



Board & Leadership Planning Retreat

Wednesday, March 21, 2007 ~ 7- 9:30 pm ~ Ciba Café

“Opportunities for Participants & Board Members to be Proactive Advocates for their Library ... Inspired & Motivated to Generate Resources, New Leadership & Program Initiatives”

Working Agenda: Talking Points

Welcome & Greetings

Siobhan Reardon
Director, WLS

Review the purpose of the workshop; Overview of WLS’s mission; An assessment of current programs & an exploration of new funding & program initiatives: A blended perspective.

An exploration of WLS’s new Trustee Institute.

Board Members’ Role & Responsibilities

[Handbook for Library Trustees of New York State
www.nysalb.org/reference/2005handbook.pdf]

Gae Savino & Rob Miss

Partners, Resource
Development Counsel (RDC)

Exercise: Why do you serve on the board?

Exercise: Define partnership and its relationship to board advocacy.

- Fiduciary: Strategic planning, accountability
- Programmatic: Affinity to mission
- Financial: Revenue, marketing
- Advocacy: Community outreach
- Spokesperson: Library Director

Taking Inventory: “The Who” Board Involvement & Effectiveness

Gae Savino & Rob Miss

- Exercise: Staff versus board, Who does what?
- Exercise: A self-assessment. How am I doing?
Each board member will take inventory of their personal level of involvement (committee involvement, assignments).

- Exercise: An analysis of current board composition.
“Who do we have at the table?” Who do we need?
What are our recruitment goals?
What skills/professional expertise must be represented?
What resources do we need to add to the board?
How do we identify and recruit them?

Throughout the evening, RDC will offer tangible suggestions on ways to increase board members’ level of commitment and involvement.

BREAK

An Exploration to Enhance the Board & Discover Community Partnership Opportunities

Exercise: “Who knows whom?”
Using prospect review sessions to identify new potential board members and community partners to generate revenue.

Working in collaboration, library board members and staff will learn how to conduct prospect review sessions to identify new potential board members, donor prospects and program partners/collaborators to increase revenues and enhance the usership.

Summary & Closing Remarks: Next Steps Ensemble

What progress would you like to see the board make over the coming year?

Follow-up Action Steps: Board Recruitment & Community Outreach Plan

- What board activities/tasks are to be accomplished to inspire, motivate and generate a greater proactive culture on the board?
- Who is responsible for which assignments/tasks/activities?
Specify board members’ involvement on specific assignments identified throughout the evening.
- The timeframe when assignments would be implemented.

Board Roles & Responsibilities

Fiduciary, Programmatic & Financial

Fiduciary: Accountability, Stewardship

Board members must fulfill certain legal requirements in the public's interest:

- ensure the filing of the 990's & maintenance of incorporation documents
- participate in the drafting, review of by-laws
- oversee financial reports, annual audits
- provide sound investment oversight
- prevent conflicts of interest (e.g., financial & business benefits)
- identify & recruit new board members.

Board Roles & Responsibilities

Fiduciary, Programmatic & Financial

Programmatic: Affinity to mission

Board members:

- define, examine & advance the library's mission
- draft & review board development, funding-raising, marketing & community relations programs
- conduct periodic strategic planning
- set program, funding, marketing & community relations priorities
- approve governance, fund raising policies & new initiatives
- review & approve budget allocations
- review the executive director's performance annually.

Board Roles & Responsibilities

Fiduciary, Programmatic & Financial

Financial: “Give & Or Get”

Board members are encouraged to actively participate in & financially support the library’s fund-raising, marketing & community relations initiatives throughout the year.

Board members:

- identify & secure new funding resources necessary to advance the library’s mission
- oversee the annual budget as well as fund raising/development reports
- maintain sound financial/investment policies & practices
- authorize & monitor accounting procedures.

Board Member: Job Description

“Advancing the library through active board involvement.”

Criteria and expectations for board membership

- lend credibility & instill confidence
- invest time, resources, energy & talents
- actively work to achieve the library’s strategic goals
- participate at board orientation, special events & meetings
- provide personal financial support
- identify & recruit new board members
- provide entrée to annual giving & major gift prospects
(individuals, corporations, foundations & government funding sources);

Board Member: Job Description

"Advancing the library through active board involvement."

- actively involved in the fund-raising process
- provide entrée to media contacts for enhanced visibility
- advocate & serve as a community ambassador
- serve on at least one board committee
(e.g. Executive; Nominating; Finance; Development --- Planned Giving, Major Gifts, Annual Giving, Prospect Cultivation, Special Events; Community Relations; Public Relations/Marketing Committees)
- inspire & motivate peers to become actively involved and financially committed.

Library Director's Job Description

"A library: the center of a community's social network."

- serve as a liaison, provide support & be accountable directly to the board
- serve as public spokesperson (e.g., public relations procedure)
- implement a strategic planning process and be responsible for execution of the outcomes
- oversee the day-to-day operations (e.g., collection development, programming)
- supervise the financial operations
- manage personnel.



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Committee on Open Government

<p>Home/Mission</p> <p>What's New</p> <p>Advisory Opinions</p> <p>Email Requests</p> <p>Publications</p> <p>FAQ's</p> <p>Laws and Regulations</p> <p>Freedom of Information Law</p> <p>Open Meetings Law</p> <p>Personal Privacy Protection Law (applies to State Agencies only)</p> <p>Regulations of the Committee on Open Government</p> <p>Model Regulations</p> <p>Publications</p> <p>Your Right to Know</p> <p>You Should Know</p> <p>2006 Report to the Governor and the State Legislature</p> <p>Supplement to the 2006 Annual Report</p> <p>Email - Food for</p>	<p>OPEN MEETINGS LAW</p> <p style="text-align: center;">PUBLIC OFFICERS LAW, ARTICLE 7</p> <p>OPEN MEETINGS LAW Section 100. Legislative declaration. 101. Short title. 102. Definitions. 103. Open meetings and executive sessions. 104. Public notice. 105. Conduct of executive sessions. 106. Minutes 107. Enforcement. 108. Exemptions 109. Committee on open government. 110. Construction with other laws.</p> <p>111. Severability.</p> <p>§100. Legislative declaration. It is essential to the maintenance of a democratic society that the public business be performed in an open and public manner and that the citizens of this state be fully aware of and able to observe the performance of public officials and attend and listen to the deliberations and decisions that go into the making of public policy. The people must be able to remain informed if they are to retain control over those who are their public servants. It is the only climate under which the commonweal will prosper and enable the governmental process to operate for the benefit of those who created it.</p> <p>§101. Short title. This article shall be known and may be cited as "Open Meetings Law".</p> <p>§102. Definitions. As used in this article: 1. "Meeting" means the official convening of a public body for the purpose of conducting public business, including the use of videoconferencing for attendance and participation by the members of the public body. 2. "Public body" means any entity, for which a quorum is required in order to conduct public business and which consists of two or more members, performing a governmental function for the state or for an agency or department thereof, or for a public corporation as defined in section sixty-six of the general construction law, or committee or subcommittee or other similar body of such public body. 3. "Executive session" means that portion of a meeting not open to the general public.</p> <p>§103. Open meetings and executive sessions. (a) Every meeting of a public body shall</p>
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Thought

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be open to the general public, except that an executive session of such body may be called and business transacted thereat in accordance with section one hundred five of this article. (b) Public bodies shall make or cause to be made all reasonable efforts to ensure that meetings are held in facilities that permit barrier-free physical access to the physically handicapped, as defined in subdivision five of section fifty of the public buildings law. (c) A public body that uses videoconferencing to conduct its meetings shall provide an opportunity to attend, listen and observe at any site at which a member participates.

§104. Public notice. 1. Public notice of the time and place of a meeting scheduled at least one week prior thereto shall be given 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, 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. 3. The public notice provided for by this section shall not be construed to require publication as a legal notice. 4. If videoconferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used, identify the locations for the meeting, and state that the public has the right to attend the meeting at any of the locations.

§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.

§106. Minutes. 1. Minutes shall be taken at all open meetings of a public body which shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon. 2. Minutes shall be taken at executive sessions of any action that is taken by formal vote which shall consist of a record or summary of the final determination of such action, and the date and vote thereon; provided, however, that such summary need not include any matter which is not required to be made public by the freedom of information law as added by article six of this chapter. 3. Minutes of meetings of all public bodies shall be available to the public in accordance with the provisions of the freedom of information law within two weeks from the date of such meeting except that minutes taken pursuant to subdivision two hereof shall be available to the public within one week from the date of the executive session.

§107. Enforcement. 1. Any aggrieved person shall have standing to enforce the provisions of this article against a public body by the commencement of a proceeding pursuant to article seventy-eight of the civil practice law and rules, and/or an action for declaratory judgment and injunctive relief. In any such action or proceeding, the court shall have the power, in its discretion, upon good cause shown, to declare any action or part thereof taken in violation of this article void in whole or in part. An unintentional

failure to fully comply with the notice provisions required by this article shall not alone be grounds for invalidating any action taken at a meeting of a public body. The provisions of this article shall not affect the validity of the authorization, acquisition, execution or disposition of a bond issue or notes. 2. In any proceeding brought pursuant to this section, costs and reasonable attorney fees may be awarded by the court, in its discretion, to the successful party. 3. The statute of limitations in an article seventy-eight proceeding with respect to an action taken at executive session shall commence to run from the date the minutes of such executive session have been made available to the public.

§108. Exemptions. Nothing contained in this article shall be construed as extending the provisions hereof to: 1. judicial or quasi-judicial proceedings, except proceedings of the public service commission and zoning boards of appeals; 2. a. deliberations of political committees, conferences and caucuses. b. for purposes of this section, the deliberations of political committees, conferences and caucuses means a private meeting of members of the senate or assembly of the state of New York, or of the legislative body of a county, city, town or village, who are members or adherents of the same political party, without regard to (i) the subject matter under discussion, including discussions of public business, (ii) the majority or minority status of such political committees, conferences and caucuses or (iii) whether such political committees, conferences and caucuses invite staff or guests to participate in their deliberations; and 3. any matter made confidential by federal or state law.

§109. Committee on open government. The committee on open government, created by paragraph (a) of subdivision one of section eighty-nine of this chapter, shall issue advisory opinions from time to time as, in its discretion, may be required to inform public bodies and persons of the interpretations of the provisions of the open meetings law.

§110. Construction with other laws. 1. Any provision of a charter, administrative code, local law, ordinance, or rule or regulation affecting a public body which is more restrictive with respect to public access than this article shall be deemed superseded hereby to the extent that such provision is more restrictive than this article. 2. Any provision of general, special or local law or charter, administrative code, ordinance, or rule or regulation less restrictive with respect to public access than this article shall not be deemed superseded hereby. 3. Notwithstanding any provision of this article to the contrary, a public body may adopt provisions less restrictive with respect to public access than this article.

§111. Severability. If any provision of this article or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction such judgment shall not affect or impair the validity of the other provisions of the article or the application thereof to other persons and circumstances. For further information, contact: Committee on Open Government, NYS Department of State, 41 State Street, Albany, NY 12231

Right From the Start
Responsibilities of Directors and Officers of
Not-for-Profit Corporations

Attorney General
ELIOT SPITZER
Charities Bureau
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www.oag.state.ny.us/charities/charities.html

New York State Attorney General Eliot Spitzer is pleased to offer this booklet to assist current and future boards of directors and officers of New York not-for-profit corporations (and, by analogy, trustees of New York charitable trusts) to understand and carry out their fiduciary responsibilities to the organizations they serve.

Charitable organizations contribute substantially to our society. They educate our children, care for the sick, preserve our literature, art and music for us and future generations, house the homeless, protect the environment and much more. The fiduciaries of those charitable organizations are responsible for managing and preserving the charitable assets that benefit all of us.

Please read this booklet carefully. It contains general information concerning fiduciary oversight of charitable assets. The Attorney General publishes another booklet, *Internal Controls and Financial Accountability for Not-for-Profit Boards*, which contains more detailed information on managing a charitable organization and overseeing its assets. That booklet and other publications of interest to board members may be found at:

www.oag.state.ny.us/charities/charities.html

This booklet is designed to provide guidance to fiduciaries of charitable assets. It is not a substitute for advice from a qualified lawyer, independent public accountant or other professional.

organization uses its assets and to evaluate its financial health. Is its auditor's report on its financial statements unqualified? Has the auditor sent the organization a management letter? Has the Internal Revenue Service recently audited the organization? What does its report say? Ensure that it is in compliance with all conditions stated in its federal income tax determination letter.

→ Find out if the organization is required to register with the Attorney General's Charities Bureau and, if so, whether it has registered and filed all required reports. Evaluate whether the filings, audit reports and other compliance requirements appear to be completed on a timely basis. Find out whether there are any tax issues or concerns, or notices received from governmental authorities. Find out what other filings might be required. If the organization has paid employees, it must file the appropriate payroll tax forms and pay the appropriate taxes. The organization may also have sales tax and unrelated business income tax responsibilities.

→ Obtain an understanding of the internal control structure of the organization and the processes in place to monitor it. Determine whether there is a current accounting policies and procedures manual that is followed. Review the past two (2) years, management letters received from the public accountants and find out what has been done to remedy any problems identified. (For further information on internal controls and accountability, please see the Attorney General's Charities Bureau booklet - *Internal Controls and Financial Accountability for Not-for-Profit Boards*. That booklet and other publications of interest to charitable fiduciaries are available at www.oag.state.ny.us/charities/charities.html.

→ Understand the organization's mission, learn about its programs, read its publications, visit its program sites, look at its website and talk to key staff and major donors. Find out about its reputation in the community.

→ Review the organizational chart and understand the accountability structure of the organization. Find out the backgrounds of key management and understand the employee evaluation and compensation processes and due diligence procedures for material contracts entered into.

III. WHAT ARE THE DUTIES OF BOARDS OF DIRECTORS?

While the board is not usually involved in the day-to-day activities of the organization, it is responsible for managing the organization and must make decisions crucial to the life and direction of the organization, such as adding or removing board members, hiring and firing key officers and employees, engaging auditors and other professionals and authorizing significant financial transactions and new program initiatives. In carrying out those responsibilities, members of a board of directors must fulfill fiduciary duties to the organization and the public it serves. Those primary legal duties include the duties of *care*, *loyalty* and *obedience*. If the organization has affiliates or subsidiaries, the legal duty of impartiality, the duty of fairness to all the charitable interests, may also come into play.

A. Duty of Care

The *duty of care* requires a director to be familiar with the organization's finances and activities and to participate regularly in its governance. In carrying out this duty, directors must act in "good faith" using the "degree of diligence, care and skill" which prudent people would use in similar positions and under similar circumstances. In exercising the duty of care, responsible board members should, among other things, do the following:

→ Attend all board and committee meetings and actively participate in discussions and decision-making such as setting of policies. Carefully read the material prepared for board and committee meetings prior to the meetings and note any questions they raise. Allow time to meet without senior management present.

→ Read the minutes of prior meetings and all reports provided, including financial statements and reports by employees. Make sure her or his votes against a particular proposal are completely and accurately recorded. Do not hesitate to suggest corrections, clarification and additions to the minutes or other formal documents.

→ Determine whether or not the organization indemnifies its officers and directors from liability and has directors' and officers' liability insurance. If it does, find out what is covered and what is not. If it does not, find out why.

→ Encourage diversity among board members. Diversity will help insure a board committed to serve the organization's mission with a range of appropriate skills and interests.

→ Be involved in the selection and periodic review of the performance of the organization's Chief Executive Officer, Chief Financial Officer and other key employees responsible for the day-to-day activities of the organization. The board is responsible for ascertaining whether these individuals have the appropriate education, skills and experience to assume a key position and then evaluating their performance.

B. Duty of Loyalty

The board should have a written "conflicts of interest" policy so that all members are aware of the type of transactions that may prohibit them from joining the board. Some such policies prohibit board members from engaging in any transaction that may result in even the appearance of a conflict of interest. They should provide for written disclosure of anticipated or actual conflicts.

Directors and officers are charged with the duty to act in the interest of the corporation. This duty of loyalty requires that any conflict of interest, real or possible, always be disclosed in advance of joining a board and when they arise. Board members should avoid transactions in which they or their family members benefit personally. If such transactions are unavoidable, disclose them fully and completely to the board.

In order to exercise this *duty of loyalty* directors must be careful to examine transactions that involve board members or officers. The board must not approve any transaction that is not fair and reasonable, and a conflicted board member may not participate in the board vote. There should be an established code of ethics in place that is updated annually as well.

cultural institutions, preserving the environment, assisting senior citizens or one of the many thousands of other charitable activities conducted in our state and our country. Those purposes, or the mission of the organization, are described in the organization's certificate of incorporation and/or by-laws or other constituent document.

If an organization's purposes are not already clearly stated in one of its organizational documents, one of the first activities of the board should be to draft a clear statement of the organization's mission (which should correspond to its stated purpose to the IRS) and to ensure that everyone involved with the organization, directors and officers, employees, volunteers, fund raisers, and professionals, is fully familiar with and understands the mission. Those individuals plan its future, conduct its programs, raise its funds, make it known to the public, present its financial records to regulatory agencies and others and give it professional advice. Unless they fully understand why the organization was formed and what it plans to accomplish, they will not be able to perform their respective tasks appropriately. The mission should be periodically re-assessed and evaluated and amended as needed.

Employees and volunteers should be aware of the organization's internal controls that impact their area of responsibility. At the time of adoption or revisions of internal controls, all directors, officers, employees and volunteers should be made aware of the organization's internal controls, given a copy of the policy and procedures manual, and trained to understand what is expected of them in carrying out their duties and in advising the organization's management and/or the board of directors of violations of the policy. New employees and volunteers should be trained before they assume their responsibilities.

Periodic review of an organization's structure, procedures and programs will assist board members in determining what is working well and what practices the organization might want to change in order to be more efficient, effective or responsible.

BoardSource, Inc. makes it possible to conduct such a review on line or on paper. The self evaluation is available at <http://boardsource.org/landingpage.asp?ID=34>.

organization as registered with the Attorney General and advises potential contributors that they may obtain the organization's financial report from the organization itself or from the Attorney General.

→ Requiring, as mandated by New York law, that the professional fund raiser and any of its representatives ("professional solicitors") disclose the name of the specific professional solicitor and the employing professional fund raiser and state that the solicitor is being paid to raise funds.

VI. MAKE USE OF AVAILABLE RESOURCES

In carrying out their responsibilities, board members should realize that they need not do it alone. There are many resources available to assist not-for-profit organizations in fulfilling their fiduciary duties. Following are some of those resources:¹

The Attorney General's Web site - www.oag.state.ny.us/charities/charities.html - posts all forms and instructions for registration and annual filing with the Charities Bureau, links to other web sites that provide resources for not-for-profit boards and publications of interest to not-for-profit organizations.

If the material on the Attorney General's web site does not answer your particular question, you may make an inquiry to the Charities Bureau by phone or email.

For questions about not-for-profit organizations, contact:

charities.bureau@oag.state.ny.us or (212) 416-8401

For questions about fundraising professionals, contact:

charities.fundraising@oag.state.ny.us or (518) 486-9797

¹ In addition to the resources listed in this booklet, many more resources are available on the Internet and in communities around the state. Inclusion of any particular entity should not be construed as an endorsement of that entity or the services it renders.

implementation of the standards.

Board Café - www.compasspoint.org - Board Café is an electronic newsletter for members of nonprofit boards of directors. Board Café offers a menu of ideas, information, opinion, news, and resources to help board members in carrying out the responsibilities of their board service.

BoardSource, Inc. - www.boardsource.org - has a wide range of material designed to assist board members in carrying out their duties. Its nine pamphlet "Governance Series", beginning with *Ten Basic Responsibilities of Nonprofit Boards*, is a source of basic information for board members and includes other suggested resources.

Council of Community Services of New York (CCSNYS) - www.ccsnys.org - CCSNYS is a statewide association of over 1,000 charitable nonprofit organizations. CCSNYS conducts programs designed to strengthen the nonprofit sector, provide information to donors and contribute to community-based planning. CCSNYS provides technical assistance, training, information and group purchasing options for nonprofits. It also provides information to and conducts and coordinates advocacy on behalf of the New York nonprofit sector. Its web site contains information concerning membership in CCSNYS and resources for nonprofit organizations.

Council on Foundations - www.cof.org - The Council on Foundations is a membership organization of more than 2,000 grant making foundations and giving programs worldwide. It provides leadership expertise, legal services and networking opportunities, among other services, to its members and to the general public. Its web site contains information of interest to not-for-profit boards.

The Foundation Center - fdncenter.org - The Foundation Center's mission is to strengthen the nonprofit sector by advancing knowledge about U.S. philanthropy. It collects, organizes and communicates information on U.S. philanthropy, conducts and facilitates research on trends in the field, provides education and training on the grant seeking process and promotes public access to information and services through its web site and print and electronic publications and five library/learning centers.

Support Center for Nonprofit Management (Support Center) - <http://www.supportctr.org> - The mission of the Support Center is to strengthen the capacity of nonprofit and public interest organizations to fulfill their missions. It provides management training and consulting and disseminates information and resources to local and national organizations, foundations and government agencies. The Support Center works directly with Board Leaders, Executive Directors and their staff to assist them in solving problems and maximizing their opportunities to carry out successful programs. The Support Center's web site contains information for nonprofit organizations and links to other web sites of interest of interest to those who manage nonprofit organizations.

The Urban Institute - www.urban.org - The Urban Institute is a nonprofit nonpartisan policy research and educational organization established to examine the social, economic, and governance problems facing the nation. It provides information and analysis to public and private decision makers to help them address these challenges. It maintains extensive databases of information on the not-for-profit sector.

Volunteer Consulting Group (VCG) - www.boardnetUSA.org - VCG is a nonprofit organization whose mission is to strengthen the governing and management capability of nonprofit boards of directors by bringing qualified leadership into service as board members. VCG assists boards in defining their board recruitment objectives and then conducting a targeted search for business, professional and community leaders with the desired expertise, diversity of perspective and resources. VCG's web site is a resource designed to enable potential board members--and nonprofit boards needing leadership--to find each other.

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