

EXECUTIVE SESSIONS/OPEN MEETINGS

Code BEC Issued 11/02

Purpose: To establish the basic structure for conducting executive sessions.

The board, by majority vote, may go into executive session for reasons provided for by law. Only upon request of the board may persons other than board members be present during executive sessions.

Before going into executive session, the board chairman will put the question of whether to meet in executive session to a vote. If such vote is favorable, the chairman will then announce the specific purpose of the executive session, i.e., identify the matter to be considered in executive session.

As permitted by law, executive session matters may involve the following.

- individual student personnel actions
- individual staff personnel actions (unless the individual requests a public meeting)
- discussion of negotiations incident to proposed contractual arrangements
- acquisition or sale of property
- receipt of legal advice, including settlement of a claim
- security
- investigation of criminal misconduct

The board will not take any formal action in executive session. Formal action means a recorded vote committing the board to a specific course of action.

The board will not take a vote in executive session nor will it poll members in executive session. A vote may be taken on any action discussed in executive session only after the board returns to open session.

Board members and other persons attending the executive session are duty bound not to disclose matters discussed in executive session.

Adopted 3/18/85; Revised 11/25/02

Legal references:

- A. Section 30-4-70.
 - (a) A public body may hold a meeting closed to the public for one or more of the following reasons:
 - (1) Discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body or the appointment of a person to a public body; however, if an adversary hearing involving the employee or client is held, the employee or client has the right to demand that the hearing be conducted publicly. Nothing contained in this item shall prevent the public body, in its

PAGE 2 - BEC - EXECUTIVE SESSIONS/OPEN MEETINGS

discretion, from deleting the names of the other employees or clients whose records are submitted for use at the hearing.

(2) Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim.

(3) Discussion regarding the development of security personnel or devices.

(4) Investigative proceedings regarding allegations of criminal misconduct.

(5) Discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the public body.

- (b) Before going into executive session the public agency shall vote in public on the question and when the vote is favorable, the presiding officer shall announce the specific purpose of the executive session. As used in this subsection, 'specific purpose' means a description of the matter to be discussed as identified in items (1) through (5) of subsection (a) of this section. However, when the executive session is held pursuant to Sections 30-4-70(a)(1) or 30-4-70(a)(5), the identity of the individual or entity being discussed is not required to be disclosed to satisfy the requirement that the specific purpose of the executive session be stated. No action may be taken in executive session except to (a) adjourn or (b) return to public session. The members of a public body may not commit the public body to a course of action by a polling of members in executive session.
- (c) No chance meeting, social meeting, or electronic communication may be used in circumvention of the spirit of requirements of this chapter to act upon a matter over which the public body has supervision, control, jurisdiction, or advisory power.
- (d) This chapter does not prohibit the removal of any person who willfully disrupts a meeting to the extent that orderly conduct of the meeting is seriously compromised.
- (e) Sessions of the General Assembly may enter into executive sessions authorized by the Constitution of this State and rules adopted pursuant thereto.