

Open Meetings Act & District Boards Fact Sheet

Mandate of the Open Meetings Act

All meetings of a quorum of the members of any public agency at which any public business is discussed or at which any action is taken by the agency, shall be public meetings, open to the public at all times [except as otherwise provided in the Act].

KRS 61.810(1)

1. Quorum of members
2. Discussion of public business OR
3. Taking action

• **General Requirements**

- Time & Place of Meetings
 - Provide Schedule of Meetings
- Minutes of Meetings
 - Open for inspection by end of next meeting
 - Keep on file
- Public Attendance at Meetings
 - Provide effective public observation
 - Cannot place conditions on attendance except to maintain order of meetings
- News Media Coverage
 - Must permit news media coverage
- Requirements for Holding Special Meetings
 - Presiding officer or majority of members may call meeting
 - Provide written notice of date, time, place and agenda
 - Discussion and actions must be limited to agenda
 - Members and media must receive notice at least twenty-four hours before meeting
- Closed Session
 - Reason for closed session must be given
 - KRS 61.810
 - Motion must be made to go into closed session
 - Minutes do not have to be taken
 - No final action may be taken
- Email Notification of Special Meetings
 - Effective July 15, 2008, public agencies may transmit written notice of special meetings by email to all public agency members and media organizations that:
 - (1) File a written request with the agency
 - (2) Include their email addresses

- **Use of Personal Electronic Devices in Conducting Public Business**

- Some states treat such communications as public record, focusing on whether the record was prepared or used by members of a public agency in conducting public business rather than on where, how, or on what device the communication was created.
- Such communications also implicate open meetings as secret meetings of a quorum of members or a series of less than quorum meetings (secret rolling quorum meetings).
- Email, text messages, instant messages, social media postings and messages, and online discussion board posts relating to public business have both open records and open meetings implications even if conducted on personal devices.
- KRS 61.870(1) and 61.810(2) support a similar resolution of these legal issues in Kentucky.

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