

Open Records and Meetings Laws Do's and Don'ts

(a.k.a. How to avoid an Attorney General's opinion saying you screwed up)

DO:

Train staff on open records and meetings law requirements, including the location of the city's copy(ies) of the Open Records and Meetings Manual

Train staff on what records are subject to an open records exception

Emphasize that providing public access is a service to the people you serve—the public

Assure staff that it is proper to charge the actual cost of making copies

Always explain the basis for denying a person's request for records, even if it is because the records do not exist

If you cannot provide the records right away, let the person know when the records will be available (any delay must be reasonable) and stick to the deadline

Adopt a policy for staff to follow for responding to open records requests, especially for law enforcement records

Control the conduct of your meetings, including comments from members of the public

Always express clearly the reason and legal authority for an executive session

Develop a form notice that can be easily filled out for every meeting

Remember to file all notices with the city auditor

Take roll-call votes on all nonprocedural matters and have the results of those votes included in the minutes

DON'T

Don't react negatively to an open records request, no matter how big of a pest the requester is

Don't wait until the next council meeting to provide access or copies

Don't ask who the requester is or why he or she wants the records

Don't make the person submit the request in writing or in person

Don't charge more for copies than your actual expense, which will rarely exceed \$.25 and will usually be less

Don't wait for the person to make another request if you cannot immediately provide access or copies

Don't take too long to respond to a request

Don't forget to screen requested records to make sure they do not contain closed or confidential material

Don't prohibit people from recording or televising an open meeting

Don't routinely close a meeting to talk to your attorney; it can only be closed for "attorney consultation"

Don't forget to record all executive sessions

Don't attend a meeting for which public notice has not been given

Don't go beyond the topics included in the notice of a special or emergency meeting

Don't take any secret ballots or votes