

DIRECTIONS FOR GOING INTO EXECUTIVE SESSION

Library Board meetings are subject to Kentucky's Open Meetings Act (OMA) and are limited as to what may be discussed in closed (executive) session. The three most common reasons and the steps used to go legally from open meeting to closed session are listed below.

In addition to citing the KRS number and general exemption category (property, litigation, or personnel), the minutes must also record the specific reason. This must be more specific than the categories listed above, but need not be so specific as to negate the need for private discussion. Examples of specific reasons are included below.

The President or any other Trustee states, "I move that the XYZ Library Board go into closed session under KRS 61.810...[choose an option below]." The motion requires a second and a majority vote. The President (or other presiding officer) will state for the minutes, "The XYZ Library Board will go into closed session at 7:28 PM." This motion, second, and vote and the exact time will be recorded in the minutes.

- ... under KRS 61.810, Section One, Subsection b [*written as KRS 61.810(1)(b)*] to discuss the purchase [or sale] of property for the Library."

Ex. 1: "The reason is to discuss a counteroffer by the seller."

Ex. 2: "The reason is to discuss the method of sale."

- ... under KRS 61.810, Section One, Subsection c [*written as KRS 61.810(1)(c)*] to discuss litigation involving the Library."

Ex. 1: "The reason is to discuss a settlement offer from opposing counsel."

Ex. 2: "The reason is to discuss strategy for a potential lawsuit."

- ...under KRS 61.810, Section One, Subsection f [*written as KRS 61.810(1)(f)*] to discuss a personnel matter.

Ex. 1: "The reason is to discuss hiring a new director."

Ex. 2: "The reason is to discuss a disciplinary action taken last week."

Ex. 3: "The reason is to avoid damage to the reputation of the individual whose actions may lead to dismissal."

Record in the minutes the time the Board reconvened the open meeting.

NOTE: No matters may be discussed in the closed session other than those publicly announced prior to convening the closed session.

Kentucky Department for Libraries and Archives

For help with Library Board questions, contact
Your Regional Librarian

For Contact Information: <http://kdla.ky.gov/librarians/plssd/Documents/regionalconsultants.pdf>

A FEW FACTS ABOUT LIBRARY BOARD MEETINGS:

KRS 15.257 Newly appointed trustees are required to be given copies of *Your Duty Under the Law* and *Managing Public Records* within 60 days of appointment and sign a Receipt of Signature form that is then filed with the County Judge-Executive's office. This means you understand what you can and cannot do in regard to the Open Meetings Act (OMA) and will be law-abiding board members.

- All meetings of a quorum (3) of the members of any public agency (library boards) shall be open to the public
- All meetings must be held at specific times and places which are convenient to the public
- All public agencies (libraries) must provide for a schedule of regular meetings
- No person may be required to identify himself/herself in order to attend a meeting
- No condition other than those required for the maintenance of order shall apply to the attendance of the public at any meeting
- While the public has the legal right to attend, observe, and listen to all meetings, this law does not grant the right to participate in the meeting or address the members of the board (this may be allowed by the board if it so wishes, as it is not prohibited)
- All public agencies must permit news media coverage, including but not limited to recording and broadcasting
- Individuals may be permitted to tape record a meeting so long as it does not interfere with the orderly conduct of the meeting.

IN REGARD TO CLOSED (EXECUTIVE) SESSIONS:

- No final action may be taken in a closed session; only in open session, therefore no minutes are taken during the closed session
- No matters may be discussed in the closed session other than those publicly announced prior to convening the closed session.

PENALTIES:

- Where the violation is found to be willful, the person bringing suit may be awarded costs, including reasonable attorney fees, incurred in connection with the legal action
- In addition to attorney fees, it shall be within the discretion of the court to award the person an amount not to exceed \$100 for each instance in which the court finds a violation
- Attorney fees, costs, and awards as outlined above shall be paid by the agency responsible for the violation
- Any member of the board who knowingly attends a meeting that is covered by the Open Meetings Act but that is not held in accordance with the provisions of that Act shall be punished by a fine of not more than \$100.