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IDAHO TRANSPORTATION DEPARTMENT
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ADMINISTRATIVE POLICY 5008
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OPEN MEETING REQUIREMENTS

Purpose

The purpose of this policy is to provide directions to the Department and its advisory bodies of the open meeting requirements contained in the Idaho Code. The Department, through the Idaho Transportation Board, fully endorses the policy of open government. To that end, this policy provides guidance on ensuring transparency through compliance with the open meetings 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 and agenda required for meetings.

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

Policy

Idaho's Open Meeting Law, Idaho Code 74-201 *et. sec.*, 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 determinations, 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 that are governed by the Open Meeting Law, is that openness is the rule and justification to do otherwise is strictly limited by law.

Although not necessarily closed to the public, meetings held by ITD staff are not subject to the requirements of the open meeting law. Public involvement in meetings of ITD staff members should be handled on a case-by-case basis. Legal guidance on questions relating to the applicability and requirements of the Open Meeting Law may be directed to the ITD Legal Section or by referring to the Idaho Public Meetings Law Manual published by the Idaho Attorney General's Office. <https://www.ag.idaho.gov/content/uploads/2018/04/OpenMeeting.pdf>

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

- Idaho Transportation Board
- Idaho Transportation Board Subcommittee on 129,000 Pound Truck Routes
- Idaho Transportation Board Subcommittee on State Highway System Adjustments
- 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
- Idaho Autonomous and Connected Vehicle Testing and Deployment Committee

NOTICE OF MEETINGS:

To inform the public of an upcoming meeting, a Notice of the meeting must be posted and published on ITD's webpage at least 5 days in advance of 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 monthly Idaho Transportation Board meetings, 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.

AGENDA FOR MEETINGS:

In order to allow the public to determine interest in attending the meeting, an agenda for the meeting must be posted and published on ITD's webpage no less than 48 hours prior to the meeting. The agenda may be amended prior to the meeting, but requires a good faith effort to include all items known to be discussed at the meeting in the original agenda.

Any agenda item which requires a vote must be identified in the agenda as an "action item." Having an item identified as an "action item" does not mean a vote must take place, but a vote should not take place if not identified in the agenda.

An agenda may be amended after the start of a meeting upon a motion that states the reason for the amendment and states the good faith reason the agenda item was not included in the original agenda posting. Final action may not be taken on an agenda item added after the start of a meeting unless an emergency is declared necessitating action at that meeting. The declaration and justification shall be reflected in the minutes.

POSTING THE AGENDA AND 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, as well as being posted on ITD's webpage.

NOTICE TO MEDIA:

A list of all news media which 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 all regularly scheduled and special meetings. Such notice may be accomplished by providing the notice and agenda directly to the media, or by directing the media to ITD's webpage at least 24 hours prior to any special meetings and 48 hours prior to any regularly scheduled meeting.

EXECUTIVE SESSIONS:

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, providing notice and an agenda 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:

Special meetings require posting of the agenda and notice at least 24 hours prior to the meeting, unless it is a meeting to discuss an emergency such as 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.

MINUTES:

Written minutes shall be maintained for all public meetings held pursuant to the Open Meeting Law. 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 purpose and topic of the executive session.



Brian W. Ness
Director

Date 4/23/2019