

## *KDLA October 2009 Trustee Tip of the Month* *Are Your Official Records Accurate?*

---

A library board is an *agency of record*, which must act in its corporate capacity and *only speaks authoritatively through its minutes* (OAG 81-387, p. 2.0). This OAG also states that *those minutes are an official record of its actions once approved*.

Board minutes are only required to show motions, votes, and actions (OAG 81-387). Many boards like to add a bit more detail to flesh out the minutes. This is permissible, but it may be best to keep this information very brief.

For instance, if a board decides to purchase a property for future expansion, it might make sense to state that discussion seemed to favor the site selected for its proximity to other businesses, easy access, space to support future expansion, and fair cost. Simple statements such as these explain the decision without listing all of the pros and cons of every site under consideration.

To promote brevity, reports of the director, treasurer, regional librarian, and committees should not be listed in full. A simple sentence such as, "A report was made by the KDLA Regional Consultant" might be all that is needed. Including fund balances from the treasurer's report is not required, nor is it prohibited by statute. As the Treasurer's Report becomes an official document once it has been approved, specifics from the report do not need to be repeated in the minutes.

Listing the trustees in attendance, including who comes in late and leaves early should be in the minutes. Listing the director, public officials, KDLA representatives, etc. might also be helpful. Listing reporters and members of the public is not necessary and it may promote the openness of the meeting to not include those persons.

KDLA will provide the following items related to this subject upon request: KRS 61.835, 98-OMD-119, OAG 81-387, 03-OMD-116.

### Quick Tips:

- The approved minutes are the "voice" the Board stating the decisions and official actions taken.
- Extensive explanation of the Board's decisions is not legally required; only motions, votes, and actions taken must be included. Additional details regarding a decision can be included but should be kept as brief as possible.
- The content of additional reports, such as the Director's or Regional Librarian's report, do not need to be included in the minutes. Mention of these reports is all that is necessary.



- The minutes should contain:
  - the nature of the meeting, whether regular or special
  - the date, time and place of the meeting
  - the names of Trustees who are present, with the times of late arrival or early departure noted to prove the existence of a quorum
    - ♦ NOTE: members of the public or press in attendance as observers do not need to be recorded
  - approval of the previous meeting's minutes
  - approval of the financial report and disbursements
  - a complete record of motions, votes and official action taken by the Board
  - notice of the date of the next meeting
  - time of adjournment

You can refer to your *Kentucky Public Library Trustee Manual* for more information on minutes (pg. 9) and a Sample of Minutes (Appendix, pg. iii). The current *Trustee Manual* is available online at: <http://kdla.ky.gov/librarians/trustees/Documents/Trustee Manual.pdf>.

---

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

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