

Board Meetings

Ways to stay out of trouble!

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Personnel Management

- **Role of the Governing Board**
 - Adopt a personnel policy and keep updated
 - Adopt other policies such as:
 - Use of vehicles.
 - Purchasing – who, when, how much.
 - Computer usage to include internet and e-mail.
 - Adopt the budget to include salary/wage rates
 - Share concerns regarding employee performance or behavior with the Supervisor or the Mayor

WHAT TO NOT DO

■ Roles & Responsibilities

■ Authority of Individual board members.

- The board sets policy and exercises its authority as a single body, operating in public meetings preceded by notice.

- An individual governing board member has no authority to supervise, discipline or fire employees.

Meeting Roles - Staff

- Prepare and disseminate information
- Take minutes
- Record???
- Answer questions
- May provide regular reports on your area
- Other (see last line in JD)

Open Meetings

- **HB611 – Agendas and Posting**
 - Requires governmental entities to post meeting notices and agendas to website or social media pages.
 - Only if the entities already have a webpage.
 - Requires all agenda items requiring action to be designated as “action items.”
 - Prohibits a meeting agenda from being amended after the meeting started for items which require action and were not on the agenda at the start of the meeting unless an emergency exists.
 - Note: Governor’s transmittal letter calls upon legislature to define the term “emergency” in 2019.

Meeting Purpose

- To conduct the agency's business
- Issues may be either:
 - Executive
 - Legislative
 - Quasi-judicial?
- Gather needed (and wanted) input
- “Spectator sport” - The public gets to watch - and participate when invited.
 - Item on agenda for public comment (rules?)
 - Invited by presider to comment on agenda topic.
 - Hearings are different!

Governing Board Decisions

- A valid decision is:
 - Made at a posted meeting with quorum present
 - On the agenda as “action item”
 - Motion made and affirmative vote
 - In the minutes
- A decision is not:
 - “Polling the board”
 - Gathering signatures
 - Made without an agenda topic

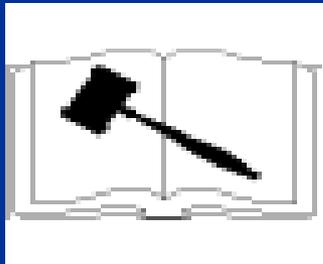
Meeting Rules

- EACH SPEAKER DURING THE PUBLIC COMMENT PERIOD WILL BE LIMITED TO 5 MINUTES
- THE COUNCIL MAY NOT HEAR OR TAKE TESTIMONY REGARDING ANY PLANNING & ZONING MATTER THAT IS BEFORE THE CITY OR IS KNOWN TO BE A LIKELY APPLICATION
- ISSUES REGARDING THE PERFORMANCE OF CITY EMPLOYEES CONSTITUTE MATTERS THAT MUST BE DISCUSSED ONLY IN EXECUTIVE SESSION AND ARE NOT APPROPRIATE IN THE PUBLIC PORTION OF THE MEETING
- MATTERS THAT HAVE BEEN PREVIOUSLY HEARD AND DECIDED BY THE COUNCIL MAY BE DETERMINED TO BE NOT APPROPRIATE FOR THE PUBLIC COMMENT PERIOD
- CITIZENS MAY USE THIS TIME TO REQUEST THAT ITEMS BE PLACED ON FUTURE AGENDAS FOR FURTHER DISCUSSION

The POLICY:

- Formulation of Public Policy is Public Business and Shall Not Be Conducted in Secret

{Idaho Code § 74-201}



The RULES:

- All meetings of a Government Body shall be open to the Public (unless exception allows)
- No decisions shall be made by secret ballot
- No meeting shall be made where discrimination is practiced on the basis of race, creed, color, sex, age or national origin. {Idaho Code §74-203}

DELIBERATION:

The receipt or exchange of information relating to a decision. **NOT** talk about the weather.

GOVERNING:

- Elected Board
- Appointed Board
- Advisory Group
- Committees
- Sub – Committees
- Study Groups

Definitions:

MEETING:

Convening of the governing board

DECISION:

A public policy action.
Quorum – Don't bet on it!

Meeting Notices

■ Regular Meetings:

Post notice 5 calendar days in advance

Or yearly schedule and leave posted

and - Posted on web site or social media

Special / Executive Meetings:

24-hour notice – posted physically and electronically

Include statutory authority for executive session-only meeting

Emergency Meetings

Requires good faith effort to notify governing board members and media if requested

AGENDAS

An agenda is required for each meeting.

- Posted same as meeting notice
 - Both must be on web site and “action items” noted
- Posted 48 hours (or 24 hours for “special” meeting)
- Only “good faith” amendments
- For action items - “emergency” with justification

Voting

- Most issues may be decided by voice vote.
- Certain actions require each member's vote be cast and recorded individually in the minutes:
 - Motions to go into executive session.
 - A member can request a roll call vote on any motion.
- No voting by secret ballot.

MINUTES

- (1) All minutes shall be available to the public within a reasonable time after the meeting, and shall include at least the following information:
 - (a) All members of the governing body present;
 - (b) All motions, resolutions, orders, or ordinances and their disposition;
 - (c) The results of all votes, and upon the request of a member, the vote of each member, by name.

MINUTES - SUGGESTED

- Reflect what was decided at a meeting – (not what you wish had happened.)
- Minutes should be an expanded version of the agenda – Not on the agenda? Not a decision!
- Minutes are creating the history of the City, make the history clear to those who follow.
- Need not be a transcript – usually.
- What needs to be attached? Referenced?

MINUTES – EXECUTIVE SESSION

- (2) Minutes pertaining to an executive session shall include a reference to the specific statutory subsection authorizing the executive session and shall also provide sufficient detail to identify the purpose and topic of the executive session but shall not contain information sufficient to compromise the purpose of going into executive session.

Executive Session Rules

■ Executive Sessions

- May occur during regular or special meetings.
- Require approval of two-thirds of the board by roll call vote & recorded in the minutes.
- Both the motion to go into executive session and the minutes must state the specific statutory authorization for the executive session.
- For example: pursuant to Idaho Code 74-206 (1) (a) to consider hiring a public officer, employee, staff member or individual agent.
- Final actions/decisions must be made in public session??

Executive Session

Most common uses:

I.C. §74-206

- Personnel selection and evaluation (a) and (b)
- Acquire interest in real property (c)
- Consider records exempt from disclosure (d)
- Discuss litigation – with your attorney (f)
- Consider claims or potential claims – with your risk manager or insurer (i)

Executive Session

Who can attend?

- All “Governing Board” members
- Anyone else that Governing Board members wish to attend.
- May have witnesses come and go as needed

Tele - Meetings



- ✓ Specifically allowed - I.C. §74-203(5)
- ✓ One person must be present at site where meeting is advertised
- ✓ System must be set up so that all members can participate and the public can hear

CURING VIOLATIONS

- Either self-recognition or written notice of an alleged violation
- If a violation - determine within 14 days and acknowledge the violation
- Then 14 days to void that action or actions
- A cure acts as a bar to the civil penalty

Violations

- Failure to comply with the provisions of Idaho Code §74-201 through 74-207 renders the action null and void.

- Any member who participates in a meeting that violates these provisions will be subject to a civil penalty.
 - up to \$250
 - up to \$1500 for “knowingly” participating
 - up to \$2500 if subsequent to previous violation within last 12 months

Idaho Code § 74-208