

TITLE 4: ECONOMIC RESOURCES
DIVISION 3: BUSINESS AND PROFESSIONS

§ 3112. Meetings; Meetings by Electronic Means.

(a) *In general:*

(1) The Board shall act at its meetings, or as otherwise provided by law.

(2) The Board shall make provision for the attendance of members by electronic means, if a member so requests.

(3) Meetings shall be noticed as required by law.

(4) A copy of meeting materials distributed to the members shall be available to any person for review at the meeting site, except for materials subject to confidentiality or privilege as permitted or required by law.

(b) *Time.* The time for the regular meetings of the Board shall be established by action of the Board for each year, except as otherwise permitted or provided by law.

(c) *Location.*

(1) Regular meetings shall be held at such place as the Board may establish by regulation, and the location shall be properly noticed to the public.

(2) The Board may meet by electronics means, and any member may attend a meeting by electronic means.

(3) When the Board meets by electronic means, access to the meeting shall be freely given through the noticed site so that any person attending shall have the same access to the meeting as each attending member at the site. This may include use of a speaker phone or video conferencing equipment for a conference call meeting.

(4) Votes of members may be received by electronic means and announced at a meeting.

(d) *Quorum.* Three members are necessary to make a quorum and a majority of the members then in office shall constitute a quorum for the transaction of business at any Board meeting, or for approval of those matters needing approval of the Board. One or more vacancies in the Board shall not impair the right of the remaining members to constitute a quorum and exercise all the powers of the Board.

(e) *Open Meetings.* Board meetings and hearings shall be open to the public, as provided in the Open Government Act, 1 CMC §§ 9901-18, as amended.

(f) *Conduct of Meetings.* Unless the Board adopts regulations that provide for other procedures, the latest edition of Robert's Rules of Order shall govern the proceedings of the Board.

(g) *Regular Meetings.* Regular meetings shall be held as determined by the Board.

(h) *Special Meetings.* Special meetings may be held from time to time, and shall be duly noticed by the Board.

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(i) *Executive Session.* Ordinarily the Board's meetings shall be open to the public. The Board may meet privately, in executive session, for the following purposes:

(1) To discuss personnel matters, including the hiring, firing and discipline of staff and/or contractors;

(2) To discuss pending or potential litigation or investigations;

(3) To discuss aspects of the Board's business affairs that are confidential and/or proprietary by law;

(4) To discuss a matter that may give rise to a conflict of interest, or an appearance of a conflict, with the discussion taking place in the absence of the member(s) related thereto; and

(5) To address other matters permitted by law.

(j) *Discussions by electronic means.*

(1) The Board may discuss a matter over time by electronic means, as well as in real time, provided that access to the discussion shall be publicly given so that a person seeking to review the discussion as it happens shall have substantially the same access to the discussion as each participating member.

(2) Typically such a discussion shall be by electronic bulletin board open to the view of the public.

(3) Such discussion shall be noticed according to the Board's regulations and shall comply with Commonwealth law regarding open meetings.

(4) The Board shall arrange for a person, upon request, the reasonable use of a public-available electronic means at the Board's office with internet access in order to allow review of the discussion.

(k) *Accessibility.* The Board shall comply with the accessibility requirements required by law and may upon a person's request accommodate other special needs relating to sight, sound, language or location.

Source: PL 17-39 § 4(3112) (April 21, 2011), modified.

Commission Comment: The Commission changed capitalization and italicized subsection titles in this section.