

Key Points of the Freedom of Information Act (FOIA)

- I. The Freedom of Information Act requires that all public records and meetings be open and accessible to the public, unless one of the statute's narrowly defined exceptions applies.
- II. To comply with FOIA's open meeting requirements, three is the magic number:

In order for three or more Board members to discuss public business, notice of the discussion must be provided at least three working days in advance.
- III. In order for the Board to take action, a quorum of the members must be physically assembled in one location that is open to the public. Once a quorum is assembled, other members may call into the meeting from remote locations provided that either substantially similar call-in options are also provided to the public or the requirements of the Board's Policy on Individual Participation in Meetings by Electronic Means have been satisfied.
- IV. The Board's Policy on Individual Participation in Meetings by Electronic Means requires that the following information be recorded in the meeting minutes: a) the general reason that the member is unable to attend the meeting; and b) the remote location from which the member participates. When such remote participation is due to a personal matter, such participation is limited by law to two meetings of the public body per member per calendar year.
- V. FOIA sets out detailed procedures by which the Board may go into closed session and exclude the public from attending its discussions. **NO BIRDWALKING IS PERMITTED - ONLY TOPICS IDENTIFIED IN THE MOTION TO GO INTO CLOSED SESSION MAY BE DISCUSSED.**
- VI. The Board must respond to a request for public records within five working days after the request is received.
- VII. A public record is determined by its content not the medium on which it is stored or communicated.
- VIII. FOIA applies only to existing records; it does not require that records be created.