops. The Oklahoma Press Association has a book on the Open Meetings/Record Act that is often provided during these workshops. The book may also be purchased from the OPA.