

GATEWAY COMMUNITY & TECHNICAL COLLEGE

OPEN MEETINGS

In 1974, the General Assembly enacted the Open Meetings Act, KRS 61.800, to KRS 61.850, which establishes a right of access to public meetings. The General Assembly recognized that the formation of public policy is public business, and should not be conducted in secret. The Act requires that all meetings of a quorum of the members of a public agency where public business is discussed or action taken must be public meetings. Public meetings must be open to the public at all times, unless the subject of the meeting falls within one (1) or more of the twelve (12) exceptions found in the statute.

GCTC Board of Directors, as a local government agency created by a legislative act, is required to comply with the Open Meetings Act. This includes all regular, special, emergency, video teleconferencing, or informational gatherings where a quorum of the GCTC Board of Directors is present and public business is being discussed whether or not any action is taken. Committees, even those whose function is purely advisory, work sessions, and retreats are also covered under the Open Meetings Act.

A quorum of the members may attend conferences, social gatherings, sporting events, church services, etc. without triggering the requirements of the Open Meetings Act, but cannot discuss the public business of the agency while attending these functions.

REQUIREMENTS OF THE OPEN MEETINGS ACT

1. ***Time and place of meetings.*** All meetings must be held at specified times and places convenient to the public. A schedule of regular meetings and committee meetings must be made available to the public.
2. ***Minutes of meetings.*** Minutes of action taken and records of votes must be kept for all meetings and committees. These minutes must be open for inspection no later than the conclusion of the next public meeting.
3. ***Public attendance at meetings.*** To the extent possible, meeting room conditions should allow for effective public observation. Persons attending are not required to identify themselves. The right of the public to attend the meeting does not include the right to participate, but only to observe with eyes and ears.
4. ***News media coverage.*** News media coverage is permitted including recording and broadcasting.

5. **Agendas.** Agendas for regular meetings are not statutorily required; hence, discussions are not restricted to agenda topics if an agenda is prepared. Agendas for special meetings are required and discussion is restricted to those agenda topics.
6. **Telephone meeting.** GCTC Board of Directors cannot conduct a meeting by telephone. An absent member may listen by speakerphone, but is not counted toward the quorum, may not vote, or otherwise participate.

REQUIREMENTS FOR SPECIAL MEETINGS

All meetings which are not regularly scheduled meetings are special meetings and are subject to the following requirements. These include special committee meetings as well.

1. **Who may call a special meeting?** The Chair of GCTC Board of Directors or a committee chair may call a special meeting, or a majority of their members.
2. **Notice requirements.** Written notice of the special meeting must be provided to the public consisting of date, time, place, and agenda. As soon as possible, written notice should be mailed, faxed, or personally delivered to those who have filed a written request for such notification. Notice should be received at least twenty four (24) hours before the special meeting. Written notice shall also be posted in the building where the meeting will occur and in GCTC headquarters at least twenty four (24) hours before such meeting.
3. **Content.** Discussion and action at the special meeting must be limited to the items on the agenda.

REQUIREMENTS FOR EMERGENCY MEETINGS

In the case of an emergency which prevents GCTC Board of Directors from complying with the previous requirements, the following must be adhered to.

1. **Notification.** A reasonable effort should be made to notify all Board Members, media organizations, and the public.
2. **Reason.** At the beginning of the meeting, the Chair must describe the reason for the emergency meeting which prevented compliance with notification. These comments should appear in the minutes.
3. **Action taken.** Discussions and actions must be limited to the emergency for which the meeting was called.

REQUIREMENTS FOR CLOSED SESSION

The Open Meetings Act permits a public agency to discuss certain subjects in a closed or executive meeting. The following criteria must be met.

1. **Notification.** Notice is to be given in the regular meeting of the general nature of the business to be discussed and the reason for the closed session.
2. **Motion.** A motion must be made and carried in open session requesting a closed session.
3. **Topics.** Discussion must only be related to the reason for the closed session. No final action may be taken in closed session.
4. **Minutes.** No minutes are recorded during closed session.
5. **Specific exemption.** Must be cited from the following as diplomatically as possible, but in sufficiently specific terms to enable the public to assess the propriety of the board's actions. This list includes only those exemptions likely to affect GCTC Board of Directors:
 - a. KRS61.810 (1) (b) Deliberations on the future acquisition or sale of real property when publicity would be likely to affect the value of the property.
 - b. KRS61.810 (1) (c) Discussions of proposed or pending litigation.
 - c. KRS61.810 (1) (f) Discussions or hearings that might lead to the appointment, dismissal, or discipline of an individual employee, member, or student. However, general personnel matters may not be discussed in private.
 - d. KRS61.810(1)(g) Discussions between the GCTC Board and a representative of a business entity and discussions concerning a specific proposal, if open discussions would jeopardize the siting, retention, expansion, or upgrading of the business.
6. **Adjournment.** After ending the closed session, the Board must return to open session for final adjournment of the meeting.