

Starr Library

OPEN MEETINGS LAW POLICY

Starr Library adopts New York's Open Meetings Law as it pertains to association libraries, as described in the *2023 Handbook for Library Trustees* (pp. 54-57), excerpted below:

Posting of Documents

Open Meetings Law requires that any document that will be the subject of discussion at a board meeting be made available via the library's website at least twenty-four hours before the meeting at which it will be discussed. The law also requires that a draft of the minutes of the board meeting be posted within two weeks of the meeting and a draft of minutes from an executive session be posted within one week from the date of the executive session.

Open Meetings and Executive Sessions

All public and association libraries in New York are subject to Open Meetings Law (see Education Law §260-a; and Public Officers Law, Article 7). This law requires that board meetings must be properly posted and advertised and open to the public. Notice of all board meetings must be sent to the news media, noted on the library's website and posted in a public place such as the library bulletin board. 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. Educational sessions in which the board does not conduct business are exempt from Open Meetings Law.

For "public" library boards (municipal, school district public and special/consolidated legislative district libraries), the requirements of Open Meetings Law also apply to all committees and sub-committees of the Board. (...) Note that board committees of association libraries outside of New York City are not subject to the committee provisions since they are not considered "public bodies" under the law. (Public Officers Law, Article 7; Education Law §260-a)

Executive sessions are a portion of the open meeting from which the public and the news media may be excluded. They may only be convened 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 specifically state the topic of conversation for the session for its minutes.

The board may invite advisors into an executive session with them, such as the Library Director, public library system consultant or the library's lawyer. The Library Director should almost always be invited into 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 the executive session except for 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 vote on any formal action or approve specific resolutions.

Using executive sessions to discuss matters not defined within the law, even if the topic is "uncomfortable" to discuss publicly, **is illegal**.

Insofar as Board communication between meetings, the Committee on Open Government opines: *"there is nothing in the Open Meetings Law that would preclude members of a public body from conferring individually, by telephone, via mail or email. 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 email would in (our) opinion 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 outlined in the library's record retention policy, should be kept in a secure but accessible place and available to the public upon request. **Posting the minutes on the library's website is required by law.**

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."* If a vote was not unanimous, the minutes must reflect how each Board member voted on an action. (Public Officers Law §87 [3] [a])

Although it is not required, most minutes also include a summary of discussions relating to the issues covered. However, they should not be a transcript of the discussions. Draft minutes must be uploaded to the library's website within two weeks of the meeting, unless the Board has held a special meeting within that time frame where the minutes were approved, then the approved minutes would be posted. Either way, minutes of meeting must be posted online within two weeks.

Minutes of executive sessions are required only if the Board takes 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 only "*a record or summary of the final determination*" or action the Board took in the session. Draft minutes of an executive session must also be available on the library's website but within one week of the meeting. Approved minutes must be kept on file in perpetuity.

For further information on Open Meetings Law and the Opinions of the Committee on Open Government please visit: <https://opengovernment.ny.gov/open-meetings-law>

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Adopted and approved by the Starr Library Board of Trustees on May 23, 2024