

A scenic landscape featuring a calm lake in the foreground, reflecting the surrounding environment. In the background, there are rolling mountains and hills, some covered in dense evergreen forests. The sky is a pale, hazy blue. The entire image is overlaid with a semi-transparent teal gradient that is darker on the right side and lighter on the left, creating a soft, atmospheric effect.

Public Meetings

Yes, Conservation District meetings are public meetings!

Why do we even care?

- Districts must comply with the Open Meeting Act
- Encourage and facilitate informed citizenry's understanding of processes and problems
- Improve governmental transparency

“Public Meeting” isn’t defined in the OMA...

“Public Body”

- “the governing bodies of...all **boards, bureaus, commissions, agencies, trusteeships, authorities, councils, committees, public trusts...tasked forces or study groups in the state, supported in whole or in part by public funds or entrusted with the expending of public funds, or administering public property, and shall include all committees and subcommittees of any public body.**”

“Meeting”

- “the **conduct of business** of a public body by a **majority** of its members being personally together...”



Who is the public?

A regular or normal citizen not acting in an official capacity for the public body.

Does that include employees, partners, etc?

- Everyone is a member of the public
- If an employee or partner (including OCC employees) has not asked to be on the agenda or has not been asked by the board to address an item, they are a member of the public
- Employees and partners must observe the same standards and guidelines as any regular citizen

Does that include employees, partners, etc?

- Boards may choose to hear attendees under new business, but it is not required.
- If an attendee is not on the agenda or heard under new business, then they would only be allowed to provide input via public comment unless...
- Board may ask attendees questions on agenda items pertaining to programs and correspondence that is being discussed
- Attendee should have expertise or knowledge of the topic to provide information or clarification to the board

What about associate board members?

- They are also considered members of the public and must adhere to the same guidelines and standards as any attendee
- The board may request associates share their knowledge and input on agenda items
- Should report on items specifically assigned to them (i.e. subcommittees, special projects)

Can anyone attend any district meeting?

- Yes
 - Anyone can attend a meeting of the district
 - They do not have to live within, own property within, or have any specific ties to the district
- However, attendees are restricted in their interactions with the board
 - May not be disruptive
 - Prohibit the business of the district being conducted
 - Unless board has requested input on a specific agenda item, should only speak during public comment period
- May not attend executive session unless specifically invited

Is a phone/video conference attendance option required to be offered?

- OMA is silent on the requirements or limitations of staff or other nonmembers of the public body attending remotely
- If the district offers the option, it must be made universally available
- Remote public attendance is limited to viewing/listening only



Important!

OMA does govern the appearance of board members at meetings. They must attend in person or via videoconference.

What if a member of the public wants to make a presentation?

- If listed as an agenda item, the presentation may be made when that item is discussed.
- If not listed on the agenda, the information must be presented during public comment period
- Boards must take care to allow presentations on a fair and unbiased basis
 - Presentation topics should be limited to items that directly impact the district's mission and/or programs

What happens if a person is disruptive?

- Board chair should
 - Make effort to quell the disruption, requesting the person remain seated and only observe
 - May call a recess to allow attendees and the board time to rest before reconvening the meeting
- If the behavior impedes the orderly conduct of the meeting
 - Chair should give at least 3 warnings before requesting the individual leave the meeting
 - This should not be taken lightly – it is a slippery slope with the OMA!
- If there is a threat of violence, law enforcement should be called immediately.



Important!

If the district is discussing something that is expected to be a heated topic, please contact the Commission prior to the meeting for assistance and training.

Does the district have to be informed if someone is attending?

- No – the public does not have to provide any notice of attendance
- Utilize a sign-in sheet to gather necessary information for **EVERYONE**:
 - First and last name
 - Title, if applicable
 - Organization, if applicable
 - Making public comment (Y/N)
 - Comment Topic

What if someone refuses to identify themselves?

- The public is not required to identify themselves
- Districts should require identification of any person's requesting to make public comment
- If an individual refuses to identify themselves, the minutes should indicate an "unknown attendee."

What printed information may the public receive?

- Any and all items, except those related to executive session, must be provided upon request
- Best practice: have a few additional copies of the agenda on hand and be prepared to print board meeting packets, if requested

Can the board request someone leave a meeting?

- Only if an executive session is being held
 - Minutes should indicate who is invited into the session
 - Indicate all others were asked to exit
- If an individual is being disruptive, the chair may request they leave
 - Tread very carefully if making this request!
- Requests should not be made that other board members or employees exit the meeting
 - If the request is made if complied with, the minutes must indicate what left, what time, and when they re-enter, if applicable
 - Best practice would be to have a policy establishing when board members or employees should leave the meeting to prevent perception of impropriety

Are public comments required to be allowed?

- No, allowing public comment is not required during a meeting
 - Public comments are required during a public hearing (i.e. LRP meeting)
- If public comment is allowed, a policy should be in place:
 - Limiting the time allowed for each speaker
 - What subjects may be covered
- Boards must use caution:
 - Do not engage in debates, arguments, or Q&As
 - Remain engaged during public comments

How should public comments be recorded in the minutes?

- “No public comments.”
 - If no comments are presented
- If comments are presented:
 - Topic of comments
 - Name of presenter, including title and affiliation if applicable
 - Brief synopsis of comments presented

- Identification of speaker
 - First name
 - Last name
 - Title, if applicable
 - Organization/affiliation, if applicable

Drafting a Public Comment Policy

What to consider

- Time limit for comments
 - What is reasonable?
 - 3 – 5 minutes
 - Can someone give their time to another speaker?
 - Best practice = no
 - Why set a limit?
 - Help keep comments focused and on topic
 - Otherwise, the board may find themselves a captive audience

Drafting a Public Comment Policy

What to consider

- Pertinence of comments
 - Limited to only matters on the agenda?
 - Yes, the board is limited to only discussing matters on the agenda
 - Don't invite an OMA violation by allowing comments on unrelated matters

Drafting a Public Comment Policy

What to consider

- Prohibition of Poor Behavior
 - What types of behavior should be prohibited?
 - Foul language
 - Threats of violence
 - Threatening or intimidating physical actions
 - Demonstrations (booing, chanting, etc.)
 - Presentation aids

Drafting a Public Comment Policy

What to consider

- What other items might be important to consider in the policy?
 - Date of adoption
 - Review/update schedule

Drafting a Public Comment Policy

What to consider

Sample Guidelines for Public Comments During Conservation District Meetings

The chair has discretion in enforcing these guidelines for the orderly and civil conduct of Conservation District board meetings. The guidelines below apply to public comments unless noted otherwise.

1. Public comment period is provided at the discretion of the district board of directors and, if allowed, will be noted on the regular meeting agenda.
2. Those wishing to make public comment must indicate intent to do so on the meeting sign-in sheet as well as provide their first and last names. Individuals should provide their title and organization, if applicable. Citizens may not sign in on behalf of others.
3. Each individual speaker is allowed three minutes and must identify themselves before providing their public comment. Groups of citizens are not authorized to offer public comment as a whole – each citizen may speak during their individual three minutes.
4. An individual may not give or “donate” their speaking time to another person.
5. All remarks must be limited to items on the current agenda and should be addressed to the chair.
6. No presentations or visual aids will be allowed during the public comment period. If handouts are provided for the board members, a minimum of six (6) copies must be provided.
7. Citizens shall model courtesy and respect; including limiting demonstrations that may inhibit free speech.
8. Speakers shall refrain from comment or behavior that involves:
 - a. Disorderly speech or action; name-calling or personal attacks; obscene or indecent remarks; derogatory comments of a personal nature; threats or intimidation;
 - b. Advertising or promoting the sale of products, services, or private enterprise;
 - c. Promoting any contest or lottery;
 - d. Promoting candidates for public office or upcoming ballot measures

Sample Guidelines