

 **ICRMP**  
Member Owned, Member Driven

**OPEN  
MEETING  
RULES**



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 **ICRMP**

**Advanced Open Meetings-  
Conducting Purposeful Meetings**

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## Why Have an Open Meeting Law

“The people of the state of Idaho in creating the instruments of government that serve them, do not yield their sovereignty to the agencies so created. Therefore, the legislature finds and declares that it is the policy of this state that the formation of public policy is public business and shall not be conducted in secret (§74-201, Idaho Code).”

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## Meetings and Hearings

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## Purpose of Public Meetings

- Required by law
- Conduct county business
- Gather needed (and wanted) input
- Public meetings are a spectator sport
  - The public gets to watch/listen
  - Public only participates if invited

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## Public Hearings

Public hearings:

- Usually occur at a public meeting
- May be conducted by a hearing officer
- Decisions are not made at hearings
- Are usually required by statute
- Public has a right to speak as long as they address the purpose of the hearing and follow your rules.

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## Purpose of Public Hearings

- Required by law for specific purposes
  - Budget
  - P&Z
  - Vacating ROW
- Who are the participants?
- Specific advertising required?

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## Key to Effective Meetings

- Be organized
- Be purposeful
- Be respectful
- Set and understand expectations
  - Elected officials
  - Staff
  - Public (post rules if you have them)

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## Role of the Chairman

1. Conducts the meeting
2. Encourages fellow members to participate in the meeting
3. Controls public comment when it is allowed
4. Keeps the discussion on agenda topic
5. Prohibits personal attacks

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## Sample Meeting Rules

1. Each speaker during the public comment period will be limited to five minutes.
2. The council may not hear or take testimony regarding any planning and zoning matter that is before the city or is known to likely be before the city.
3. Issues regarding the performance of city employees constitute matters that must be discussed only in executive session And are not appropriate in the public portion of the meeting.
4. Matters that have been previously heard and decided by the city may be ruled out of order for the public comment period.
5. Any issues that require a council decision must be placed on a future agenda and any discussion beyond that may invalidate the later decision.

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## Conduct at meetings

- Fellow board members
- Public at meetings
- Public at hearings
- Options
- Take a break – gavel?
- Explain process in advance.
- Do you need law enforcement?
- Rearrange the furniture

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## Decision Making

- A valid decision is:
  - Made at a posted meeting with a quorum present
  - On the agenda as an “action item”
  - Motion made followed by affirmative vote
  - Recorded in official meeting minutes

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## Decision Making

- A decision is not:
  - “Polling” the council
  - Gathering signatures
  - Made at an improperly posted meeting
  - Made without being listed on an agenda as action item
  - Valid if deliberations occurred outside of the meeting

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## Voting

**Most issues may be decided by voice vote**

**Role call vote for:**

- Motions to go into executive session
- Upon request of any member



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## The Art of Persuasion: Communicating

- Connect before offering your perspective
- Acknowledge the position of fellow board members
- Use “I” statements to build understanding/offer your perspective
  - This is where I stand (include your reasons and cite your data/sources)
- Avoid “truth” statements
  - “This is just how it is going to be”
  - “You are wrong”
- Focus on what you can do, not what you won’t do or can’t do

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## The Art of Persuasion - Dealing with the Public

- Establish clear ground rules and empower board chair to enforce them
- Give one person the floor at a time (don’t speak over others or allow others to speak over you)
- Speak up when the conversation veers off the agenda or into difficult matters
- Acknowledge strong feelings and then redirect to the agenda item
- If one person dominates the discussion, call on others to participate
  - “Thank you for your input Sally, would it be ok if we hear from Jill and Susan before we hear from you?”

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## The Art of Persuasion - Listening to Others

- Separate people from problems
- Obtain facts
- Understand opposing viewpoints
- Use a fair process to make decisions
- Be willing to both persuade and be persuaded (consider your arguments and the arguments made by others, explain your position and be open to the positions of others)

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## Overcoming Disagreements

- Differ respectfully, compromise, and focus on what is best for the city.
  - If you do, both city employees and community member will be more likely to follow your lead.
  - If you choose to get mired in blame and division, city employees will follow your example (as will the community).
  - This can grind operations to a stand still causing the city to fracture.

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## Learning to Lead

- Lead in the way your employees and constituents expect you to lead.
- Help each other focus on the future and the common interests that bind you.
- Recognize that elected officials have different opinions and that's ok.
- The sign of true leaders is the ability to work through differences in ways that advance the needs of the county, build trust, and create a culture of respect.

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## Tips

- **CHECK YOUR EGO AT THE DOOR:** Focus on what is best for the county, not yourself.
- **KEEP CALM UNDER PRESSURE:** Take a deep breath and think about your response when someone (or something) is pushing your buttons.

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## Remember One Thing

No matter what you do, public perception will become your legacy.

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## Executive Sessions

- Require approval of two-thirds of the board by roll call vote & recorded in the minutes
- Both the motion to go into executive session and the minutes must state the specific statutory authorization for the executive session
- Final actions/decisions must be made in public session

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## Common Reasons for Executive Session

I.C. §74-206:

Personnel selection and evaluation (a) and (b)

Discuss litigation – with your attorney (f)

Consider claims or potential claims – with your risk manager or insurer (i)

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## Who Attends Executive Session

- Members of the governing board
- Anyone invited to attend by the governing board

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## Staying on Topic

- Once in executive session, only discuss the topic at hand
- TIP: set a time limit for the executive session

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## Meeting Notices

- Regular meeting – Set by ordinance
- Posted physically
- On your web site
- Special or emergency meetings
- What about conferences – is there public notice? Should there be?

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## Structuring the Agenda

An agenda includes:

- Topics to be discussed/decided at the meeting.
- Topics requiring action must be designated as an action item
- Check by looking at past minutes.

An agenda should be written for those not familiar with your world.

Avoid using acronyms.

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## Agenda Items to Avoid

A list of categories

- Old business, new business, adjourn

Who will be speaking

Decision requests hidden in “reports”

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## Approval of Minutes

On the agenda – consent agenda?

Draft minutes are available to the public.

An opportunity for the council to make sure that the minutes accurately reflect actions taken.

Not in the minutes – didn't happen, actions by signature are usually invalid.

Often the Clerk must guess at what you meant, this is a review of that guess.

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## Curing Violations

**If a violation - determine within 14 days and acknowledge the violation**

**Then 14 days to void that action or actions**

**Either self-recognition or notice of an alleged violation**

**A cure acts as a bar to the civil penalty**

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## Consequences

Actions may be null and void.

Members subject to a civil penalty.

- up to \$250 for first time
- up to \$1500 for “knowingly” participating
- up to \$2500 for second violation within last 12 months

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## Common Questions

- ▶ What if a citizen calls each member individually?
- ▶ Can I violate the Open Meeting rules by e-mailing fellow members?

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**Thank You**

Jim McNall  
Risk Management Specialist  
jmcnall@icrmp.org  
(208)246-8222

