

Changes to Open Meeting Laws ~ Part 4: Remedies

The cure... Changes are underlined:

67-2347

(7) (a) A violation may be cured by a public agency upon:

(i) The agency's self-recognition of a violation; or

(ii) Receipt by the secretary or clerk of the public agency of written notice of an alleged violation. A complaint filed and served upon the public agency may be substituted for other forms of written notice. Upon notice of an alleged open meeting violation, the governing body shall have fourteen (14) days to respond

publicly and either acknowledge the open meeting violation and state an intent to

cure the violation or state that the public agency has determined that no violation has occurred and that no cure is necessary. Failure to respond shall be treated as a denial of any violation for purposes of proceeding with any enforcement action.

(b) Following the public agency's acknowledgment of a violation pursuant to paragraph (a)(i) or (a)(ii) of this subsection, the public agency shall have fourteen (14) days to cure the violation by declaring that all actions taken at or resulting from the meeting in violation of this act void.

(c) All enforcement actions shall be stayed during the response and cure period but may recommence at the discretion of the complainant after the cure period has expired.

(d) A cure as provided in this section shall act as a bar to the imposition of the civil penalty provided in subsection (2) of this section. A cure of a violation as provided in subsection (7)(a)(i) of this section shall act as a bar to the imposition of any civil penalty provided in subsection (4) of this section.

To summarize:

- Agency can 'cure' by recognizing the violation and declaring all actions taken at meeting void.
- Within 14 days of receiving written notice of an alleged violation - the governing body responds publicly and either acknowledges the open meeting violation and states an intent to cure the violation or states that the public agency has determined that no violation has occurred and that no cure is necessary.
- A cure avoids the imposition of penalties.

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