

# Shady Harbor Fire District

## Protocols for Compliance with Open Meetings Act

June 1, 2015 (Rev. August 15, 2015, Nov. 30, 2017, May 30, 2019)

**Application:** These Protocols apply to meetings of the Executive Committee, Finance Committee and Nominating Committee. While the Open Meetings Act does not Apply to the Annual Meeting (see RI Supreme Court case of Pine vs McGreavey, 687 A2d 1244, January 15, 1997), for additional transparency and consistency the Protocols also include the Annual Meeting. These Protocols supplement the Outline of Requirements for Compliance with the Open Meetings Act dated August 7, 2014 and considered at the August 23, 2014 meeting of the Executive Committee.

**Responsible Persons:** The Shady Harbor Clerk is primarily responsible for implementing the requirements of the Open Meetings Act. The Moderator, with the Clerk's assistance, is responsible for the agendas of the Executive Committee and the Annual Meeting. The Committee Chairs are responsible for the agenda and minutes of their committees. The Shady Harbor website coordinator or others designated by the coordinator are responsible for Shady Harbor website posting and maintenance, and the Secretary of State filing coordinator is responsible for filings with the Secretary of State.

### Executive Committee:

1. Regular Meetings: Dates, times and places of next year's regular meetings should be determined at last Executive Committee meeting of each year. Clerk should post notice of dates, times and places at beginning of calendar year on two signposts, and cause notice to be posted on Shady Harbor website and on Secretary of State website.
2. Agenda: The Clerk, in consultation with the Moderator, prepares the Agenda for each meeting. The Agenda must specify the name of the committee, the date, time and place of the meeting, and the date the Agenda is to be posted on the signposts and Shady Harbor website and filed with the Secretary of State. The Agenda must specify the nature of the business to be conducted. Officers and Managers should notify the Clerk at least a week before the meeting of any item to be discussed or acted on. Failure to include an Agenda item may preclude action on that item at the meeting.
3. Posting and Filing of Agenda: Compliance with ADA requires the Agenda to be posted and filed earlier than 72 hours before the meeting. Under the Open Meetings Act at least 48 hours before the meeting (excluding weekends and state holidays), and on the date noted in the Agenda, the Clerk posts the Agenda on the two signposts, and causes the Agenda (a) to be posted (i) on the Shady Harbor website and (ii) at the building in which the meeting is to be held, and (b) to be filed with the Secretary of State. The Agenda and any reports or information to be considered should be emailed to all Committee members. It is recommended that the Clerk coordinate with the Shady Harbor website coordinator and the Secretary of State filing coordinator well before the planned date to post and file the Agenda, since the posting and filing of the Agenda have to occur on the date specified in the Agenda for posting and filing.
4. Maintaining Agendas: Copies of each Agenda should be retained by the Clerk permanently in the minute books. Copies of each Agenda should remain on the Shady Harbor web site for at least a year.

5. Minutes: Clerk should prepare minutes of meeting. Minutes should contain name of committee, date, time and place of meeting, names of members present and absent, wording of all motions, and record of each vote taken by individual member (or note that vote was approved by all members present, except for ... and specify names of members who oppose or abstain). Copies of all reports should be attached to the minutes.
6. Posting and Maintaining Minutes: Minutes must be prepared, retained by the Clerk and posted on the Shady Harbor website within two weeks of the meeting (but no later than the next regularly scheduled meeting). Minutes should be retained by the Clerk permanently in the minute books. Minutes should remain permanently on the Shady Harbor web site as an historical archive. The two week deadline may be extended to 35 days (but no later than the next regularly scheduled meeting), but only if a record of all votes taken and how each member voted is prepared, retained by the Clerk and posted on the website within two weeks of the meeting. Minutes must also be posted on the Secretary of State website within 35 days of the meeting.

#### **Finance Committee, Nominating Committee:**

1. Regular Meeting Schedule (if any): At end of each year Committee Chair should notify Clerk if there are to be any regular meetings during the next calendar year, and if so the dates, times and places of next year's regular meetings. Clerk should post notice of dates, times and places at beginning of calendar year on two signposts, and cause notice to be published on Shady Harbor website and on Secretary of State website.
2. Agenda: The Committee Chair, in consultation with the Clerk, prepares the Agenda for each meeting. The Agenda must specify the name of the committee, the date, time and place of the meeting, and the date the Agenda is to be posted on the signposts and Shady Harbor website and filed with the Secretary of State. The Agenda must specify the nature of the business to be conducted. Failure to include an Agenda item may preclude action on that item at the meeting.
3. Posting and Filing of Agenda: Compliance with ADA requires the Agenda to be posted and filed earlier than 72 hours before the meeting. Under the Open Meetings Act at least 48 hours before the meeting (excluding weekends and state holidays), and on the date noted in the Agenda, the Clerk posts the Agenda on the two signposts, and causes the Agenda (a) to be posted (1) on the Shady Harbor website and (ii) at the building in which the meeting is to be held, and (b) to be filed with the Secretary of State. The Committee Chair should email the Agenda and any reports or information to be considered to all Committee members. It is recommended that the Committee Chair coordinate with the Clerk well in advance of the date for posting and filing the Agenda, so the Clerk is prepared to post the Agenda on the signposts and coordinate with the Shady Harbor website coordinator and the Secretary of State filing coordinator well before the planned date to post and file the Agenda, since the posting and filing of the Agenda have to occur on the date specified in the Agenda for posting and filing.
4. Maintaining Agendas: Copies of each Agenda should be retained by the Clerk permanently in the minute books. Copies of each Agenda should remain on the Shady Harbor web site for at least a year.

5. Minutes: Committee Chair should prepare minutes of meeting. Minutes should contain name of committee, date, time and place of meeting, names of members present and absent, wording of all motions, and record of each vote taken by individual member (or note that vote was approved by all members present, except for ... and specify names of members who oppose or abstain).
6. Posting and Maintaining Minutes: Minutes must be retained by the Clerk and posted on the Shady Harbor website within two weeks of the meeting (but no later than the next regularly scheduled meeting).. Committee Chair must prepare and submit minutes to Clerk in time for Clerk to coordinate with the Shady Harbor website coordinator so minutes are posted within two weeks of the meeting. Minutes should be retained by the Clerk permanently in the minute books. Minutes should remain permanently on the Shady Harbor website as an historical archive. The two week deadline may be extended to 35 days (but no later than the next regularly scheduled meeting), but only if a record of all votes taken and how each member voted is prepared, retained by the Clerk and posted on the website within two weeks of the meeting. Minutes must also be posted on the Secretary of State website within 35 days of the meeting.

**What is a Meeting:** the convening of a **quorum** of a **public body** to discuss and/or act upon a matter over which the public body has supervision, control, jurisdiction, or advisory power, which includes work sessions. Sec. 42-46-2(1). Att. Gen. Guide, p. 3.

**What is a Quorum:** A **quorum** is a majority of the membership of a public body. Sec. 42-46-2(4)

**Annual Meeting (Technically Open Meetings law does not apply, but following protocols are for transparency and consistency; some of the protocols reflect charter and bylaw requirements):**

1. Regular Meeting Schedule: Date (fourth Saturday of July), time and place of next year's annual meeting should be determined by end of each year. Clerk should post notice of date, time and place at beginning of calendar year on two signposts, and cause notice to be posted on Shady Harbor website and on Secretary of State website.
2. Notice Mailed and Posted: The Clerk shall cause Notice of the Annual Meeting and the date, time and place to be emailed to all voters and posted on the Shady Harbor signposts and website not less than 7 nor more than 30 days before the meeting date. Agenda: The Moderator, in consultation with the Clerk, prepares the Agenda. The Agenda should specify the Shady Harbor Annual Meeting, the date, time and place of the meeting, and the date the Agenda is to be posted on the signposts and Shady Harbor website and filed with the Secretary of State. The Agenda must specify the nature of the business to be conducted. Officers and Managers should notify the Clerk at least a week before the meeting of any item to be discussed or acted on. Failure to include an Agenda item may preclude action on that item at the meeting.
3. Posting and Filing of Agenda: Compliance with ADA requires the Agenda to be posted and filed earlier than 72 hours before the meeting. Under the Open Meetings Act at least 48 hours before the meeting (excluding weekends and state holidays), and on the date noted in the Agenda, the Clerk posts the Agenda on the two signposts, and causes the Agenda (a) to be posted (i) on the

Shady Harbor website and (ii) at the building in which the meeting is to be held, and (b) to be filed with the Secretary of State. The Agenda and any reports or information to be considered should be emailed to all Shady Harbor members. It is recommended that the Clerk coordinate with the Shady Harbor website coordinator and the Secretary of State filing coordinator well before the planned date to post and file the Agenda, since the posting and filing of the Agenda should occur on the date specified in the Agenda for posting and filing.

4. Maintaining Agendas: Copies of each Agenda should be retained by the Clerk permanently in the minute books. Copies of each Agenda should remain on the Shady Harbor web site for at least a year.
5. Minutes: Clerk should prepare minutes of meeting. Minutes should state Shady Harbor Annual Meeting, the date, time and place of meeting, wording of all motions, and record of each vote taken. Copies of the Agenda and all reports, budgets and other written information considered at the meeting should be attached to the Minutes.
7. Posting and Maintaining Minutes: Minutes must be prepared and posted on the Shady Harbor website within two weeks of the meeting. Minutes should be retained by the Clerk permanently in the minute books. Minutes should remain permanently on the Shady Harbor web site as an historical archive. The two week deadline may be extended to 35 days (but no later than the next regularly scheduled meeting), but only if a record of all votes taken is prepared, retained by the Clerk and posted on the website within two weeks of the meeting. Minutes must also be posted on the Secretary of State website within 35 days of the meeting.