

# MITCHELL || WILLIAMS

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## **ARKANSAS OPEN MEETINGS LAW FREQUENTLY ASKED QUESTIONS**

### **For what purposes may the Commission hold an executive session?**

Executive sessions may only be held to consider personnel matters concerning individual employees such as employment, promotion, demotion, discipline, or resignation. Reviewing applications and developing interview lists are permissible subjects for executive sessions. Executive sessions may also be held to address a salary issue involving a specific individual but not broad salary issues.

### **How are executive sessions called?**

At a meeting, at which proper notice was given, an executive session may commence if the purpose of the executive session is announced in public before going into executive session.

### **Who may be present during an executive session?**

If the executive session is being held to consider a personnel matter, the Director, the immediate supervisor of the employee involved in the matter and/or the involved employee may be present if requested by the Commission. If the Commission is conducting interviews for the position of Director, the interviewee may be present if requested by the Commission. No other persons are permitted to be present during an executive session, including, but not limited to, legal counsel.

### **What information about an executive session is public?**

An action, including the approval or rejection of a proposal, taken in executive session is legal only if following the executive session the Commission reconvenes in public session and presents and votes on the proposal. If no action is taken during the executive session, the board need only to reconvene in public the session and announce that no action was taken.

### **Are documents distributed or notes taken during an executive session subject to release under the Freedom of Information Act?**

Documents distributed or notes taken by persons present during an executive session are not automatically exempt from disclosure under the Freedom of Information Act ("FOIA"). Whether a document distributed or notes taken during an executive session is subject to release under the FOIA depends upon whether the note itself would be otherwise protected from disclosure under other provisions of the FOIA.