

Open Meeting Law

Initial Questions: 1. If a board decides to keep minutes during a closed meeting (recommended by Lois Fitzpatrick) where should those minutes be kept? Should their existence be reflected in the regular minutes? I'm curious about how these minutes should be handled.

2. Can the person involved in a closed meeting issue invite someone else to attend or does the meeting have to be opened for anyone other than the board and person involved to attend? For example when the board was discussing Bridgett's evaluation Bridgett wanted me to be there. She decided to ask that the meeting be open, but did she have to do that?

3. Is there a format for indicating a vote after a closed meeting? For example in the Jefferson County situation the board failed to reopen the meeting after voting to fire personnel therefore the vote was deemed invalid. How should boards handle reopening a meeting after closing it and then voting on the closed meeting issue?

Response from Bo Cooper – January 20, 2010

Here goes:

1. The board chair should direct the chief librarian as to his/her pleasure for the storing of such minutes. If the library does not have a secure file cabinet or other controlled access storage location that would be suitable it should purchase one for this purpose. The existence of the special meeting minutes should be reflected in the regular minutes.

2. Closed means closed, no guests. Otherwise the meeting is open. The law makes no mention of any other circumstances allowing additional individuals to be present.

3. Closing a meeting at the request of the individual involved means that a veil of protection from public scrutiny exists. The chair declares the closed portion of the meeting has ended, and announces that the regular meeting is now open or in continuance. Guests who were asked to leave during the closed portion are invited to return. At that time the chair may choose to announce any board action taken, or request or entertain a motion from any member of the board to deal further with the matters which necessitated the closed session. There is not a single clear course to follow here because the variables of the situation will dictate the appropriateness and legality of further board action.