

January 2014 Trustee Tip of the Month  
**Library Board Committees**

There are occasions when it is expedient to have a committee meet outside of the regular board meeting to create or develop preparatory materials for routine, or sometimes unusual, issues at a more detailed level. This allows the issue to be discussed and handled more efficiently during a regular monthly board meeting. As always, it is prudent to be aware of the laws and Attorney General's Opinions, which carry the weight of law in Open Meetings and Open Records matters.

Regardless of the number of board members on any committee created by the board, it is subject to the Open Meetings and Open Records Acts – even if there are **no board members at all on the committee**. The Attorney General states in 01-OMD-30: “Under KRS 61.810 whenever a quorum of the members of any public agency meet and discuss any public business the meeting is a public meeting as defined in the Open Meetings Law, KRS 61.805 to 61.850. **Even though the [agency] called itself a committee and added several other people to the “committee” it was required to comply with the Open Meetings Law.**”

The Open Meetings Act applies to all meetings held by state and local government agencies. The agencies covered by the Act include any committees, advisory committees, and ad hoc committees, which are established, created, and controlled by a public agency. A committee of a public agency, even if its function is purely advisory, is a public agency for open meetings purposes and a quorum of its members is calculated on the basis of the committee's membership and not the membership of the public agency that created it.

For example, if the library board, consisting of five members, creates a budget committee, consisting of three members – a quorum of the board exists if three board members are present and the committee meeting becomes a “special board meeting;” and, a quorum of the committee exists if two members of the committee are present. In any event, if the committee has a meeting, it is subject to the Open Meetings and Open Records Acts and all provisions of the Acts must be followed.

More examples:

- A committee is appointed by the board, but no board members are on the committee – it must comply with all provisions of the Open Meetings and Open Records Acts for any meeting but the meeting is not considered to be a special board meeting;
- A committee is appointed by the board, but no quorum of the board is on the committee –it must comply with all provisions of the Open Meetings and Open Records Acts for any meeting but the meeting is not considered to be a special board meeting;
- A committee is appointed by the board, and a quorum of the board members are on the committee –it must comply with all provisions of the Open Meetings and Open Records Acts for any meeting and the meeting is considered to be a special board meeting if a quorum of the board is actually present;
- A committee is appointed by the library director and the committee contains no board members – it is not required to comply with the Open Meetings and Open Records Acts.

Note that minutes and records created during these meetings are also subject to the Open Records Act.

More information on the Open Meetings and Open Records Acts can be found at:

<http://ag.ky.gov/civil/orom/Pages/default.aspx> and in *Your Duty Under the Law*, that you were given at the time of your appointment: [http://ag.ky.gov/civil/orom/documents/yourdutyunderthelaw\\_708\\_.pdf](http://ag.ky.gov/civil/orom/documents/yourdutyunderthelaw_708_.pdf). Additionally, take some time to watch the new video created by the KY Attorney General, *Promoting Public Trust*: <http://www.youtube.com/watch?v=mZM3urygkbc&feature=youtu.be>.

This is not legal advice and I am not an attorney. If you feel you need legal advice you should consult an attorney.

Terry L. Manuel, Branch Manager, Program Development, Kentucky Department for Libraries & Archives. For more information, contact: [Terry.Manuel@ky.gov](mailto:Terry.Manuel@ky.gov) or 502-564-8300 ext. 269.