

PUBLIC MEETING GUIDE FOR CITY OF ASHLAND COMMISSIONS, COMMITTEES AND BOARDS

General Rules

The Public Meetings Law establishes a presumption in favor of open meetings. The courts construe the Public Meetings Laws broadly in favor of the requirement for public meetings.

- A. **Open to the Public** - All meetings of the city's committees are required to be open to the public and all persons shall be permitted to attend any meeting except as provided in the state's public meetings law.
- B. **No private meetings** - No quorum of a committee may meet in private for the purpose of deciding on or deliberating towards a decision on any matter except as provided in the State's public meetings law.

Definition of "Meeting"

The law covers meetings at which decisions are made and meetings where the body is deliberating toward a decision. This has been construed to include virtually any discussion of any public business by a quorum.

- A. **Definition of "Meeting"** - A "meeting" is any quorum of a committee, which makes a decision towards a decision on any matter. This term is broadly construed and could include a social gathering at which a quorum is present and official business is discussed.
- B. **Exceptions** - A "meeting" specifically does not include any on-site inspection of any project or program, or the attendance of the members of the committee at any national, regional or state association to which the public body or the members belong.
- C. **Definition of "decision"** - A decision means any determination on which a vote of the committee is required, at any meeting at which a quorum is present.

Meeting Requirements

The fundamental premise underlying the public meetings law is to provide the public with information. The authority to hold private meetings, executive and emergency sessions are exceptions to the general rule of openness and are narrowly interpreted. Even when committees have the ability to operate in secret, they generally are not required to do so.

- A. **Location** - All committee meetings must be held within the city limits of Ashland. The only exceptions are training sessions at which no deliberations are held, joint meetings with other government, committees from outside the city, and emergency meetings. Meetings cannot be held at any place, which discriminates on the basis of race, creed, sex, sexual orientation, age or national origin.
- B. **Conference Calls** - Public meetings can be held by conference call. Unless the meeting is an executive session, however, the committee must make at least one place available for the public to listen to the call.
- C. **Smoking Prohibited**. Smoking is prohibited in a room "rented, leased, or owned" by a public body where a public meeting is being held.
- D. **Right to Request Interpreter** - If special assistance is required to participate in a meeting, such request should be made to the City Administrator's office at least 72 hours in advance of the meeting.
- E. **No Public Right to Participate** - The right of the public to attend meetings does not include the right to participate. Unless a public hearing is required by ordinance or statute or unless otherwise permitted by the committee, the public may not participate in discussion at a public meeting.

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F. Types of Meetings - Three types of meetings are designated in the Public Meetings Law: regular meetings, special meetings, emergency meetings, and executive sessions. Regular meetings are established by a committee by adopting a meeting schedule or designating a certain time and day of the week or month as a regular meeting. Special meetings are those meetings held by the committee not at its regular time. Special meetings may be held upon 24 hours notice to the press, the members of the committee and the general public. Emergency meetings are those meetings held by a committee not at its regular time and when there is insufficient time to give the notice required for special meetings.

1. Agenda - There is no specific legal requirement for agendas except that the public meetings law requires that the notice for the meeting must include "a list of the principal subjects anticipated to be considered at the public meetings." This requirement does not prevent the committee from considering additional subjects not on the agenda. Agendas are not required for executive sessions, but the precise statutory authorization for holding the session must be cited.

2. Notice - The committee must provide for notice of public meetings which is "reasonably calculated to give actual notice to interested persons including interested news media which have requested notice." The easiest manner in which to comply is to adopt regular meeting dates and send out agendas to the media and all those persons who have requested notice.

(NOTE: Notice is not required to be published in the newspaper. In other words, the committee does not have to purchase space in the newspaper for the publication of its notices. The exception to this general rule involves the planning commission, CCI and CPAC who, because of city ordinances, are required to publish meeting notices in the newspaper.)

Emergency meetings may be held "upon such notice as is appropriate to the circumstances," but the minutes must describe the emergency.

3. Minutes - Written minutes must be taken of all public meetings. Minutes do not have to be a verbatim transcript, but must include the following information:

- a. A list of the members of the governing body present.
- b. The nature and disposition of all motions, proposals, resolutions, orders, ordinances, and measures proposed.
- c. The results of all votes by name.
- d. The substance of any discussion.
- e. A reference to any public document discussed.

G. Americans with Disabilities Act. In compliance with the Americans with Disabilities Act, if special assistance is needed to participate in this meeting, please contact the City Administrator's office at (541) 488-6002 (TTY phone number 1-800-735-2900). Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting. (28CFR.102-35.104 ADA Title I).