

# FAIR & AFFORDABLE HOUSING COMMISSION



Eija Sumner  
Commission Chair  
[FAHC@ci.moscow.id.us](mailto:FAHC@ci.moscow.id.us)

**Regular Meeting**  
~Minutes~

Lucy Falcy  
Staff Liaison  
208.883.7095

<https://www.ci.moscow.id.us/358/Fair-Affordable-Housing-Commission>

**Thursday**  
**March 5, 2026**

**5:15 PM**

**Haddock Building**  
**504 S. Washington Street**

**Sumner called the meeting to order at 5:16 PM**

MEMBERS PRESENT: Eija Sumner, Chair; Juan Albaitero, Randy Baukol, Jo Ellen Force, Ellen Peterson, Jennifer Wallace  
MEMBERS ABSENT: Leah Halterman, Nathan Tupper  
OTHERS: Evan Holmes  
STAFF: Nichoel Baird Spencer, Lucy Falcy

## **REGULAR AGENDA**

### **1. Approval of Minutes from February 12, 2026 (ACTION ITEM)**

*Presentation of minutes for approval.*

Baukol moved for approval of the minutes as presented, seconded by Albaitero. Roll Call Vote: Ayes: Albaitero, Baukol, Force, Peterson, Sumner (5). Nays: None. Abstentions: Wallace (1). Motion carried.

### **2. Public Comment**

*Members of the public may speak to the Commission regarding matters NOT on the agenda or currently pending before the Commission. Please state your name and city of residence for the record and limit your remarks to three (3) minutes.*

Michael Gilman, Moscow, introduced himself and informed the Commissioners that he has submitted an application to volunteer on the Commission.

Wallace arrived at 5:20 PM

### **3. Idaho Open Meeting Law Review – Nichoel Baird Spencer**

*The recent violations of Idaho Open Meeting Law necessitate training for the Commissioners regarding their duty to follow Idaho State Code to ensure transparency in decision-making.*

Baird Spencer provided a presentation and training for the Commission on Idaho Open Meeting laws, as described above (see attached). Staff emphasized that the Commissioners' duty is to advise City Council and not make policy.

Force left the meeting at 5:40 PM

### **4. FY2026 Budget Update (ACTION ITEM)**

*Recent communication with Intermountain Fair Housing Council (IFHC) indicates that providing fair housing training in 2026 might now be feasible. Staff propose to renew discussion regarding the FY2026 budget of \$750 for the possibility of pursuing the training.*

Falcy informed the Commission that IFHC received some grant income and can provide a 4-hour Fair Housing training for a flat-rate of \$500 this spring. The 1912 Center room rental would cost approximately \$250, which would mean that the whole FY2026 budget would be needed for the training.

Sumner moved to approve spending the FY2026 budget on Fair Housing training, as discussed. Albaitero seconded. Roll Call Vote; Ayes: Albaitero, Baukol, Peterson, Sumner, Wallace (5). Nays: None. Abstentions: Force (1). Motion carried.

Falcy will add another discussion about the Fair Housing training to the next meetings agenda to solidify other necessary decisions regarding dates and venue options.

**5. Moscow Housing Authority Letter (ACTION ITEM)**

*Revisit the letter from September 24, 2025 to City Council regarding a Moscow Housing Authority. On February 12, 2026, during the Fair & Affordable Housing Commission's regular meeting, the Commission voted to direct staff to update the recommendation letter regarding a Moscow Housing Authority. This action was done in violation of Idaho Code § 74-204(4) as this item was not properly noticed on the February 12, 2026, agenda as an "action item". Pursuant to Idaho Code § 74-208(1), the action voted on regarding the recommendation letter is null and void and will be cured through this meeting.*

The Commission had a conversation about writing a cover letter to City Council regarding their Moscow Housing Authority recommendation letter written September 2025. There was a discussion about potentially scheduling a workshop with City Council to talk about the Commissions concerns.

Baukol moved to direct the Chair to draft a cover letter, with the original Moscow Housing Authority letter attached, regarding the Commission's concerns and request for workshop meeting, and send it to Council as discussed. The motion was seconded by Wallace. Roll Call Vote; Ayes: Albaitero, Baukol, Peterson, Sumner, Wallace (5). Nays: None. Abstentions: Force (1). Motion carried.

**6. 2026 Idaho House Bill 557 (ACTION ITEM)**

*Discuss the proposed 2026 Idaho House Bill 557 and possible impacts for Moscow and Ordinance No. 2013-06. On February 12, 2026, during the Fair & Affordable Housing Commission's regular meeting, the Commission voted to direct staff to draft a letter to City Council regarding House Bill 557 and its potential effects on fair housing in Moscow. This action was done in violation of Idaho Code § 74-204(4), as this item was not properly noticed on the February 12, 2026, agenda as an "action item". Pursuant to Idaho Code § 74-208(1), the action voted on regarding the letter is null and void and will be cured through this meeting.*

Falcy reviewed some of the discussion from the last meeting and informed the Commission that House Bill (HB) 557 passed in the House and has been referred to Senate now. The Commissioners all agreed that the bill would have an impact on the Moscow community economically and with fair housing.

Wallace moved that the Chair write and send a letter to City Council regarding HB 557 and its potential effects on fair housing in Moscow, as discussed. The motion was seconded by Baukol. Roll Call Vote; Ayes: Albaitero, Baukol, Peterson, Sumner, Wallace (5). Nays: None. Abstentions: Force (1). Motion carried.

**7. Hills & Rivers Housing Trust Update – Nils Peterson**

*Executive Director for Hills and Rivers Housing Trust, Nils Peterson, will provide an update on work being done on the Palouse.*

This agenda item was tabled until the next meeting.

**REPORTS**

Wallace let the Commissioners know that Palouse Habitat for Humanity is closing on a Moscow home with Hills & Rivers Housing Trust.

**ANNOUNCEMENTS**

Falcy shared that IFHC has executed three of their grant requests.

**UPCOMING EVENTS / MEETINGS**

*The next Fair & Affordable Housing Commission meeting is scheduled for April 2, 2026.*

**The meeting was adjourned at 6:25 PM**

  
\_\_\_\_\_  
Juan Albaitero, Vice Chair

2/4pr/2026  
Date

# Conducting a Meeting - Process Matters

| Outward Actions                  | Rule/Requirements                                                                                                                                                                                                     | Source                                         |
|----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| <b>Agendas/Packet</b>            | Posted 5 days before the meeting – emailed to commission and on the City website.                                                                                                                                     | <u>Idaho Code § 74-204</u>                     |
| <b>Call to Order/<br/>Quorum</b> | A quorum of the commission must be present to conduct business – must be maintained throughout the meeting. <b><u>Quorum can occur anywhere. Should not communicate on Commission matters outside of meeting.</u></b> | <u>Idaho Code § 74-202(1)</u>                  |
| <b>Action Items</b>              | All items need to be identified on the agenda as an “Action Item” if the body wants to direct staff or provide an outward action. <b><u>If it is not on the agenda and/or marked as “action” you can not act.</u></b> | <u>Idaho Code § 74-204(4)</u>                  |
| <b>Minutes</b>                   | Minutes are kept to provide history of actions and recommendations that the CC and public can review.                                                                                                                 | <u>Idaho Code § 74-205(1)</u>                  |
| <b>Motions</b>                   | Action of the commission require a <b><u>simple majority vote</u></b> . Motions require a motion and a second to move forward.                                                                                        | <u>Idaho Code § 74-202(6)</u>                  |
| <b>Final Decisions</b>           | You <b><u>advise</u></b> the Council, no final decision authority.                                                                                                                                                    | <u>Moscow City Code § 3-6-2</u>                |
| <b>Public Comment</b>            | City policy is 3 mins per person up to 15 mins at the start of a meeting. <b><u>Should not include matters on the agenda</u></b>                                                                                      | <u>City Policy</u> - not require by Idaho Code |

## THE STATUTE

### (Idaho Code §§ 74-201 to 74-208)

**74-201. Formation of public policy at open meetings.** The people of the state of Idaho in creating the instruments of government that serve them, do not yield their sovereignty to the agencies so created. Therefore, the legislature finds and declares that it is the policy of this state that the formation of public policy is public business and shall not be conducted in secret.

**74-202. Open public meetings – Definitions.** As used in this chapter:

(1) “Decision” means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present, but shall not include those ministerial or administrative actions necessary to carry out a decision previously adopted in a meeting held in compliance with this chapter.

(2) “Deliberation” means the receipt or exchange of information or opinion relating to a decision, but shall not include informal or impromptu discussions of a general nature that do not specifically relate to a matter then pending before the public agency for decision.

(3) “Executive session” means any meeting or part of a meeting of a governing body that is closed to any persons for deliberation on certain matters.

(4) “Public agency” means:

(a) Any state board, committee, council, commission, department, authority, educational institution or other state agency created by or pursuant to statute or executive order of the governor, other than courts and their agencies and divisions, and the judicial council, and the district magistrates commission;

(b) Any regional board, commission, department or authority created by or pursuant to statute;

(c) Any county, city, school district, special district, or other municipal corporation or political subdivision of the state of Idaho;

(d) Any subagency of a public agency created by or pursuant to statute or executive order of the governor, ordinance, or other legislative act; and

(e) Notwithstanding the language of this subsection, the cybersecurity task force or a committee awarding the Idaho medal of achievement shall not constitute a public agency.

(5) “Governing body” means the members of any public agency that consists of two (2) or more members, with the authority to make decisions for or recommendations to a public agency regarding any matter.

(6) “Meeting” means the convening of a governing body of a public agency to make a decision or to deliberate toward a decision on any matter.

(a) “Regular meeting” means the convening of a governing body of a public agency on the date fixed by law or rule, to conduct the business of the agency.

(b) “Special meeting” is a convening of the governing body of a public agency pursuant to a special call for the conduct of business as specified in the call.

#### **74-203. Governing bodies – Requirement for open public meetings.**

(1) Except as provided below, all meetings of a governing body of a public agency shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by this act. No decision at a meeting of a governing body of a public agency shall be made by secret ballot.

(2) Deliberations of the board of tax appeals created in chapter 38, title 63, Idaho Code, the public utilities commission and the industrial commission in a fully submitted adjudicatory proceeding in which hearings, if any are required, have been completed, and in which the legal rights, duties or privileges of a party are to be determined are not required by this act to take place in a meeting open to the public. Such deliberations may, however, be made and/or conducted in a public meeting at the discretion of the agency.

(3) Meetings of the Idaho life and health insurance guaranty association established under chapter 43, title 41, Idaho Code, the Idaho insurance guaranty association established under chapter 36, title 41, Idaho Code, and the surplus line association approved by the director of the Idaho

department of insurance as authorized under chapter 12, title 41, Idaho Code, are not required by this act to take place in a meeting open to the public.

(4) A governing body shall not hold a meeting at any place where discrimination on the basis of race, creed, color, sex, age or national origin is practiced.

(5) All meetings may be conducted using telecommunications devices which enable all members of a governing body participating in the meeting to communicate with each other. Such devices may include, but are not limited to, telephone or video conferencing devices and similar communications equipment. Participation by a member of the governing body through telecommunications devices shall constitute presence in person by such member at the meeting; provided however, that at least one (1) member of the governing body, or the director of the public agency, or the chief administrative officer of the public agency shall be physically present at the location designated in the meeting notice, as required under section 74-204, Idaho Code, to ensure that the public may attend such meeting in person. The communications among members of a governing body must be audible to the public attending the meeting in person and the members of the governing body.

**74-204. Notice of meetings – Agendas.**

(1) Regular meetings. No less than a five (5) calendar day meeting notice and a forty-eight (48) hour agenda notice shall be given unless otherwise provided by statute. Provided however, that any public agency that holds meetings at regular intervals of at least once per calendar month scheduled in advance over the course of the year may satisfy this meeting notice by giving meeting notices at least once each year of its regular meeting schedule. The notice requirement for meetings and agendas shall be satisfied by posting such notices and agendas in a prominent place at the principal office of the public agency or, if no such office exists, at the building where the meeting is to be held. The notice for meetings and agendas shall also be posted electronically if the entity maintains an online presence through a website or a social media platform.

(2) Special meetings. No special meeting shall be held without at least a twenty-four (24) hour meeting and agenda notice, unless an emergency exists. An emergency is a situation involving injury or damage to persons or property, or immediate financial loss, or the likelihood of such injury, damage or loss, when the notice requirements of this section would make such notice impracticable or increase the likelihood or

severity of such injury, damage or loss, and the reason for the emergency is stated at the outset of the meeting. The notice required under this section shall include at a minimum the meeting date, time, place and name of the public agency calling for the meeting. The secretary or other designee of each public agency shall maintain a list of the news media requesting notification of meetings and shall make a good faith effort to provide advance notification to them of the time and place of each meeting.

(3) Executive sessions. If only an executive session will be held, a twenty-four (24) hour meeting and agenda notice shall be given according to the notice provisions stated in subsection (2) of this section and shall state the reason and the specific provision of law authorizing the executive session.

(4) An agenda shall be required for each meeting. The agenda shall be posted in the same manner as the notice of the meeting. An agenda may be amended, provided that a good faith effort is made to include, in the original agenda notice, all items known to be probable items of discussion. An agenda item that requires a vote shall be identified on the agenda as an "action item" to provide notice that action may be taken on that item. Multiple agenda items may be grouped together and voted upon as a single action item known as a consent agenda, provided the agenda items are not ordinances, fee resolutions, or items requiring more than a simple majority of the members present. During the meeting, if any member of the governing body requests an item or items be removed from the consent agenda, such item or items shall, prior to the vote on the consent agenda, be removed from the consent agenda and considered as a separate action for discussion and vote. Identifying an item as an action item on the agenda does not require a vote to be taken on that item.

(a) If an amendment to an agenda is made after an agenda has been posted but forty-eight (48) hours or more prior to the start of a regular meeting, or twenty-four (24) hours or more prior to the start of a special meeting, then the agenda is amended upon the posting of the amended agenda.

(b) If an amendment to an agenda is proposed after an agenda has been posted and less than forty-eight (48) hours prior to a regular meeting or less than twenty-four (24) hours prior to a special meeting but prior to the start of the meeting, the proposed amended agenda shall be posted but shall not become effective until a motion is made at the meeting and the governing body votes to amend the agenda.

(c) 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.

**74-205. Written minutes of meetings.**

(1) The governing body of a public agency shall provide for the taking of written minutes of all its meetings. Neither a full transcript nor a recording of the meeting is required, except as otherwise provided by law. All minutes shall be available to the public within a reasonable time after the meeting, and shall include at least the following information:

- (a) All members of the governing body present;
- (b) All motions, resolutions, orders, or ordinances proposed and their disposition;
- (c) The results of all votes, and upon the request of a member, the vote of each member, by name.

(2) Minutes pertaining to executive sessions. Minutes pertaining to an executive session shall include a reference to the specific statutory subsection authorizing the executive session and shall also provide sufficient detail to identify the purpose and topic of the executive session but shall not contain information sufficient to compromise the purpose of going into executive session.

**74-206. Executive sessions – When authorized.**

(1) An executive session at which members of the public are excluded may be held, but only for the purposes and only in the manner set forth in this section. The motion to go into executive session shall identify the specific subsections of this section that authorize the executive session. There shall be a roll call vote on the motion and the vote shall be recorded in the minutes. An executive session shall be authorized by a two-thirds ( $\frac{2}{3}$ ) vote of the governing body. An executive session may be held:

- (a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy

or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general;

(b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student;

(c) To acquire an interest in real property which is not owned by a public agency;

(d) To consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code;

(e) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations;

(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement;

(g) By the commission of pardons and parole, as provided by law;

(h) By the custody review board of the Idaho department of juvenile corrections, as provided by law;

(i) To engage in communications with a representative of the public agency's risk manager or insurance provider to discuss the adjustment of a pending claim or prevention of a claim imminently likely to be filed. The mere presence of a representative of the public agency's risk manager or insurance provider at an executive session does not satisfy this requirement; or

(j) To consider labor contract matters authorized under section 74-206 (1)(a) and (b), Idaho Code.

(2) The exceptions to the general policy in favor of open meetings stated in this section shall be narrowly construed. It shall be a violation of this chapter to change the subject within the executive session to one not

identified within the motion to enter the executive session or to any topic for which an executive session is not provided.

(3) No executive session may be held for the purpose of taking any final action or making any final decision.

(4) If the governing board of a public school district, charter district, or public charter school has vacancies such that fewer than two-thirds (2/3) of board members have been seated, then the board may enter into executive session on a simple roll majority vote.

**74-206A. Negotiations in open session.**

(1) All negotiations between a governing body and a labor organization shall be in open session and shall be available for the public to attend. This requirement also applies to negotiations between the governing body's designated representatives and representatives of the labor organization. This requirement shall also apply to meetings with any labor negotiation arbitrators, fact finders, mediators or similar labor dispute meeting facilitators when meeting with both parties to the negotiation at the same time. Provided, however, a governing body or its designated representatives may hold an executive session for the specific purpose of:

(a) Deliberating on a labor contract offer or to formulate a counteroffer; or

(b) Receiving information about a specific employee, when the information has a direct bearing on the issues being negotiated and a reasonable person would conclude that the release of that information would violate that employee's right to privacy.

(2) All documentation exchanged between the parties during negotiations, including all offers, counteroffers and meeting minutes, shall be subject to public writings disclosure laws.

(3) Any other provision of law notwithstanding, including any other provisions to the contrary in sections 33-402 and 74-204, Idaho Code, the governing body shall post notice of all negotiation sessions at the earliest possible time practicable. This shall be done by the governing body by immediately posting notice of the negotiation session on the front page of its official website. If time permits, the governing body shall also post notice within twenty-four (24) hours at its regular meeting physical posting locations.

- (4) Public testimony, if any, shall be posted as an agenda item.

**74-207. Open legislative meetings required.** All meetings of any standing, special or select committee of either house of the legislature of the state of Idaho shall be open to the public at all times, except in extraordinary circumstances as provided specifically in the rules of procedure in either house, and any person may attend any meeting of a standing, special or select committee, but may participate in the committee only with the approval of the committee itself.

**74-208. Violations.**

(1) If an action, or any deliberation or decision making that leads to an action, occurs at any meeting which fails to comply with the provisions of this chapter, such action shall be null and void.

(2) Any member of the governing body governed by the provisions of this chapter, who conducts or participates in a meeting which violates the provisions of this act shall be subject to a civil penalty not to exceed two hundred fifty dollars (\$250).

(3) Any member of a governing body who knowingly violates the provisions of this chapter shall be subject to a civil penalty not to exceed one thousand five hundred dollars (\$1,500).

(4) Any member of a governing body who knowingly violates any provision of this chapter and who has previously admitted to committing or has been previously determined to have committed a violation pursuant to subsection (3) of this section within the twelve (12) months preceding this subsequent violation shall be subject to a civil penalty not to exceed two thousand five hundred dollars (\$2,500).

(5) The attorney general shall have the duty to enforce this chapter in relation to public agencies of state government, and the prosecuting attorneys of the various counties shall have the duty to enforce this act in relation to local public agencies within their respective jurisdictions. In the event that there is reason to believe that a violation of the provisions of this act has been committed by members of a board of county commissioners or, for any other reason a county prosecuting attorney is deemed disqualified from proceeding to enforce this act, the prosecuting attorney or board of county commissioners shall seek to have a special prosecutor appointed for that purpose as provided in section 31-2603, Idaho Code.

(6) Any person affected by a violation of the provisions of this chapter may commence a civil action in the magistrate division of the district court of the county in which the public agency ordinarily meets, for the purpose of requiring compliance with provisions of this act. No private action brought pursuant to this subsection shall result in the assessment of a civil penalty against any member of a public agency and there shall be no private right of action for damages arising out of any violation of the provisions of this chapter. Any suit brought for the purpose of having an action declared or determined to be null and void pursuant to subsection (1) of this section shall be commenced within thirty (30) days of the time of the decision or action that results, in whole or in part, from a meeting that failed to comply with the provisions of this act. Any other suit brought under the provisions of this section shall be commenced within one hundred eighty (180) days of the time of the violation or alleged violation of the provisions of this act.

(7) [Curing a violation.]

(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.

# Open Meetings Law:

## City of Moscow Fair & Affordable Housing Commission

March 5, 2026

Nichol Baird Spencer, MCRP, AICP  
Deputy City Administrator/Community Development



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Open meetings offer the public a chance to observe the way their government operates and to influence their government in positive and important ways.

– Idaho Attorney General's Open Meeting Law Manual

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## Introduction

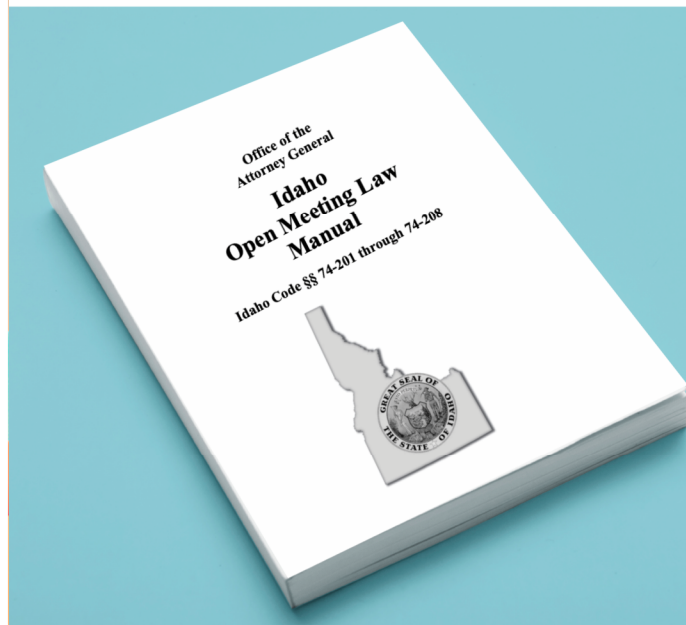
- Open meetings training provides committee, commissions and board the opportunity to understand legal obligations.
- Staff is your front line to ensure no open meetings violations occur...

**Requirements**

**Board Responsibilities**

**Staff Responsibilities**

**Processes**



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**Key elements of the OML is public notice and transparency.**

The public can not engage if they don't know.

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## FAHC Authority

You are an  
**ADVISOR**  
to the CC.

**Suggest** to Council various ways in which the City may further fair housing practices and affordable housing practices.

**Suggest** ways to inform public housing industry providers, real estate owners, developers, building contractors, and housing advocates of their respective responsibilities and rights under the federal housing law and related amendments, and any applicable state or local laws or ordinances.

**Review** the City Code Analysis and Impediments to Fair Housing and Action Plan on an annual basis and **make recommendations** to the Mayor, Council and the City's Fair Housing Resource Representative for amendments or changes to the Plan as it deems necessary.

**Review** the City's efforts to promote affordable housing and **make recommendations** to the Mayor, Council, and the City's Fair Housing Resource Representative to promote affordable housing practices.

**Consult** with the City's Fair Housing Resource Representative on fair housing planning objectives and communications and **assist the Council** and the City's Fair Housing Resource Representative in coordination and execution of the City's Fair Housing Action Plan.

**Keep abreast** of Federal and State law affecting fair housing and **make recommendations** to the Mayor and Council of necessary changes in the Moscow Fair and Affordable Housing Ordinance to keep the ordinance in conformity with Federal and State law.

**Recommend acceptance** of Federal, State, or other assistance in formulating or carrying out programs to prevent or eliminate discriminatory housing practices, and to cooperate with Federal, State and local agencies in carrying out such programs.

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## What is a public meeting:

### Are advisory committees, boards and commissions subject to the Open Meeting Law?

The Open Meeting Law defines "public agency" to include "any subagency of a public agency which is created by or pursuant to statute or executive order of the governor, ordinance, or other legislative act." If a committee, board, or commission makes of **"decisions for or recommendations to" a public agency it is subject to the OML.** Idaho Code § 74-202(4)(d)

### What constitutes a meeting under the Open Meeting Law?

"the convening of a governing body of a public agency to make a decision or to deliberate toward a decision on any matter." "Decision" is then defined to include **"any determination, action, vote or final disposition upon a motion,** proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present. . . ." Idaho Code § 74-202(1-6)

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**Does the term “meeting” include such things as informal gatherings, briefing sessions, informal discussions, attendance at social functions, etc.?**

No, **social meetings and gathering in which interaction and discussion does not** “make a decision or to deliberate toward a decision on any matter.” The requirement that the Open Meeting Law be complied with **whenever a quorum of a governing body meets to deliberate or to make a decision.**

**Can I still address questions and comments to a commissioner or board member individually related to a pending matter?**

A Commission should not be evading the public by holding smaller meetings with less than a quorum present or by having a go-between contact each of the governing body members to ascertain his/her sentiment. Any information that you wish to use to form the basis of your decision must be made a part of the public record/meeting. Idaho Water Resources Board v. Kramer & Idaho Code § 74-202(2)

**Can you hold an Executive Session?**

As an advisory board to the City Council the matters allowed for an **executive session allowance generally do not apply.** Idaho Code § 74-206(3)

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**Can an agenda be amended at the meeting?**

After commencement of the meeting, the agenda may be amended to accommodate unforeseen issues, provided that:

- (1) There is a motion made that states the good faith reason the new item was not on the original agenda, and
- (2) The motion to amend is adopted by the governing body. **Final action may not be taken on an agenda item unless deemed an emergency.** Idaho Code § 74-204(4)

**Can the public be excluded from a meeting?**

No, Idaho OML is designed to allow the public to be present during agency hearings. At the very least this means that the public must be permitted to get close enough to the hearing body to hear what is being said. Noble v. Kootenai County

**If a violation occurs, can it be remedied?**

A violation is **cured by repealing any action taken at an illegal meeting or disregarding deliberations made in violation of the Open Meeting Law.** Should it choose to, a governing body may, in a properly noticed meeting, repeat the deliberation or decision that occurred at the illegal meeting. Idaho Code § 74-208(7)

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## Staff's Roles & Responsibilities:

### Regular Notice requirements:

The OML requires two types of notice: (1) meeting notice and (2) agenda notice.

Both **meeting notices and agendas are to be posted in a prominent place at the principal office of the public agency, or at the building where the meeting is to be held.** The notice for meetings and agendas shall also be posted electronically on the City's website.

For **"regular meetings," no less than a five (5) calendar day meeting notice and a forty-eight (48) hour agenda notice.** Meetings at regular intervals at least once per calendar month, **may satisfy this notice requirement by posting meeting notices at least once each year of its regular meeting schedule.**

**Agenda notice must still be posted at least 48 hours before the meeting**

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### Special Meetings Notice Requirements:

Agenda notice must be posted **at least twenty-four (24) hours before the meeting.** Idaho Code § 74-204(2) and (3).

### What types of records must be maintained?

The OML requires that the governing body must provide for **written minutes of all meetings.** Minutes are public records and must be made available to the general public within a reasonable time after the meeting.

The minutes must include, at a minimum, the following information:

- All members of the governing body present;
- All motions, resolutions, orders, or ordinances proposed and their disposition;
- The results of all votes and, upon the request of a member of the governing body, the vote of each member by name.

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## Conducting a Meeting - Process Matters

| Outward Actions                  | Rule/Requirements                                                                                                                                                                                                     | Source                                                  |
|----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| <b>Agendas/Packet</b>            | Posted 5 days before the meeting – emailed to commission and on the City website.                                                                                                                                     | <a href="#">Idaho Code § 74-204</a>                     |
| <b>Call to Order/<br/>Quorum</b> | A quorum of the commission must be present to conduct business – must be maintained throughout the meeting. <b><u>Quorum can occur anywhere. Should not communicate on Commission matters outside of meeting.</u></b> | <a href="#">Idaho Code § 74-202(1)</a>                  |
| <b>Action Items</b>              | All items need to be identified on the agenda as an “Action Item” if the body wants to direct staff or provide an outward action. <b><u>If it is not on the agenda and/or marked as “action” you can not act.</u></b> | <a href="#">Idaho Code § 74-204(4)</a>                  |
| <b>Minutes</b>                   | Minutes are kept to provide history of actions and recommendations that the CC and public can review.                                                                                                                 | <a href="#">Idaho Code § 74-205(1)</a>                  |
| <b>Motions</b>                   | Action of the commission require a <b><u>simple majority vote</u></b> . Motions require a motion and a second to move forward.                                                                                        | <a href="#">Idaho Code § 74-202(6)</a>                  |
| <b>Final Decisions</b>           | You <b><u>advise</u></b> the Council, no final decision authority.                                                                                                                                                    | <a href="#">Moscow City Code § 3-6-2</a>                |
| <b>Public Comment</b>            | City policy is 3 mins per person up to 15 mins at the start of a meeting. <b><u>Should not include matters on the agenda</u></b>                                                                                      | <a href="#">City Policy</a> - not require by Idaho Code |

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## Q & A

**Resource:** Idaho State Office of Attorney General Open Meeting Law Manual

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