



OPEN MEETING REQUIREMENTS

Purpose

The purpose of this policy is to advise the Department and advisory bodies of the open meeting requirements contained in state law. The Board fully endorses the policy of open government and requires the Department and advisory bodies to follow strictly the open meeting requirements.

Legal Authority

Idaho Code 74-201. The formation of public policy is public business and shall not be conducted in secret.

Idaho Code 74-202. Definitions for open public meetings.

Idaho Code 74-203. Open Meeting Requirements. The public must be allowed to attend meetings except when otherwise specifically provided by law. Meetings may be conducted by means of telecommunications. A meeting may not be held at any place that discriminates on the basis of race, creed, color, sex, age or national origin.

Idaho Code 74-204. Public notice required for meetings

Idaho Code 74-206. When executive (closed) session is authorized

Idaho's Open Meeting Law, Idaho Code 74-201, is guided by the principle that the formation of public policy is public business. All meetings, sessions, or gatherings of the Idaho Transportation Department's governing bodies, where any determination, action, vote or final disposition requires approval by the governing body, shall be open to the public. Idaho Code also prohibits the governing bodies from meeting where any forms of discrimination are practiced. The policy for all meetings of the Department is that openness is the rule and justification to do otherwise is strictly limited by law.

The following Department boards and committees shall be subject to the Open Meeting requirements:

- Idaho Transportation Board
- Idaho Aeronautics Advisory Board
- Idaho Automobile Dealers Advisory Board
- Idaho Traffic Safety Commission
- Public Transportation Interagency Working Group
- Public Transportation Advisory Council
- Freight Advisory Committee
- Transportation Alternatives Program Recommendation Committee
- Trucking Advisory Council
- T2 Center Advisory Committee
- Congestion Mitigation and Air Quality Technical Review Committee
- Idaho Byways Advisory Committee

For regular meetings, a notice to the public must be provided at least five calendar days prior to the meeting. The time, date, location and that the meeting is open to the public must be included in the notice. When the meetings are regularly scheduled, such as once per month, and are scheduled in advance over the course of the year, the meeting notice requirement can be satisfied by providing notice of the yearly schedule at least once a year.

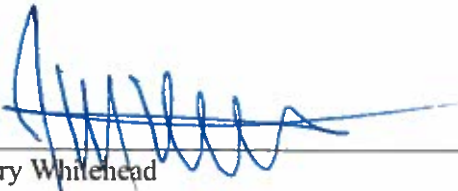
An agenda notice must be posted 48 hours prior to the meeting. Additional agenda items may be added at any time prior to the meeting, provided that a good faith effort is made to include all known agenda items on the original agenda notice. The meeting and agenda notices shall be posted in a prominent place at Headquarters and at the location where the meeting is to be held.

Special meeting notices and related agenda notices shall be posted at least 24 hours prior to the meeting unless an emergency situation exists, as defined in Idaho Code, Section 74-204(2). A list of all news media that have requested notification of meetings shall be maintained by the Office of Communications, and a good faith effort shall be made to notify the media of the special meeting.

Executive sessions shall be governed by the provisions of Idaho Code, Section 74-206. The specific provision of the law that authorizes the executive session should be identified prior to convening an executive session. In the event that only an executive session is to be held, notice shall be provided in the same manner as for special meetings, but shall also include the specific provision of the law that authorizes the executive session.

Special meetings to address emergencies, as defined in Idaho Code, Section 74-206(2), are exempt from the meeting and agenda notice requirements when the situation involves injury or damage to people or property, or immediate financial loss or the likelihood of such injury, damage or loss, where the notice requirement would be impractical or would likely increase the harm from the emergency. The reason for the emergency session must be stated prior to the beginning of the session.

Written minutes shall be maintained for the above-mentioned board and committee meetings. The minutes must include, at a minimum, a listing of all members of the governing body that are present; all motions, resolutions, orders or ordinances proposed and their disposition; and the results of all votes, and upon the request of a member, the vote of each member by name. If the meeting is an executive session, the minutes may be limited to material containing sufficient detail to convey the general tenor of the meeting.



Jerry Whitehead
Board Chairman

Approved by the Board on:

Date: 5/19/16