

## Tips for Meetings of “Public Bodies”

The Freedom of Information Act (FOIA), S.C. Code 30-4-10, *et seq.*, generally requires public bodies to hold meetings in public.

### **Key Definitions:**

A “Meeting” means the convening of a quorum of the constituent membership of a public body, whether corporal or by means of electronic equipment, to discuss or act upon a matter over which the public body has supervision, control, jurisdiction or advisory power.

“Quorum” unless otherwise defined by applicable law means a simple majority of the constituent membership of a public body.

### **Dos**

**Do** provide public notice of gatherings in person or by electronic means where a majority of the task force or subcommittee will be in attendance. *DHEC staff will handle issuing notices for meetings upon the chairman’s direction.*

**Do** provide a meeting agenda for issuance with the public notice. *DHEC staff can assist in drafting the agenda for approval by the chairman.*

**Do** provide information to members prior to meeting so they can be prepared to discuss the information at the meeting. *DHEC staff can assist in distributing materials to members by email or otherwise.*

**Do** keep written minutes of meetings. *DHEC staff can assist in keeping meeting minutes for approval by the chairman. Minutes don’t have to be voluminous, but must include:*

- *The date, time and place of the meeting;*
- *The members recorded as either present or absent;*
- *The substance of all matters proposed, discussed or decided and, at the request of any members, a record, by an individual member, of any votes taken; and*
- *Any other information that any member requests be included or reflected in the minutes.*

### **Don’ts**

**Don’t** deliberate substantive issues with a majority of the membership by email. *Email can be helpful to get information out to members, but discussions on the substantive issues should be held in open meetings.*

**Don’t** forget documentary materials prepared, used, in the possession of or retained by the task force or subcommittee are public records. These include emails. *Public records are subject to inspection by anyone under FOIA and must be retained.*