

## Town of Pelham Public Library Open Meetings Policy

The public is welcome to attend meetings of the Board of Trustees of the Town of Pelham Public Library ("Board"). Like all public libraries in New York, the Town of Pelham Public Library ("Library") is subject to New York's Open Meetings Law pursuant to Article 7 of the New York Public Officers Law. The law requires that the Board's meetings 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. A copy of New York State's Open Meetings Law is available at <http://www.dos.state.ny.us/coog/openmeetlaw.html>.

### Notice of Meetings

A notice of the Board's meetings for the calendar year is posted by the Library with local media, and on the Library's bulletin board, online calendar and website at <http://pelhamlibrary.org/meet-the-trustees>. Regular meetings are usually held monthly on the first or second Wednesday evening in the Library's program room at 7:30 p.m. In the event that it is necessary for the Board to change the date of a regularly scheduled meeting or to hold a special or emergency meeting, advance notice will be posted on the Library's bulletin board, online calendar and website in advance to the extent possible.

### Quorum

By New York law, a quorum for a public board meeting consists of a majority of the total board that has "gathered together in the presence of each other or through the use of videoconferencing." (N.Y. Gen. Con. Law §41). A majority is determined by the number of trustees set in the board's by-laws. The Board's By-laws set the number of Trustees at 11, thus the Board must have six Trustees present in person or by videoconference to constitute a quorum. In addition, New York law requires approval of any action by a public board to be by a majority of the total board. Thus, the Board can only approve an action by the affirmative vote of at least six Trustees, regardless of the number of Trustees in attendance.

### Teleconferencing, Videoconferencing and Other Forms of Communication

Board meetings must either take place in person or through videoconferencing as long as the videoconference sites are open to the public and cited in the notice of the meeting. Meetings may not be conducted by telephone, email or mail. However, it should be noted that nothing in the law precludes the Trustees from conferring individually or by telephone, email or other means as long as a series of communications among Trustees does not result in a decision or a meeting being held. In addition, although Trustees who are not physically present in person or through videoconference may not vote, they may participate in Board meetings from remote locations by speakerphone, provided that any discussion may be heard by the public.

## Executive Sessions

During an open meeting of the Board, the Board may go into executive session during which the public is excluded. However, executive sessions may be convened only for a limited number of purposes specified under New York law. These are:

- Matters which will imperil the public safety if disclosed;
- Any matter which may disclose the identity of a law enforcement agency or informer;
- Information relating to a current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
- Discussions regarding proposed, pending or current litigation;
- Collective bargaining negotiations pursuant to Article 14 of the New York 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 preparation, grading or administration of examinations;
- 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.

Though several of these situations do not ordinarily affect libraries, the complete list is included here to emphasize the limited conditions that justify a closed session of the Board under the law.

An executive session is convened only as part of a public Board meeting. The Board must vote to enter executive session and state the general nature of the session for its minutes. The Board may take formal action and vote on any matter in executive session except the appropriation of public monies.

## Public Participation in Meetings

Members of the public are welcome to attend Board meetings. Observers are asked not to participate in any way that might impede the work of the Board. New York's Open Meetings Law confers upon the public the right to observe the performance of public officials and attend and listen to the deliberations and decisions that go into the making of public policy. It does not give the public the right to speak or participate in board meetings. Observers should recognize that the Board is under no obligation to brief observers on matters before the Board or to take or respond to questions from observers. Observers may participate in discussions only if recognized by the Board. The President or chair of the Board meeting reserves the right to set a time limit on any public comments.

## Minutes

As required by the Open Meetings Law, minutes are taken at all Board meetings. 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." Although it is not required by law, most minutes also include a summary of discussions relating to the issues covered. The minutes, along with statements and other official records, are kept in a secure but accessible place and available to the public upon request to the Library Director ("Director"). Minutes must be on hand for public inspection two weeks after the meeting, even if they have yet to be approved.

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.

## Handicapped Access

Because Board meetings are held after hours, members of the public with a physical disability who wish to attend a Board meeting should notify the Director in advance to ensure that barrier free physical access is made available at the time of the meeting.