

Elting Library

Board Meeting Procedures

(Based on recommendations from The Handbook for Library Trustees of New York State, 2015 ed.)

Open Meetings, Executive Sessions, Minutes, Quora

All public libraries in New York, including association libraries, are subject to the Open Meetings Law (see Education Law § 260-a and Public Officers Law, art. 7). Board meetings must be properly posted and advertised and open to the public. In addition, working sessions of the board (even if they are not formal meetings) must be advertised and open if a quorum of the board is expected to attend. Notice of all board meetings must be sent to the news media, noted on the website and posted in a public place such as the library bulletin board. Educational sessions in which the board does not conduct business are exempt from Open Meetings Law.

Under Open Meetings Law when a document “is scheduled to be the subject of discussion by a public body during an open meeting,” the legislation requires the public body, with reasonable limitations, to make the record available to the public prior to the meeting. Optimally, the record will be made available online. If that cannot be done, the record can be made available in paper form in response to a request.

Executive Sessions

Executive sessions, meetings from which the public and the news media may be excluded, must be convened during an

open meeting for a limited number of specific purposes.

Those which usually apply to libraries are:

- Discussions regarding proposed, pending or current litigation;
- Collective bargaining negotiations pursuant to Article 14 of the Civil Service Law (the Taylor Law);
- 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;
- 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.

An executive session is convened only as part of a public board meeting, not as a separate meeting. The board must vote to enter executive session and state the general nature of the session for its minutes.

The board may invite advisors into an executive session with them such as the library director, system consultant or the library's lawyer. The library director should almost always be invited in to an executive session unless the board is discussing a personnel matter related to that person.

The board is permitted to take formal action and vote on any matter in executive session except the appropriation of public monies. However, such actions must be detailed in minutes of the executive session. It is usually advisable to adjourn from the executive session and return to the regular

meeting to take any formal action or approve specific resolutions.

There is nothing in the Open Meetings Law that would preclude members of a public body from conferring individually, by telephone, via mail or e-mail. However, a series of communications between individual members or telephone calls among the members which results in a collective decision, a meeting or vote held by means of a telephone conference, by mail or e-mail would be inconsistent with law.

Minutes

Minutes of all board meetings are required by the Open Meetings Law. They, along with financial statements and other official records, should be kept in a secure but accessible place and available to the public upon request. (Posting them on the Elting website is a preferred practice.)

Minutes of a regular session of the board must consist of "a record or summary of all motions, proposals, resolutions, and any other matter formally voted upon and the vote thereon." The minutes must reflect how each Board member voted on such actions. (Public Officers Law § 87 [3] [a])

Minutes of executive sessions are required only if the board took formal action in the executive session. If no vote or other action is taken, no minutes are required.

Otherwise, the minutes of an executive session must provide "a record or summary of the final determination" or action the board took in the session. These minutes must also be available for public inspection within two weeks.

Quorum

Education Law § 226 (1) states that a “majority of the whole number [of trustees, regardless of vacancies] shall be a quorum.” Board members must be present to vote.

Teleconferencing does not meet the requirements of the Open Meetings Law. (Videoconferencing is permitted, but the videoconferencing sites must be open to the public and cited in the notice of the meeting.) Proxies do not meet the requirements of the law. Tie votes defeat the motion.

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