

WLS Trustee Institute

Board Meeting Minutes & Open Meetings Law

Thursday, April 27, 2017

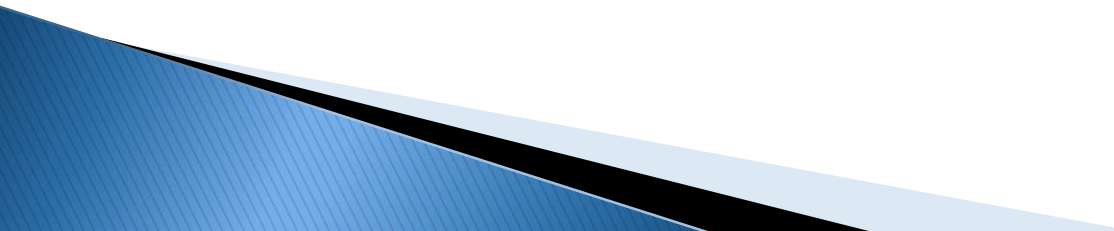
Elise Burke
WLS Executive Assistant
eburke@wlsmail.org; 914-231-3225



westchester
LIBRARY SYSTEM

Empowering libraries. Empowering communities.

TOPICS TO COVER

- ▶ Board Meeting Minutes
 - What should and should not be included
 - NYS Open Meetings Law timeframe for completion
 - Methods for access and retention
- 

Main Resources

- ▶ [NYS Committee on Open Government](#)
Robert J. Freeman, Executive Director
- ▶ [Handbook for Library Trustees of New York State](#)
Jerry Nichols, Palmer School of Library and Information Science Long Island University, Brookville, New York & Rebekkah Smith Aldrich, Mid-Hudson Library System, Poughkeepsie, NY
- ▶ *Mina's Guide to Minute Taking: Principles, Standards & Practical Tools*
Eli Mina

Board Meeting Minutes

- ▶ Having Minutes taken at meetings is nothing new – but why?
 - State Requirement
 - Important legal significance; evidence in court should a vote be challenged
 - To have a record of what happened and library votes taken accessible to the public
 - Create a historical legacy of an organization; Reference for understanding of current policies / procedures

What to include?

REGULAR MEETINGS

▶ Legal Requirements:

- “...a record or summary of all motions, proposals, resolutions, and any other matter formally voted upon and the vote thereon.” ([NYS OML S.106](#))
- Must reflect how each Board member voted on such actions. ([Public Officers Law S.87\[3\]\[a\]](#))
- Attendance

▶ Implied Practices:

- Attendance
- Summary of discussions/issues relating to votes

Executive Session

[Click here for Robert Freeman's video](#)

§105. Conduct of executive sessions.

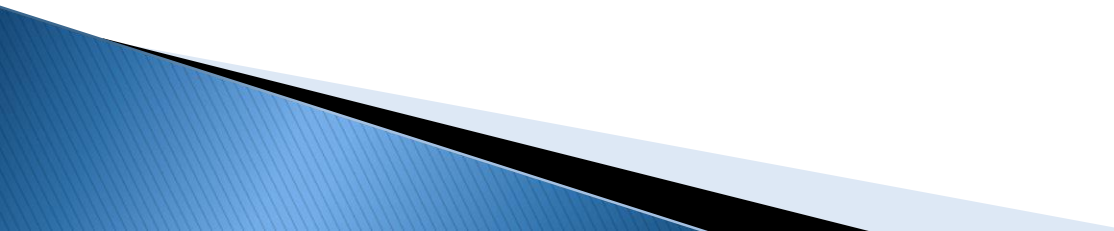
1. Upon a majority vote of its total membership, taken in an open meeting pursuant to a motion identifying the general area or areas of the subject or subjects to be considered, a public body may conduct an executive session for the below enumerated purposes only, provided, however, **that no action by formal vote shall be taken to appropriate public moneys:**

- a. matters which will imperil the public safety if disclosed;
- b. any matter which may disclose the identity of a law enforcement agent or informer;
- c. information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
- d. discussions regarding proposed, pending or current litigation;
- e. collective negotiations pursuant to article fourteen of the civil service law;
- f. 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;
- g. the preparation, grading or administration of examinations; and
- h. 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.

2. Attendance at an executive session shall be permitted to any member of the public body and any other persons authorized by the public body.

- ▶ Minutes required ONLY if the board took formal action in the executive session
- ▶ Must provide “a record or summary of the final determination”
- ▶ Need to go back to “regular” meeting in order to take formal vote

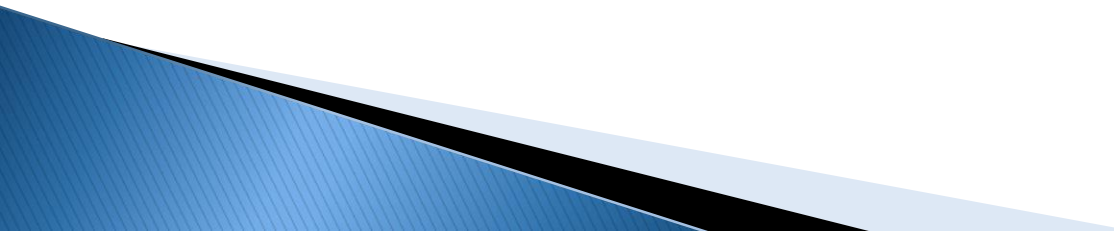
Summary of Best Practices

- Key principles from *MINA'S GUIDE TO MINUTE TAKING*:
 - Accuracy & completeness – use of “pending approval” or “approved”
 - A Collective Focus: focus primarily on the group as a whole, not on what each individual said or did
 - Objectivity: Do not include subjective interpretations of the mood of the meeting or the tone in which comments were made
 - Consistency: Use the same general look and style
 - Readability: Use clear layout; make easy to read
 - Logical Flow: logically organize the minutes even if the meeting itself was fragmented and confusing
- 

Timeframe

- ▶ Minutes must be **on hand for public inspection** within **2 WEEKS** of the meeting and within **1 WEEK** of an Executive Session, even if they have yet to be approved
- ▶ Nothing in law requires that Board Minutes be approved
- ▶ Meeting Notice must be given per Open Meetings Law:
§104. Public notice.
 1. Public notice of the time and place of a **meeting scheduled at least one week prior thereto** shall be given or electronically transmitted to the news media and shall be conspicuously posted in one or more designated public locations at least **seventy-two hours** before such meeting.
 2. **Public notice of the time and place of every other meeting** shall be given or electronically transmitted, **to the extent practicable**, to the news media and shall be conspicuously posted in one or more designated public locations at a reasonable time prior thereto.

Archivability

- ▶ Use standardized names of computer files (consistent word strings)
 - ▶ Ensure any attachments referred to in the minutes are included with the file copy
 - ▶ Store in one place (electronically or paper)
 - ▶ Good scanning project (OCR capability)
 - ▶ PERMANENT RECORD
- 

Discussion

- ▶ Ways to make life easier:
 - Have a dedicated person to take the minutes who does not have to participate in the meeting
 - Set a standard style for your minutes
 - Establish Archive procedures

 - ▶ Challenges / Successes
- 