

PUBLIC RECORDS

LA. CONST. ART. XII, SEC. 3; LA R.S. 44:1 ET SEQ.

- The general rule: the public has a right to copy, inspect, or reproduce documents produced by a public body, unless there is an exception in the Public Records Law
- The Councils on Aging are pseudo-governmental and must adhere to Public Records Law
- The custodian of the records bears the burden to prove a document is not subject to disclosure
- A response to any public records request should be made within 3 days of receipt
- If the records are not subject to Public Records Law, that exception must be given in writing, and refer to the provision of law that prevents disclosure
- If the custodian does not possess the requested records, the requester must be informed
- The custodian cannot ask why the request is being made
- The custodian may collect reasonable fees for copies
- Public records can be documents or electronic communications used for the performance of business
- If there is a reasonable expectation of privacy of an individual, some records (such as human resources documents) may not be disclosed
- Any person denied the right to inspect or copy a record, either by final determination or a lack of response by the Council on Aging within 5 days, may file a lawsuit and can request attorney fees, costs, and damages, which would be paid by the Council

OPEN MEETINGS

LA. R.S. 42:11 ET SEQ.

- An open meeting is a quorum of a public body called to act or receive information over which the public body has supervision
- Chance meetings or social gatherings of members of a public body, at which there is no vote or other action taken are not considered open meetings
- Members must be physically present at a meeting to achieve a quorum, and must be physically present to vote; proxy voting is not allowed
- All votes shall be recorded in the minutes, which are public records
- The public body must allow an opportunity for public comment prior to action on an agenda item; reasonable rules of conduct for public comment may be adopted by the public body
- Unanimous approval of the public body, and an opportunity for public comment, is needed before an agenda item is added at the meeting; bringing up an item out of order may not be used to avoid Open Meetings Law
- Public bodies must give at least 24 hours' written notice before any meeting
- The written notice must contain the agenda, and the time, date, and place of the meeting
- The notice shall be placed at the place of the meeting or the official office of the public body, and must be posted on the website of the public body
- The minutes of a meeting must include: the time, date, and place of the meeting; the members of the public body, marked present or absent; the substance of all matters decided, and at the request of any member, a record of the votes taken; and any other information the public body requests
- An executive session, which is closed to the public, may be held by the public body for very limited reasons, including the discussion of the character or competence of an individual (who must be given 24 hours' notice), or to discuss prospective litigation after a formal written demand
- 2/3 of the members must vote in the open meeting to enter an executive session, and the minutes must reflect the reason for holding the closed session
- No final decisions may be made in executive session, and it cannot be used to circumvent the purpose of the Open Meetings Law