

BOARDS & COMMITTEES RULES OF PROCEDURE



SHELTER ISLAND TOWN BOARDS AND COMMITTEES RULES OF PROCEDURE

I. INTRODUCTION

Town Boards and Committees are “public bodies” subject to the requirements of the New York “Open Meetings Law” (Public Officers Law Article 7 §100-111). As such they should conduct themselves with the decorum and discretion required by nature of the position. The following establish the rules by which the Boards and Committees implement this objective.

II. AUTHORIZED BOARDS AND COMMITTEES

A. Committees

The Standing Committees of the Town of Shelter Island are:

1. Buildings and Grounds
2. Capital Planning and Grants
3. Colonial and Native American Grave’s Protection
4. Conservation Advisory Council
5. Deer & Tick
6. Emergency Medical Services
7. Ethics
8. Ferry Study Group
9. Financial Advisory
10. Green Options
11. Irrigation
12. IT
13. MS4
14. Recreation
15. Recycling Center
16. Taylor’s Island
17. Transportation
18. Water Advisory
19. Water Management Advisory

B. Boards

The Standing Boards of the Town of Shelter Island are:

1. Board of Assessment Review
2. Community Housing Board
3. Community Preservation Fund Advisory Board
4. Contractor Licensing Review Board
5. Planning Board
6. Water Quality Improvement Advisory Board
7. West Neck Water Board of Directors
8. Zoning Board of Appeals

C. Interpretation

1. For the purpose of this manual there is no distinction between a board and a committee or between any one board or committee and another unless it is specifically set forth herein.

D. Scope of Authority

1. Unless specifically stated otherwise in Federal, State, County or local Law or in the Town Board Resolution creating the board or committee, no board or committee shall have any independent authority.
2. To the extent that a board or committee is given any authority by federal, state, county or local law or by the resolution creating the board or committee such authority shall be strictly limited to that which is explicitly given in statute.
3. The scope of what business may be conducted by any board or committee beyond what is legally required shall be determined by the Town Board.
4. All committees are bound by the Boards and Committees Rules of Procedure which shall be established by resolution of the Town Board unless a local law or Town Board Resolution specific to the board or committee in questions explicitly requires deviation from the standard procedures.
5. Committee members, although volunteers are considered employees of the town and all employment policies apply.
6. Board and committee members are indemnified by the Town and covered by the Town's insurance policy for all legal actions undertaken in their official capacity.

III. BOARD AND COMMITTEE MEMBERSHIP

A. Membership Qualifications

1. Members are to be selected for expertise and skills that they bring to the board or committee as determined by the Town Board.
2. Each Board and Committee requires diverse skills and selections should be made in a manner that takes advantage of this diversity or abilities.
3. Any person, including an elected official, officer of the town or town employee is eligible to serve upon or chair on any advisory committee.
4. There is no residency requirement for service on a town committee. Members of the planning and zoning boards must be electors of the Town of Shelter Island.
5. There is no prohibition to any one person serving on multiple committees so long as the Town Board is aware of this issue at the time of appointment and there is no finding that a conflict of interest exists.

B. Procedures for Appointment

1. Term ends or Board or committee member sends resignation to Town Clerk. (Vacancies for any reason other than the expiration of term are to be filled by the Town board for the remainder of the unexpired term of the departing committee member.)
2. Town Clerk notifies Town Board.
3. Board Determines any special Skills of Qualifications desired.
4. Town Clerk arranges for and advertises the position.
5. All applications and resumes are sent (or redirected) to the Town Clerk.
6. The Town Clerk sends a confirming letter to each applicant acknowledging the application and requesting more information if necessary.
7. The Town Clerk distributes the application packets to the Town Board, Town Attorney and board or committee chair.
8. After at least seven (7) days have passed since the advertisement posted the supervisor's office shall schedule interviews.
9. The Town Board shall conduct the interviews including the board or committee chair in the process (as a non-voting member).
10. After all interviews are conducted the Town Board shall deliberate and decide upon a candidate.
11. The Supervisor shall notify all applicants of the results.

C. Reappointment

At the end of the term of any serving member, the Town Clerk shall advise the Town Board of the expiration of the term. At the discretion of the Town Board, the member may be asked to remain for a subsequent term. There shall be no right to reappointment. If the Town Board chooses not to reappoint the member it shall follow items 3 through 11 of **Procedures for Appointment** above.

D. Board and Committee Chairs

1. Selection

- a) When the position of board or committee chair is created or vacated, the board and committee shall submit to the Town Board its recommendation to fill the position or, if no consensus can be reached defer to the Town Board.
- b) All board and committee chairs including the Planning Board (New York Town Law § 271) and the Zoning Board (New York Town Law § 267) are to be ultimately selected by the Town Board.
- c) If a chair steps down the board or committee may appoint an interim or acting chair until the Town Board acts.

2. Powers and Responsibilities

- a) Makes day to day decisions when board or committee not in session. Where they effect policy, these decisions shall be ratified by a vote as the next regular meeting
- b) Chief administrator for the board or committee.
- c) Shall make all outside contact or designate a board or committee member to do so.

3. Deputy Chair

- a) A board or committee at its discretion may elect a deputy chair to serve in the absence of the chair.

E. Discipline

1. Suspension & Removal

With the exception of members of the planning and zoning boards whose terms of service are governed by state law, all members of all boards and committees serve at the pleasure of the Town Board and may be suspended or removed for any reason from the board or committee and/or from any office thereof by resolution of the Town Board. In addition to misconduct, the Town Board may remove a member of a board or committee if, in the estimation of the Town Board, such person's continued service on the committee is detrimental to the function of the committee as a whole or frustrates the purpose for which the committee was established.

2. Interim Suspension

The Town Supervisor may suspend any member from any board or committee or from any office thereof for the reasons stated above, where in the Supervisor's estimation the member's continued service inhibits the member's on the board or committee is not in the best interest of the Town. Such suspension should be in writing and will continue until the Town Board has an opportunity to consider the matter.

F. Attendance

1. Planning Board, Zoning Board & Board of Assessment Review

Pursuant to Town Board Resolution, All members of the Planning Board, Zoning Board and Board of Assessment Review shall make every effort to attend work sessions and regular meetings. Records of attendance shall be kept by the clerk of the board. Within a calendar year, no member shall miss more than twenty percent of the meetings. Members shall give at least 24 hours advance notice of inability to attend a meeting so that the other members can be sure a quorum is available for the meeting. Failure to give such advance notice for two or more meetings, absent an emergency, is unacceptable. Failure

by a board member to adhere to these minimum attendance standards shall be a basis for removal from office by the Town Board.

2. All other Boards and Committees

Members should make every effort to attend all meetings. Members shall give at least 24 hours advance notice of inability to attend a meeting so that the other members can be sure a quorum is available for the meeting. Records of attendance shall be kept by the clerk of the board or committee. If, in a calendar year a member misses more than 25% of the meetings or at any period during the year misses 3 or more consecutive meetings, such absences shall be reported to the Town Board and such report shall be accompanied by the chair's recommendation as to whether a replacement is necessary.

G. Town Board Liaison

1. The Town Board liaison(s) shall be an ex-officio member of the board or committee. As such the liaison(s) shall sit with the board or committee and have a voice in its proceedings but no vote.
2. The liaison(s) shall communicate to the board or committee any directions or priorities for the board or committee established by the Town Board.
3. The liaison(s) shall informally report back to the Town Board after each meeting. This is not a substitute for the formal written report that the board or committee must provide to the Town Board after an action has been taken.
4. On matters of the jurisdiction and scope of the board or committee, the Town Board Liaison shall speak for and with the authority of the Town board and shall have the power to interpret any ambiguity in the Town Code regarding the role or function of the board or committee until such time as the full Town Board can decide the matter.
5. If the committee chair is absent for any meeting, the Town Board Liaison shall open and chair the meeting until a temporary or replacement chair is selected.

H. Board/Committee Clerks

1. The board and/or committee clerks are to provide essential secretarial, administrative, and clerical support to the boards and committees including but not limited to:
 - a) Prepare, post and distribute agendas at the direction of the board or committee chair.
 - b) Prepare materials for meetings.
 - c) Attend all meetings
 - d) Record, transcribe, post and distribute meeting minutes,
 - e) Maintain board and committee files and records and manage the Sharepoint portal.
 - f) Receive, sort, and file incoming documents, memos and correspondence.
 - g) Scan and distribute to the board or committee members all correspondence received.

- h) Prepare, at the direction of the board or committee chair, all outgoing correspondence.
 - i) Answer phones and assist callers or take messages as appropriate.
 - j) Assist the public with applications and questions regarding committee business .
 - k) Assist the public and all town employees in retrieving board or committee records.
 - l) Compile data for and prepare required reports
 - m) Keep the board or committee web site page up to date.
2. If no secretary is assigned to the committee or board, the committee or board should elect a secretary or designate a committee or board member(s) to perform the above functions.

I. Subcommittees & Working Groups

The board or committee by a majority vote recorded in the minutes may create a subcommittee or working group for any valid purpose, most often to advise the board or committee. The subcommittee or working group must be chaired by a committee member, but may consist of any person that the board or committee believes will be valuable to the process.

IV. MEETINGS

A. Regular Meetings

1. Regular meetings shall be held as often as necessary to complete the work of the board or committee.
2. Most boards and committees should meet at least monthly and more frequently if the board or committee finds it necessary.
3. The annual schedule of regular meeting shall be determined by the board or committee and posted prior to the Committee's first meeting of the year.
4. The regular meeting will be conducted in the boardroom at Town Hall unless there is a conflict.

B. Special Meetings

1. Special meetings are all those meetings other than regular meetings.
2. A special meeting may be called by the chair or any member upon notice to the entire board or committee and approval by the Chair or designee.
3. Special meetings will be publicly announced and held in venues accessible to the public.

C. Notice of Meetings

1. Notice of all regular and special meetings shall be posted on the board or committee web page and the town calendar.
2. Changes or cancellation of meetings shall be posted on the board or committee web site and the door to town hall as soon as is practically possible.

3. Where a board or committee meeting is accessible by electronic means, access information shall be posted on the web site.

D. Agendas

1. Agendas shall be completed and added to the web site prior to any public meeting and ideally at least forty-eight (48) hours prior to such meeting and shall be updated as needed.
2. The agenda shall include all items to be discussed in the regular meeting and a brief statement of what is to be discussed in any executive session.
3. The agenda of every meeting will be prepared by the chair, or by the clerk at the direction of the chair.
4. The chair or Town Board Liaison may have an item placed on the agenda. Other committee member shall request to have items added at least 24 hour prior to the meeting and such shall be added at the discretion of the chair with the advice and consent of the Town Board Liaison.
5. Except in the event of an emergency, items for the agenda must be given to the clerk at least 24 hours before the meeting.
6. Items may be placed on the agenda at any time, including during the meeting.
7. The agenda will be prepared and distributed to the members no later than by noon on the day of the meeting.
8. If necessary, a supplemental agenda may be distributed at the beginning of the meeting.

E. Quorum

1. A quorum of the Board must be present to open a meeting or conduct business.
2. A quorum shall consist of a simple majority (greater than 50%) of the total number of voting members authorized by resolution to statute to serve on the board or committee.
3. Members attending by video conference may be counted toward a quorum (members may not attend by telephone only).
4. In the absence of a quorum, a lesser number may adjourn and compel the attendance of absent members.

F. General Rules of Procedure

1. The Chair presides at the meeting. In the Chair's absence, a member designated by the Chair presides.
2. Members must be recognized by the presider before speaking and making motions.
3. Motions require a second.
4. A member, once recognized, may not be interrupted when speaking unless it is to call him/her to order. If a member is called to order, they must cease speaking

until the question of order is determined. If the Member is in order, he/she may proceed.

5. A Member may not be limited in the number of times he/she speaks on a question.
6. Any member may move to end debate or it may be directed by the Chair. In any event debate shall end upon the call for a vote.

G. Executive Session

1. Executive sessions will be held only under the specific reasons set forth in §105 of the Public Officers Law (the “Open Meetings Law”):
 - a) Matters which may imperil public safety if disclosed;
 - b) Matters which may disclose the identity of a law enforcement agent or informer;
 - c) Information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
 - d) Proposed, pending or current litigation;
 - e) Collective bargaining negotiations;
 - f) Personnel decisions or the medical, financial credit or employment history of a particular person or corporation;
 - g) The preparation, grading or administration of examinations; and
 - h) Real property transactions or the proposed acquisition of securities, or sale or exchange of securities, where publicity would substantially affect the value.
2. The general topic of the Executive session shall appear on the agenda and general meeting minutes.
3. All executive sessions must be commenced upon motion in a public meeting and must state the reason (compliant with section 1 above) for the executive session with some specificity.
4. Upon adjournment of the executive session the public meeting will be reconvened and formally adjourned.
5. Minutes will be taken in executive session only of action is taken.

H. Requests for Resources and Expenditures

1. Members proposing a commitment of funds must present a proposal describing the use of the funds for discussion at a meeting.
2. Any proposed commitment of financial resources and/or entering into any purchase agreement or contract must be approved in advance by the Chair.
3. Any request for Town resources shall be made through the Town liaisons with prior approval through the Chair.

I. Voting

1. The motion or proposition to be voted upon (other than procedural motions) must be written or clearly stated; if stated orally, it shall be recorded verbatim by the clerk of the board or committee
2. The Chair or designee will call for a vote.

3. Each member has one vote.
4. A vote on any questions will be taken by “yes” and “no.”
5. Unless otherwise specified in Town or State law, a majority of the totally authorized voting power of the Board (to be defined as the number of members authorized by statute or resolution of the Town Board) must vote “yes” for the matter to pass.
6. When taking votes, the Clerk will record in the minutes for each Member whether they voted “yes”, “no”, abstained from voting or were absent. Abstentions and absences are not counted. They are neither positive nor negative; they are simply no vote at all.
7. For the purpose of determining whether a matter passed, the Clerk must tally the number of “yes” votes and the number must represent a simple majority of voting members authorized by resolution or statute to serve on the board or committee (greater than 50%). In this regard, an abstention is the functional equivalent of a “no” vote.
8. A copy of any proposition voted upon must be provided to the Town Board prior to the next Town Board Work Session.

J. Minutes

1. Minutes will be taken by the Clerk of the Board or Committee.
2. Minutes must include a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the outcome of the vote thereon.
3. Minutes must be taken at executive session of any action that is taken by formal vote and must consist of a record or summary of the final determination of the action, and the date and outcome of the vote thereon. The summary need not include any matter which is not required to be made public by the Freedom of Information Law (FOIL).
4. Minutes will include the following:
 - a) Name of the board or committee.
 - b) Date, place and time of the meeting.
 - c) Notation of whether a board or committee member is present or absent.
 - d) Name and title of other Town officials and employees present and the approximate number of attendees.
 - e) Record of written communications presented to the Board.
 - f) Record of reports made by Board or other Town personnel.
 - g) Record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon.
 - h) Summary of any public hearing.
 - i) Time of adjournment.
 - j) Notation of the person who took the minutes.
5. Minutes will not contain a summary of the discussion leading to action taken or include verbatim comments unless a majority of the Board resolves to have the Clerk do so. Minutes will be approved by the Board at the next meeting. The minutes may be amended only upon Board approval.
6. Minutes shall be taken at executive sessions of any action that is taken by formal vote which shall consist of a record or summary of the final determination of such action,

and the date and vote thereon; provided, however, that such summary need not include any matter which is not required to be made public by the freedom of information law.

7. Minutes of meetings shall be available to the public on the town web site in accordance with the provisions of the freedom of information law within two weeks from the date of such meeting.
8. Minutes shall be provided to the Town Clerk within 14 days of the conclusion of the meeting.
9. Minutes shall be distributed by email to all board or committee members, Town Board members, the Town Attorney and any other person determined by the board or committee to have need of such minutes.

K. Reports to the Town Board

1. Routine communications should continue to be passed to the Town Board via the liaisons, but any results of any substantive vote or any recommendations, requests for action, reports on applications or replies to questions should be submitted as a written report and include the following:
 - a) A statement of the issue.
 - b) A concise recommendation for Town Board action from the board or committee.
 - c) The vote tally (if taken).
 - d) A description of the majority opinion (without names attributed).
 - e) A description of the minority position (without names attributed).
 - f) Any other information that the board or committee believes is necessary for the Town Board to make an informed decision.
2. Individual objections and opinions of board or committee members for the minority or majority should be incorporated into the committee report. Individual correspondence to the Town Board shall be undertaken by individual members only if they are aggrieved that their point of view was not represented.

V. DOCUMENTS

All original records are to be provided to and maintained by the Town Clerk this includes agendas, minutes, correspondence, applications, financial records and any other materials (including minutes of executive sessions) submitted to or created by the committee. Please remember that the Town Clerk is the Town's records officer and should have everything that the committee has. Please make it procedure to give everything to the Clerk's office in a timely manner.

VI. POLICIES

Board and committee members regardless of whether they receive compensation are subject to the Code of Ethics and all policies and procedures of the Town of Shelter Island including all employment policies. Violation of policy shall be grounds for immediate suspension or dismissal.

A. General Rights and Responsibilities

Committee Members are legally considered employees of the town and must comply with all relevant provisions of the Town of Shelter Island Employment Manual

B. Email and Computer Policy

Board and committee members must comply with eh policy contained in the Town of Shelter Island Employment Manual (summarized herein)

1. Each board or committee member has been issued a Town of Shelter Island email.
2. All committee members must comply with the policies contained in the Town of Shelter Island Employment Manual
3. All official communications should be via town email.
4. Use of personal email for the conducting board or committee business may subject all of your email to FOIL or subpoena.
5. Town email should be used only for town business and the Town reserves the right to review all town email. Therefore, you should have no expectation of privacy when using Town email.
6. All Documents shall be kept on town servers or in Town Onedrive or Sharepoint Accounts

C. Training

All board and committee members must complete all required Federal and New York State required training in workplace violence, sexual harassment and any other training specific to their board or committee duties.

D. Site Visits

1. Site visits or other opportunities for the board to educate themselves on matters before it are permitted and do not constitute a public meeting so long as there is no discussion among members as to the application of what they see or hear to a matter or potential matter before the board.
2. The members may raise questions and inquiries to the person or organization conducting the site visit.

3. The site visit must be discussed at the following regular meeting at which time a substantive discussion among the member may take place.
4. Where necessary, the board or committee must obtain permission in writing to enter onto private land.

E. Communication with Outside Agencies

1. The chair is designated as the point of contact with Town officials, the media and the public.
2. No materials shall be distributed by the board or committee without consent of the chair or majority vote.
3. No materials may be provided to anyone other than the applicant or the applicant's authorized representative without a FOIL request which must be sent to the Town Clerk.
4. No board or committee member shall represent themselves as a town official or representative unless they are conducting board or committee business and have been explicitly permitted to make that representation by the committee as a whole.
5. No board or committee member shall contact or meet with any outside agency, group or official regarding the business of the board or committee without the knowledge and consent of the chair or a majority vote of the board or committee except to seek information that will assist the member in the performance of his or her duties.
6. Contact with government officials outside of Shelter Island Town regarding board or committee business will be made only in consultation with the Town Board liaisons or the Town Attorney except to seek information that will assist the member in the performance of his or her duties.
7. Communications pertaining to board or committee business between members outside of meetings should be limited to what is prudent. Such communications shall not result in any decision regarding matters before the board or committee. The outcomes of such meetings shall be reported at the next meeting.
8. Communications between members outside of board or committee meetings shall not be in a group large enough to constitute a quorum.

F. Treatment of Others

1. All members of the public shall be treated with dignity and respect.
2. No board or committee member shall publically express any personal opinion regarding a member of the public who comes before the board or committee.

G. Prohibition on Undue Influence

1. No board or committee should review, discuss or evaluate any application that is currently before the Town Board, Zoning Board of Appeals or Planning Board unless that board or committee has been specifically requested to do so by the

committee with jurisdiction. However, the board with jurisdiction may request that any other board or committee evaluate applications that are currently before it in order to provide advice regarding specific issues in the application that are in that board or committee's assigned subject matter area of expertise. Such advice shall NOT include a recommendation as to whether or not the application shall ultimately be approved.

2. The role of an advisory board or committee is to evaluate and recommend. No individual member should, in his or her capacity as a board or committee member, shall advocate for or against any applicant or proposal before the Town Board or any other board or committee.
3. Should a member find it necessary to address a matter before another body, that member should be clear that he or she is speaking in an individual capacity as a member of the general public and not on behalf of the board or committee.
4. No member may represent a client before any committee on which he or she serves regardless of whether he or she has recused themselves.
5. Nothing herein shall prevent a member of a board or committee from submitting any application to the Town of Shelter Island for any service, grant, permit or license for which all citizens are generally entitled or for advocating on their own behalf so long as they recuse themselves from any discussion or vote on such application.

H. Compliance with Law

All board or committee members must comply with all laws, rules, policies and regulation applicable to officers and employees of the Town of Shelter Island including, without limitation policies regarding conflict of interest, ethics, sexual harassment, non-discrimination and workplace violence and conduct. It shall be the duty of any duly appointed member to know and comply with such policies and to undergo all applicable legally required training.

I. Confidentiality

Members shall not disclose any material to which they have access due to their position with the Town of Shelter Island to any person not authorized to have such information.

APPENDIX I – Open Meetings Law Requirements

Intent of the Open Meetings Law

- It is essential that public business be performed in an open and public manner and that the citizens be “fully aware of and able to observe the performance of public officials.”
- Citizens have the right “to attend and listen to the deliberations and decisions that go into the making of public policy.”
- Public bodies shall make all reasonable efforts to ensure that meetings are held in an appropriate facility which can adequately accommodate members of the public who wish to attend such meetings.

Public Bodies Defined

A public Body is any entity, for which a quorum is required in order to conduct public business and which consists of two or more members, performing a governmental function for the state or for an agency or department thereof, or for a public corporation as defined in section sixty-six of the general construction law, or committee or subcommittee or other similar body of such public body.

A public Body consists of:

- Two or more people.
- Quorum necessary to conduct business.
- Authority to act collectively.
- Committees of any public body.

Public Meetings Defined

Any gathering of a public body where:

- a quorum is present.
- public business is discussed.
- requires physical presence of video conferencing. (no telephone attendance permitted)

If these conditions are met you are having a meeting, regardless of intent, or lack thereof, to take action, or how the meeting is characterized.

There is no legal distinction between:

- Workshop or work session, Agenda Session
- Regular meeting • Informal gathering
- Pre-board meeting

Gatherings Not subject to Public Meetings Law

- Site visit
- “Retreat” or educational seminar
- Attendance at committee meeting
- Social

Telephone Calls, Emails

- Telephone calls and emails do not constitute a public meeting.
- Group emails between agency members do not constitute a meeting. (but may be subject to FOIL)

Notice

Time and place (and internet address if to be streamed) of all public meetings must be provided to the news media and published on the web site prior to every meeting.

Time Frame for Notice

- At least 72 hours prior to a meeting scheduled at least one week in advance.
- For meetings on short notice, notice must be given to the extent practicable at a reasonable time prior to the meeting. *(The courts have suggested that the propriety of scheduling a meeting less than a week in advance (and providing less than 72 hours-notice) is dependent upon the actual need to do so.)*

Minutes

- Required at all public meetings.
- Must include: Motions/Proposals/ Resolutions/Votes.
- Executive Sessions minutes are only necessary if actions (votes) are taken.
- Minutes must be made publicly available within:
 - Two weeks for open session
 - One week for executive session
- Time to make public does not require that minutes be approved. They may be in draft form and marked “unapproved”. Changes should be posted if later amended.

Recording

- Any meeting of a public body that is open to the public shall be open to being photographed, broadcast, webcast, or otherwise recorded and/or transmitted by audio or video means.
- Agency is not obligated to record.
- Agency may establish reasonable rules to limit disruption/interference.

Executive Session

- You must enter executive session upon motion and a majority vote.
- The motion to enter executive session must specify the reason and is limited to the following reasons:
 - a. matters which will imperil the public safety if disclosed; or
 - b. any matter which may disclose the identity of a law enforcement agent or informer; or
information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed; or
 - c. discussions regarding proposed, pending or current litigation; or
 - d. collective negotiations pursuant to article fourteen of the civil service law; or
 - e. the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation; or

“Personnel” Don’t Use this Word in Your Motion! f. “the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.”

- f. the preparation, grading or administration of examinations; and h. the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.
- Attendance at an executive session shall be permitted to any member of the public body and any other persons authorized by the public body.

Exemptions to Open Meetings Law (Alternate to Executive Session)

If an exemption applies, the Open Meetings Law does not, and the body may proceed as if the OML does not exist and no executive session is necessary.

Exemptions:

- judicial or quasi-judicial proceedings, except proceedings of the public service commission and zoning boards of appeals; or
- deliberations of political committees, conferences and caucuses; or
- any matter made confidential by federal or state law (*e.g., discussions relating to students made confidential by FERPA or meetings with agency attorney covered by attorney client privilege*)

Public Participation in Meetings.

- Not required by Open Meetings Law.
- Public Body may establish reasonable rules for public participation if permitted.
- Rules for public participation must be Implement fairly and consistently.
- Hearings are not the same as meetings and require public participation.

Records Scheduled to be Discussed.

Any record that would be subject to FOIL as well as any proposed resolutions, laws, rules, regulations, policies or any amendment thereto that are scheduled to be discussed at a public meeting.

- Shall be made available upon request, prior to or at the meeting.
- Shall be made available online prior to the meeting if the agency maintains a regularly and routinely updated website and utilizes a high-speed internet connection.
- Agency may, but not required to, spend additional moneys to implement this section.