

Open Meetings and Executive Sessions

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, Article 7](#)). This law requires that 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 Library's 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.

For "public" library boards (municipal, school district and special legislative district libraries) the requirements of the Open Meetings Law also apply to all committees and sub-committees of the board. In the opinion of the Committee on Open Government, if two or more trustees are members of such committees; *even if they number less than a quorum of the entire board*, Open Meetings Law applies. Note that board committees of association libraries outside of New York City are not subject to these provisions since they are not considered "public bodies" under the law. ([Public Officers Law, Article 7](#); [Education Law §260-a](#))

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 document available to the public prior to the meeting. Optimally, the document will be made available online. If that cannot be done, the document can be made available in paper form in response to a request. *You must provide copies of documents under discussion to the public attending your Board meetings.*

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 (see below). 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.

Boards often use executive sessions to discuss matters with which they feel uncomfortable in a public setting yet are not defined within the law. **This is not only inappropriate, it 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 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 in (our) opinion be inconsistent with law."*