

April 2014 Trustee Tip of the Month Open Meetings Act – Tips to Avoid Violations

Following the Open Meetings Act may require additional planning, but is very important to follow the law and allow citizens the opportunity to see how their tax dollars are being used. To help you comply, here are some common pitfalls of complying with the Open Meetings Act based on the webinar: *A Practical Guide to the Open Meetings Act* – Amye L. Bensenhaver from the Office of the Attorney General. In the webinar, she gives an overview of Kentucky's Open Meetings Act focusing on general requirements of recent developments in, and practice pointers for, the Act. The complete webinar is available at:

<https://kdl.a.adobeconnect.com/a1019387739/p6oqboe3omh/?launcher=false&fcsContent=true&pbMode=normal>.

Violations of the Open Meetings Act may be based on:

1. A private meeting of a quorum of the members of a public agency at which public business is discussed *or* action is taken [[KRS 61.810\(1\)](#)].
2. A series of less than quorum meetings attended by members of the agency collectively constituting a quorum and held for the purpose of avoiding the requirements of the Open Meetings Act [[KRS 61.810\(2\)](#)].
3. Failure to adopt a schedule of regular meetings or inadequate notice of special meetings [[KRS 61.820](#) and [KRS 61.823](#)].
4. Deviation from the posted agenda for special meetings [[KRS 61.823\(3\)](#)].
5. Failure to observe requirements for going into closed session [[KRS 61.815\(a\)-\(d\)](#)].
6. Improper topic for closed session or discussion of topics in closed session that were not publicly announced before entering closed session [[KRS 61.810\(1\)\(a\)-\(m\)](#) and [KRS 61.815\(1\)\(d\)](#)].
7. Taking final action in closed session [[KRS 61.815\(1\)\(c\)](#)].
8. Conducting meetings at times or places that are inconvenient to the public [[KRS 61.820](#)].
9. Failure to properly record minutes of meetings and to afford the public access to the minutes no later than immediately following the next meeting of the agency [[KRS 61.835](#)].
10. Placing conditions on attendance, requiring attendees to identify themselves, failing to provide meeting room conditions that allow effective public observation, and refusing to permit the media or a member of the public to record the meeting [[KRS 61.840](#)].
11. Failure to respond to an open meetings complaint [[KRS 61.846\(1\)](#)].

Another excellent tool is the video, *Promoting Public Trust*, which is available at:

<http://www.youtube.com/watch?v=mZM3urygkbc&feature=youtu.be>.

This is not legal advice and I am not an attorney. If you feel you need legal advice you should consult an attorney.

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