

PART 1600—GENERAL INFORMATION

MEETINGS OF THE BOARD OF DIRECTORS OF THE RURAL TELEPHONE BANK

Sec.

- 1600.1 General.
- 1600.2 Definitions.
- 1600.3 Open meetings.
- 1600.4 Scheduling of meetings.
- 1600.5 Public announcement of meetings.
- 1600.6 Bases for closing a meeting to the public.
- 1600.7 Procedures for closing a meeting to the public.
- 1600.8 Transcript, recording or minutes; availability to the public.

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MEETINGS OF THE BOARD OF DIRECTORS OF THE RURAL TELEPHONE BANK

§ 1600.1 General.

The purpose of this part is to effectuate the provisions of the Government in the Sunshine Act. This part applies to the deliberations of a quorum of the Directors of the Bank required to take action on behalf of the Bank where such deliberations determine or result in the joint conduct or disposition of official Bank business. Any deliberation to which this part applies is hereinafter in this part referred to as a meeting of the Board of Directors.

§ 1600.2 Definitions.

As used in this part:

Board means Board of Directors of the Rural Telephone Bank (Bank).

Director means an individual who is a member of the Board.

Legal Counsel means the legal counsel of the Bank.

Meeting means the deliberations (including those conducted by conference telephone call or by any other method) among a quorum of the Directors, where such deliberations determine or result in joint conduct of official business of the Board. For purposes of this part, each item on the agenda of a meeting is considered a meeting or a portion of a meeting. To the extent that the discussions do not result in the beginning of deliberations or achieve a consensus on a matter of offi-

cial agency business or effectively predetermine official actions, the term *Meeting* does not include:

(1) Deliberations to determine whether a meeting or portions of a meeting will be open or closed or whether information pertaining to closed meetings will be disclosed;

(2) Calling a meeting at a date earlier than announced as provided in §1600.5;

(3) Changing the subject matter of a publicly announced meeting as provided in §1600.5;

(4) Disposition of Board business by circulation of materials to individual Board members;

(5) Staff briefings of Board members;

(6) Informal background discussions among Board members and staff which clarify issues and expose varying views; or

(7) Sessions with individuals from outside the Bank where Board members listen to a presentation and may elicit additional information.

Open to public observation means the right of any member of the public to attend and observe, but not participate or interfere in any way in an open meeting of the Board.

§ 1600.3 Open meetings.

(a) Except as provided for in §1600.6 every portion of every meeting of the Board shall be open to public observation. Observation does not include participation or disruptive conduct by observers, and persons engaging in such conduct will be removed from the meeting. Documents being considered at meetings of the Board may be obtained subject to the exemptions set forth in §1600.8.

(b) Board members shall not jointly conduct or dispose of official Board business other than in accordance with this part.

(c) The Secretary of the Board shall be responsible for assuring that ample space, sufficient visibility, and adequate acoustics are provided for public observation of meetings of the Board.

§ 1600.4 Scheduling of meetings.

A decision to hold a meeting of the Board should be made as provided in the bylaws of the Bank and at least ten days prior to the scheduled meeting date in order for the Secretary of the

§ 1600.5

7 CFR Ch. XVI (1-1-08 Edition)

Bank to give the public notice required by § 1600.5. Special meetings of the Board may be held on less than ten days notice if a majority of the Board determines by a recorded vote that Bank business requires that the special meeting be held on less than ten days notice. After public announcement of a meeting of the Board under the provisions of § 1600.5, the subject matter thereof, or the determination to open or close a meeting, or portion thereof, may only be changed if a majority of the Directors determines by a recorded vote that business so requires and that no earlier announcement of the change is possible.

§ 1600.5 Public announcement of meetings.

(a) Except as otherwise provided in this section, public announcement of open meetings and meetings or portions thereof closed under § 1600.7 will be made at least seven days in advance of each meeting. Except to the extent that such information is determined to be exempt from disclosure under § 1600.6, each such public announcement will state the time, place, and subject matter of the meeting, whether it is to be open or closed to the public, and the name and telephone number of the official designated to respond to requests for information about the meeting. Each such announcement shall be submitted for publication in the FEDERAL REGISTER. Copies of the announcement shall also be mailed to holders of Class B and Class C Bank stock.

(b) If a meeting is closed, the Board may omit from the announcement information usually included, if and to the extent that it finds that disclosure would be likely to have any of the consequences listed in § 1600.6.

(c) Where a majority of the Board members determine by recorded vote that Bank business requires that a meeting be called on less than ten days notice, public announcement shall be made at the earliest practicable time. Such announcement will state the time, place, and the subject matter of the meeting, whether it is to be open or closed to the public, and the name and telephone number of the official designated to respond to requests for information about the meeting.

(d) The time or place of a meeting may be changed following the public announcement required by paragraph (a) of this section only if the Secretary publicly announces such change at the earliest practicable time. The subject matter of a meeting, or the determination of the Board to open or close a meeting, or portion of a meeting, to the public, may be changed following the public announcement required by this section only if:

(1) A majority of the Directors determines by a recorded vote that business so requires and that no earlier announcement of the change was possible; and

(2) The Secretary publicly announces such change and the vote of each Director upon such change at the earliest practicable time.

(e) The earliest practicable time, as used in this subsection, means as soon as possible, which should in few, if any, instances be later than the commencement of the meeting or portion in question.

(f) Each person interested in attending an open meeting of the Board should notify the Assistant Secretary of the Board at least one business day prior to the open meeting of their intention to attend the meeting. Any person who fails to do so may not be accommodated if there is insufficient space in the meeting room.

§ 1600.6 Bases for closing a meeting to the public.

(a) A portion or portions of a Board meeting may be closed to the public and any information pertaining to such meeting otherwise required by § 1600.3 to be disclosed to the public may be withheld, where the Board determines that public disclosure of information to be discussed at such meetings is likely to:

(1) Disclose matters that are:

(i) Specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy; and

(ii) In fact properly classified pursuant to such Executive Order.

(2) Relate solely to the internal personnel rules and practices of the Bank;

(3) Disclose matters specifically exempted from disclosure by statute