Forrest M. Bird Charter Schools No. 487

BOARD OF DIRECTORS **1510**

Open Meeting Law Compliance and Cure

Formation of Public Policy at Open Meetings

Forrest M. Bird Charter School recognizes that the formation of public policy is public business and shall not be conducted in secret. The Charter School further recognizes the goal of the Open Meeting Law is compliance, and that in order to achieve compliance, the Charter School must have the ability to correct any errors.

Violations

If an action, or any deliberation or decision-making that leads to an action, occurs at any meeting which fails to comply with the guidelines set forth in Idaho's Open Meeting laws, such action shall be null and void.

The Board may self-recognize an open meeting violation or receive written notice to the Clerk of the Board of an alleged violation. A civil complaint filed and served upon the Board may serve as written notice.

An individual Board member who conducts or participates in a meeting which violates the Open Meeting Law is subject to a civil penalty of up to $250. A knowing violation is subject to a civil penalty of up to $1,500. A second knowing violation within a 12 time period is subject to a civil penalty of up to $2,500.

Cure Provision

A violation may be cured by the Board upon:

1. The Board's self-recognition of a violation; or

2. Receipt by the Clerk of a written notice of an alleged violation. A civil complaint filed and served upon the Board may be substituted for other forms of written notice. Upon notice of an alleged open meeting violation, the Board shall have 14 days to respond publicly and either acknowledge the open meeting violation and state an intent to cure the violation or state that Board 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.

Following the Board's acknowledgment of a violation, the Board shall have 14 days to cure the violation by declaring as void all actions taken at or resulting from the meeting in violation of the Open Meeting Law.

Within 14 days of acknowledging the violation, and stating an intent to cure, the Board shall cure the violation by holding a properly noticed meeting to address the voided actions. The Board

may then address the voided actions and lawfully take the desired action in accordance with the Open Meeting Law. Curing the violation in this manner bars any civil penalty for an unintentional violation. Private enforcement actions are stayed during the cure period.

Ratification

Any suit brought for the purpose of having an action or decision declared null and void must be commenced within 30 days of the decision or action that results from an open meeting violation. Actions taken in violation of the Open Meeting Law are not void unless they are challenged within 30 days. Even where an action is not challenged within 30 days, it is the best practice to cure any known violation by holding a meeting in accordance with the law to ratify a decision or action that results from an open meeting violation.

Legal Reference:	I.C. § 74-201	Formation of Public Policy at Open Meetings
	I.C. § 74-202	Open Public Meetings – Definitions
	I.C. § 74-203	Governing Bodies—Requirement for Open Public Meetings
	I.C. § 74-204	Notice of Meetings
	I.C. § 74-208	Violations
	City of McCall v. Buxton, 146 Idaho 656 (2009).	

Policy History:
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