
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. 2 – Executive Sessions

The Open Meeting Act (OMA) 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. The following are some of the major rules for conducting an executive session, but all requirements are not covered here; employees and directors are encouraged to review the OMA for more detail.

When can an executive session be held?

Section 307 (B) 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.

- 307(B)(1): Discussing the employment, hiring, appointment, promotion, demotion, disciplining, or resignation of any individual salaried public officer or employee.
- 307(B)(2): Discussing negotiations concerning employees and representatives of employee groups.
- 307(B)(3): Discussing the purchase or appraisal of real property.
- 307(B)(4): Confidential communications between the board and its attorney concerning a pending investigation, claim, or action but only if disclosure will seriously impair the ability of the board to conduct related actions in the public interest
- 307(B)(7): Discussing matters where disclosure of information would violate confidential requirements of state or federal law.

An example of a situation meeting the 307(B)(7) authorization would be the discussion and review of conservation plans and contracts developed by NRCS. Due to federal privacy requirements, the information in the plans and contracts cannot be revealed in open session.

This authorization does not extend to state cost-share applications. These applications must be considered and reviewed in open session.

The agenda item for the executive session for a 307(B)(7) purpose will include the name of program or item (EQIP, etc.) and the name of the person or entity who has the contract.

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 that specifically states the provision of section 307 that authorizes the

session. An executive session with no specified topic and provision may not be listed on the agenda and is a violation of the Open Meeting Act.

Examples of agenda language are provided in the Conservation District Handbook (pg. 42) and in the “Executive Session for Districts” resource on the OCC website.

An executive session can only be held when a motion is made, seconded, and passed by a majority vote of board members.

If the executive session is approved by a motion and majority vote of board members, the board must also designate who will attend the executive session. The time executive session is entered should be noted and announced.

During and following the executive session:

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 manager only, then no discussion can be held on performance of other district employees.

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) discussed in the executive session if there is an item on the agenda that calls for possible action.

It does not take a vote to end executive session and go back into open session; the time open session is resumed should be noted and announced.

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

Executive Session Minutes:

As of July 2023, written executive session minutes are no longer considered to be best practice. District boards should utilize the executive session process outlined in the Conservation District Handbook, including the

executive session compliance announcement process.

If written executive session minutes are taken, they must 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. Executive Session Minutes are sealed in an envelope and are not available to anyone 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.

Regular Meeting Minutes:

The official open meeting minutes must contain a minute statement for the executive session that includes who made the announcements, the time executive session was entered, the specific provision and topic discussed, who was present, and what time the board returned to open session. An example of the executive session minute statement is available in the Conservation District Handbook.

Other Resources:

Board Meetings 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 Open Meeting 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 the AG’s workshops. The book may also be purchased from the OPA.