

It's the Law: Special Called Meetings

Sometimes circumstances make it imperative that your library's board of trustees meet at a time other than the designated regular board meeting. Special called meetings have their own protocol which differs from regularly scheduled meetings in key ways. Understanding the difference can keep your meetings on track.

Under the Open Meetings Act there are only two kinds of meetings: regular meetings, governed by the provisions of KRS 61.820, and special meetings, controlled by the provisions of KRS 61.823. Each library is required to have a regular monthly meeting each month, and all public agencies are required to provide for a schedule of regular meetings by ordinance, order, resolution, bylaws, or by whatever other means may be required for the conduct of business of those public agencies. This schedule of regular meetings shall be made available to the public (99-OMD-166, 94-OMD-50, 92-OMD-1677, 92-OMD-1473).

When a public agency holds a meeting in addition to, outside of, or in place of the regular meeting schedule that meeting is a special meeting under the provisions of KRS 61.823. The provisions outlined in KRS 61.823 include requirements pertaining to the written notice and the agenda, the delivery of the notice, and the posting of the notice.

Important provisions to remember include:

- Posting written notice of the special meeting in a conspicuous place in the building where the special meeting will take place and in a conspicuous place in the building which houses the headquarters of the agency, at least twenty-four (24) hours before the special meeting;
- Inclusion of the date, time, place and agenda of the special meeting in the written notice;
- Delivering written notice to every member of the public agency as well as each media organization which has filed a written request for notification;
- Limiting discussions and action at the meeting to items listed on the agenda in the notice.

Failure to follow the provisions of KRS 61.823 constitutes a violation of the Open Meetings Act. Furthermore, "special" meetings should not be held frequently or utilized to replace the regular monthly meeting, as changing the dates of regular meetings in a random manner could be construed as subverting the Open Meetings Act (*Knox County v. Hammons*, Ky., 129 S.W.3d 839 (2004)).

THIS IS NOT LEGAL ADVICE. IF YOU NEED LEGAL ADVICE PLEASE CONSULT AN ATTORNEY.