

**IX. NEW BUSINESS**

**A. Amendments to the Open Meeting Law**

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Deputy Attorney General Steve Vinsonhaler provided the following summary of Senate bill 1142, which amended Idaho’s open meeting law.

<b>CURRENT LAW</b>		<b>CHANGES, EFFECTIVE 7/1/09</b>
1.	5 calendar day meeting notice (regular meeting)	No change
2.	48-hour agenda notice (regular meeting)	No change
3.	Special meetings - unless emergency, 24-hour meeting and agenda notice	No change
4.	Executive session only meeting - 24-hour meeting and agenda notice	No change
5.	Written minutes of meetings required - not necessary to record, or have a full transcription	No change
6.	A meeting agenda can be amended even up to the time of the meeting if a good faith effort has been made to include in the notice all agenda items known to be probable items of discussion.	a. Agenda can be amended up to 48 hours prior to meeting by posting an amended agenda. b. Agenda can be amended between 24 and 48 hours of meeting by posting amended agenda <u>AND</u> passing a motion at the meeting. c. Agenda can be amended after start of meeting by passage of motion that states reason for amendment and good faith reason item was not included in original agenda notice.
7.	Board can go into executive session on 2/3 vote recorded in minutes.	Still need 2/3 vote, but roll call of vote is required and recorded in minutes.

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8.	Board can go into executive session to consider hiring an officer, employee or staff member.	Limited to discussing respective qualities/ evaluation of individuals to fill a position. Does not include general staffing needs.
9.	Silent	Violation of Act for board to change subject of executive session from that identified in motion.
10.	Board member who knowingly participates in a meeting which violates the Act is subject to a \$150 fine for first time violation and \$300 fine for each subsequent violation.	<ul style="list-style-type: none"> <li>a. A board member who unknowingly violates the Act is subject to \$50 civil penalty.</li> <li>b. A board member who knowingly violates the Act is subject to \$500 civil penalty.</li> </ul>
11.	A suit to declare a board action null and void must be commenced within 30 days of the violation.	Suit must be commenced within 30 days of the “time of the decision or action that results from a meeting that was not in compliance with the [Act].”
12.	Silent	<p>A violation can be cured by board upon:</p> <ul style="list-style-type: none"> <li>a. Self-recognition and cure within 14 days; or</li> <li>b. Receipt by public of notice of violation and within 14 days; or               <ul style="list-style-type: none"> <li>- Acknowledging violation and curing violation within 14 days; or</li> <li>- State that no violation occurred and cure unnecessary.</li> </ul> </li> </ul>
13.	Silent	All enforcement actions are stayed during response and cure period.
14.	Silent	An appropriately executed cure of a violation acts as a bar against civil penalties.