

EXECUTIVE SESSIONS - A QUICK GUIDE

- A. To recess a meeting for executive session, the law requires that the Board take three procedural steps:
1. A motion must be made during an open meeting to enter into executive session;
 2. The motion must identify “the general area or areas of the subject or subjects to be considered”; and
 3. The motion must be carried by a majority vote of the total membership of the Board
- B. The law specifies and limits the subject matter that may appropriately be discussed in executive session. The eight subjects that may be discussed behind closed doors include:
1. matters which will imperil the public safety if disclosed;
 2. any matter which may disclose the identity of a law enforcement agency or informer;
 3. information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
 4. discussions regarding proposed, pending or current litigation;
 5. collective negotiations pursuant to Article 14 of the Civil Service Law (the Taylor Law);
 6. the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;
 7. the preparation, grading or administration of examinations; and
 8. the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.
- C. The above subjects are the only ones that may be discussed behind closed doors; all other deliberations must be conducted during open meetings, unless specifically exempted by law (e.g., CSE, § 3020-a, quasi-judicial and legally privileged matters).
- D. A Board can never vote to appropriate public monies during a closed session.
- E. An executive session can be attended by members of the Board and any other persons authorized by the Board.
- F. The Board need not take a formal vote to leave executive session. Rather, a vote should be taken in public to reconvene.