



Authorities Budget Office Executive Session Quick Reference Guide

- Do:**
- Conduct most authority business in meetings that are open to the public.
 - Interpret OML exemptions narrowly and err on the side of disclosure.
 - Be as specific as possible and provide as much detail as possible in the motion about which statutory exemption is applicable.
- Do Not:**
- Enter into executive session for any reason other than the eight (8) specific subject-area exemptions provided in OML Section 105.
 - Cite vague reasons such as “litigation” or “personnel” or simply repeat the statutory language in the motion to enter into executive session.

A Non-Exhaustive List of Common Mistakes

<u>Exemption</u>	<u>Don't Say</u>	<u>Do Say</u>
Litigation	“Legal” or “to discuss legal matters” or “to discuss proposed, pending or current litigation” or “to discuss potential litigation”	<ul style="list-style-type: none"> ● “To discuss litigation strategy in <i>XYZ v. Board case.</i>” ● “To discuss litigation strategy in the board’s proposed suit against a particular individual/entity” ● <i>Note:</i> The individual/entity name does not need to be disclosed if it could adversely affect the interests of the Board.
Property Transactions	“To discuss the purchase and sale of certain real property.”	<ul style="list-style-type: none"> ● “To discuss the proposed acquisition of real property where the value could be significantly affected by public disclosure.” ● <i>Note:</i> The specific property does not need to be disclosed.
Personnel	“To discuss personnel” or “personnel matters or decisions,” generally.	<ul style="list-style-type: none"> ● “To discuss matters pertaining to the employment history of a particular person.” ● <i>Note:</i> The person’s name does not need to be disclosed.
Corporations	“To discuss the authority’s own finances.” <i>Note:</i> Discussion of the authority’s finances should be open to the public.	<ul style="list-style-type: none"> ● “To discuss the financial history of a particular third-party corporation.” ● <i>Note:</i> The third-party corporation’s name does not need to be disclosed.
Collective Bargaining	“To discuss contract negotiations.”	<ul style="list-style-type: none"> ● “To discuss collective bargaining negotiations involving XYZ public employee union.” ● <i>Note:</i> The specific union should be disclosed.
Public Safety	“To discuss matters of public safety.”	<ul style="list-style-type: none"> ● “To discuss matters which could endanger public safety if disclosed.”
Misc. issues.	Strategic planning, marketing, contracts, sales, legislation, economic development.	<ul style="list-style-type: none"> ● It is never permitted to utilize executive session for these commonly used reasons as they are not an authorized exemption.