

Notice and Open Meeting Act Requirements for Adopting Floodplain Management Regulations for Post 80 Communities

1. **Review of Current Ordinance or Regulations** – OWRB staff receives request for ordinance assistance from community-or staff conducts a CAC or CAV.
2. **Ordinance/Regulations Review** – OWRB staff determines that the local communities ordinance or regulations are not compliant with current NFIP Standards- 44 CFR 59.1- 60.3 a, b, c or d and the Oklahoma Floodplain Management Act. Possible problems include incorrect adoption/approval process, definitions lacking, incorrect map listed in ordinance/regulations, floodplain board established incorrectly, no Severability clause, no penalty clause, Open Meeting Law not met, etc. If inaccuracies found, the floodplain administrator should coordinate with the Oklahoma Water Resources Board (OWRB) State Floodplain Coordinator to update regulations appropriately.
3. **Notice of public hearing 30 days in advance** - Once the local Floodplain Board is satisfied as to the accuracy and correctness of the new regulations, the local Floodplain Board provides notice of public hearing on proposed amendment to floodplain regulations.
 - (a) Notice of hearing on proposed amendments to floodplain regulations, including an amendment to incorporate the current flood map by reference, must be published in a newspaper of general circulation in the county at least 30 days prior to a hearing on proposed amendments
 - (b) Notice must be separately provided to the OWRB at least 30 days in advance of the public hearing
 - (c) The notice must include the time and place of the hearing, along with a general statement as to the proposed action, such as the following suggested statement:

“Notice of Public Hearing “

The public is hereby given notice there will be a public hearing at _____ on 200__, at the _____, _____ County, _____, Oklahoma. In accordance with the O.S. 1982, Title 82, Section 1610B, the purpose of the hearing will be to allow _____ residents and other interested citizens the opportunity to voice opinions and views regarding the proposed rules and regulations developed by _____ Floodplain Board, governing land use, building of structures, and construction in the (incorporated or unincorporated areas) of _____. A copy of the Floodplain Board Regulations can be examined and inspected including the current flood map at the _____ during the business hours of _____ a.m. to _____ p.m. on any business day. All interested persons are encouraged to attend and make known their opinions. Dated the _____ day of _____ 200__ at _____, (town name), Oklahoma.

4. **Open Meeting Act notice of public meeting** – Because the Local Floodplain Board is a “public body”, and a gathering of its members to conduct business is a “meeting”, the Open Meeting Act applies. Note the difference in “public *hearing*” and “public *meeting*” in this context.
 - (a) **Regular meeting** - If the hearing on adopting the new maps is to be conducted at a “regularly scheduled meeting” of the Local Floodplain Board, notice of “regularly scheduled” meetings of county public bodies must be given to the county clerk by December 15 for meetings scheduled during the following calendar year, so that will have been taken care of.
 - (b) **Special meeting** - If the hearing is to be conducted during a “special meeting” of the Local Floodplain Board (which is the typical situation), in addition to 30 days notice of *hearing* published in the newspaper and provided to the OWRB, notice of the *meeting* must be given to the County Clerk at least 48 hours prior to the “special meeting”
 - (c) **Agenda posting and contents** – Separate from providing notice of the public hearing in a newspaper and OWRB, and separate from providing notice of the regular or special meeting to the county clerk, the Open Meeting Law requires the posting of the agenda of the meeting at least 24 hours prior to the meeting. The 24 hours excludes Saturdays, Sundays and state legal holidays. A meeting agenda should include a specific item about the hearing: for example: “Public Hearing and Consideration of Adoption of an Amendment to Floodplain

Regulations to Incorporate New Flood Insurance Rate Map panels prepared by the Federal Emergency Management Agency” or Updated/Revised Floodplain Management Regulations.

5. **Hearing, Public Comments, Minutes** - New maps presented to public, public comments if any received regarding proposed amendments to regulations. If there is Board action taken at this time minutes of the meeting including hearing and individual votes must be recorded.
6. **Regulations Adopted, Separate Floodplain Board meeting** – Local floodplain board holds meeting at some time after the hearing, they consider the comments received at the hearing, if consensus was obtained, action is taken for Regulation Adoption- regulations certified-signed, resolution acted upon and Open Meeting Act verified by separate document provided by OWRB. (Note if there are any major or significant changes proposed to the regulations, OWRB review is required before action is taken.
7. **County Commissioners must then approve adopted regulations** - At a regularly scheduled meeting or at a Special Meeting of the Board of County Commissioners, City Council or Board of Trustees, the legal official body can consider a resolution to approve the amendments to the floodplain regulations adopted by the Local Floodplain Board. Open Meeting Act requirements separately apply.
8. **Copies of approved adopted regulations** - Copies of approved adopted floodplain regulations, incorporating the new FIRM panels by reference to panel number and date, are filed with the Local Floodplain Administrator’s office, the County Clerk, and the OWRB.
9. **OWRB Action:** Regulations received are reviewed to ensure compliance and if so forwarded to the FEMA Regional Office and the CIS is updated appropriately.