

**Handbook for North Dakota
Public Library Board Members**

Volume II - Conduct of the Board Meeting



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Volume II - Conduct of the Board Meeting



DISCLAIMER

This publication is to provide information. The following pages of suggestions are offered as guidelines and should not be regarded as legal advice. They are intended to alert Public Library Boards and directors to some of the many issues that exist within the area of conducting the meetings of local library boards. Nothing contained herein should be interpreted as a replacement for competent legal and other such consultation.

HANDBOOK AVAILABLE

This handbook is on the North Dakota State Library Website at www.library.nd.gov and can be printed or changed to meet the needs of your library and library board members.

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FOREWORD

The primary purpose of this publication is to assist the president of the local library board of directors to do an effective job of conducting meetings. This doesn't mean it is intended exclusively for the presidents. On the contrary, it is for all board members, officers, staff, and anyone else interested in effective board meetings. We urge that this becomes required reading for all those designated as key actors in Section II of this handbook.

A major goal of the State Library is to help local library boards bring the public back into the operations of public libraries. There is still much work to be done in this regard, and one thing that might bolster the move in that direction is to conduct excellent board meetings.

As this project evolved, we discovered more and more items that could be included. It soon became evident however, that there was no reasonable way to address everything that could possibly happen at a board meeting. We were then faced with the task of trying to identify those events which occur most frequently and to highlight them. There will be numerous situations that boards will encounter that are not treated in the pages that follow.

You will notice that the material contained herein is presented in a fashion that is not difficult to understand. Nothing is expressed in a complicated way nor is there any use of specialized and confusing jargon.

We wish to thank all the people who volunteered to examine the material and to offer valuable information and suggestions. Thanks to the staff at the State Library for their efforts to make this a practical tool for those who govern and manage the state's libraries.

Finally, we'd wish you luck at becoming effective board presidents and members; but frankly, luck doesn't have much to do with it. If you become good at what you are doing, it's because you've worked hard at the job. Congratulations for having the courage to undertake one of the most important governance functions in our society--that of seeing to the survival and growth of the local public library.

Doris A. Ott
State Librarian

SECTION I

Background

IMPORTANT NOTE: Throughout this handbook, there is reference to "POLICY." Each local library unit is encouraged to have in place, a written compilation of procedures for everything it is likely to encounter in the process of executing its duties and responsibilities. For the purposes of this handbook, bylaws are considered a part of a unit's policy.



Whack, whack, whack--you rap the gavel to call the library board of directors meeting to order. Suddenly, everybody in the room looks to you and awaits whatever it is that you are going to do next.

At a time later that same day or evening, the participants and spectators all look to you once again with interest as you rap the gavel to declare that the meeting is adjourned.

Now that doesn't sound too difficult, does it? As board president, you have brought the meeting to order and closed it. Simple enough. But wait! What about all the things that had to be in place to get the meeting started? What about all that went on between calling it to order and adjourning it? And what about all that must happen after it's over? These kinds of questions place everything in a completely new light, especially your duties and responsibilities as the board president.

You can relax a little bit. Help is here. We've worked out some guidelines and suggestions for what goes on before, during, and after the meeting. This publication is part of a larger effort to share some of these guidelines and suggestions with you.

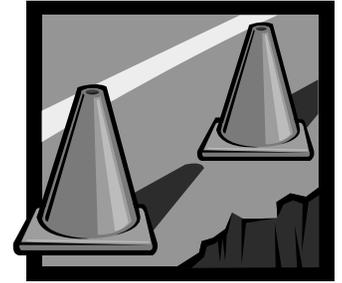
Speaking of guidelines, there are even some for handling that wooden hammer you are holding. The gavel is a tool--an aid to help you emphasize your instructions. It's not a weapon and shouldn't be brandished about. You rap it ever so gently to bring the meeting to order and, again, still gently, to close the meeting. Those are the only times you really need to wield it.

Parliamentary procedure is sprinkled throughout all phases of a library board meeting, so we'll address it as part of the entire picture rather than try to pull it out and treat it in isolation.

Simply defined, "parliamentary procedure" is a set of rules for the conduct of meetings. It is a system designed so that everyone who is part of a group is given an opportunity to be heard. The rules enable an assembly to accomplish the job which has been assigned to it. Rules and procedures are not a hindrance or an obstacle. They grease the skids.

It should come as no surprise to you that some people will try to use parliamentary procedure as a device for questionable purposes. They will play little games to delay progress or in some way disrupt business. We are assuming that most library board members are above such trifling, so this publication does not dwell upon these eventualities. We will mention them, however, with the strong suggestion that the board president becomes knowledgeable enough and sharp enough about the various possibilities for abuse to be ready and able to terminate such activity as soon as it is evident that this is what's happening.

Blocking the road to progress with technicalities should always be discouraged. Rules should be applied and interpreted in a fashion that permits the majority to accomplish its mission within a reasonable time period yet in a manner that allows the minority to be heard and to have fair opportunity to persuade through debate. There is at best a fine line between obstruction and the rights of the minority. This is something you as board president must evaluate with acute sensitivity.



Where in the world did all this parliamentary stuff come from anyway? Well, the basic concepts of parliamentary procedure were born in Western Europe, particularly in England. "Parliament," loosely defined, means the discussion of public affairs. The United States Congress followed a system of procedural rules which came over on the boats with the early settlers.

In 1876, a chap named General Henry M. Robert pulled everything together into a publication which has survived a century and a half with few modifications and is the basic guide for most meetings in this country. It is called, *Robert's Rules of Order*, and no library board should attempt to meet without the most recent revision near at hand for quick reference. Other scholars have compiled sets of rules, but "old Robert's" seem to be the most flexible and durable. His rules are easy to understand and are used by most clubs and organizations.

History has thoroughly tested the concept of using a set of procedural rules, and it has been found to be a valid method for conducting business at public meetings and gatherings. Following written and pre-accepted standards helps ensure democratic rule, flexibility, and protection of the rights of the minority, as well as a fair hearing for everyone. These rules, especially Robert's, can be easily adapted to fit the needs of nearly any organization, just as we are doing here with the library boards of North Dakota.

Smaller groups (and library boards are by definition considered smaller groups, as is any assembly with less than 12 members) may not always sense the need for a strict, formal structure at meetings. ***For big groups, sure; but not for us, here in our own home town, meeting with our friends and neighbors. We'll never have serious procedural problems.***



But alas, turmoil can come to all of us, and it is a wise idea to have parliamentary rules adopted well in advance as part of our policy and, more importantly, to follow them to the letter. Would you believe, some organizations have policies stating that they will follow Robert's Rules yet nobody on the board has the slightest notion what that means? If you say you're going to do something like that, you'd better do it. Court cases have been lost because of a lot less. There are times when even the most laid-back board will have to get real serious, and it's better to have been following some guidelines all along instead of suddenly trying to pull in the reins when challenged.

Library boards could possibly end up in court because of things they do or fail to do, and their position is much more defensible if they've followed good procedure. Sometimes a court case is decided upon either adherence to or failing to adhere to such procedure. Sound parliamentary procedure is just one more precaution that a prudent library board must take to be credible.

Another reason you can rest somewhat easier is that the material contained herein is presented in a fashion that shouldn't be too difficult to use. The whole idea of this handbook is to help you, not confuse you. Regardless of what set of procedures you use locally, remember: whenever your rules or policies conflict with state or federal law, state or federal law must prevail.

IMPORTANT NOTE: Each board should have a set of bylaws and statements of policy which provide the basis for organization and operation. Policy should also be developed to provide everyday guidance for the library during the time when the board is not in session. Many of the items to follow are based upon the assumption of such bylaws and policy.



Rules

Policies



Procedures

Bylaws

SECTION II

Key Actors

This board meeting we've talked about so much up to this point, has several participants who have significant roles, and it is worth our time to examine who they are and what they do. We'll start with you the board president. Your position is required by state law, and you've been twice blessed. First, the governing body of your city or county has selected you and your fellow board members for the important task of library governance. Then your peers elected you to lead them. That makes you special, so we'll talk about you first.

A. PRESIDENT

At the annual meeting, (prescribed in law) the board shall elect from among its membership a president who will serve for a one-year term. This president shall preside at all meetings of the board; appoint committees with the approval of the board; and has a host of duties as indicated below.

At no time is anyone other than an appointed board member authorized to preside over a meeting of the library board or any portion thereof. The person who is presiding, the president, or president pro tempore (see Part B) has many assignments prior to, during, and following the meeting. Some of these assignments are broad and general, while others are specific and detailed, and some may even be prescribed by law. Your functions as the leader of your local library board include the following:

1. Call meetings as prescribed by law.
2. Help library director prepare agenda. (See Section IV.)
3. Review pertinent materials before meeting.
4. Call meetings to order.
5. Recognize members wishing to speak.
6. Limit or extend the time of debate.
7. Oversee debate (discussion) on motions.
8. Clearly state items being considered or voted upon.
9. Announce the results of all votes.
10. See that agenda and procedural rules are followed.
11. Rule when persons or procedures are out of order.
12. Coordinate authorized public discussion.
13. Control general tone and direction of meeting.
14. Recess the meeting if necessary.
15. Appoint committees with approval of board.
16. Perform financial duties as prescribed.
17. Declare the meeting adjourned when appropriate.
18. Review draft of minutes with secretary.
19. Evaluate meetings after adjournment.



When a controversy arises, the president is the only board member who speaks for the whole board. Other board members should refer the press and all other questions to the president of the board for comment.

That's quite an assignment, isn't it? You have to be quite the leader and make sure everybody else does what they're supposed to do. You not only have to think for yourself, you also have to think for all the people at that board meeting including, but not limited to, your fellow board members. This means you'll have to stay alert at all times so you know exactly what's happening. And just staying alert won't get the job done unless you also know the rules of procedure that are essential for the conduct of a proper meeting.

On top of this, besides knowing the rules of order, you must know the specific North Dakota laws that apply to library board meetings AND the policy, bylaws, and precedents of your own library unit. You should have all necessary written references close at hand, and you must know how to retrieve information from them quickly.

Some of the written references you need nearby are the current copy of your own bylaws and policies, the *North Dakota Century Code*, *North Dakota Library Law*, the latest edition of *Robert's Rules of Order*, your minutes journal (motions history), and any other material that might help you--including this handbook and the other two publications being provided as part of this trilogy.

There is some thought that the presiding officer of a small group, such as a library board, is allowed to make and second motions and enter into debate without giving up the gavel. But in order to be in undisputed compliance with the procedural rules, you, the president should relinquish the gavel to the next person in line if you desire to make a motion, second one, or enter into debate on a specific motion. This ability for you to become a regular, front-line board member, participating fully in the activities, is the primary reason for recommending the office of president pro tempore as discussed later. Your board should consider these possibilities and adopt polices that will prescribe action under such circumstances.

On all issues, whether holding the gavel or not, perhaps you have the right and responsibility to vote. This marks something of a departure from Robert's Rules in which the chair only votes to make or break a tie. Since library boards in this state are composed entirely of persons appointed by an elected governing board, it may be proper that each be allowed all the privileges of membership in order to adequately represent the constituency. To be maximally effective, the board must be composed of individuals who, like you, are highly competent and knowledgeable about the processes that make democracy work. The issue of who votes and who doesn't should be addressed in your unit policy. (**See Appendix I page 28 - Conflict of Interest Law.**)

It is imperative that you carefully review the agenda and all supporting documents that the library director has sent to you. You must not only review these materials, but you must understand them. You never know when a question will arise. If there is anything you don't understand, get in touch with someone who can explain it to you--probably your library director. The primary way in which you establish yourself as the board's leader is by being dignified, knowledgeable, and most of all, correct. This doesn't happen automatically. You must prepare, prepare, and then prepare some more.

B. PRESIDENT PRO TEMPORE

Your policy should authorize the election of a president pro tempore who shall take over your duties should you be absent or unable to preside. It is an excellent idea to have such a person in place and ready to go at all times. Most units have such an office, and it is commonly called the vice presidency, which is the same thing as a president pro tempore as we use the term. The president pro tempore will take over all duties normally done by you, the president, when necessary.

In the unlikely event that both the president and president pro tempore are absent and a quorum is present, a presiding officer may be elected by the balance of the board so that the quorum present can do business. This should be addressed in your policy.



C. INDIVIDUAL BOARD MEMBERS

Each of your fellow board members is an appointed official, the same as you, representing a constituency. As such, each has an incumbent responsibility to participate in all regular and special meetings by attending, making motions, seconding motions, entering into debate, and voting on motions. These acts are understood to be required of all library board members. Members are not only entitled to do these things, they are expected to do them.

Serving on committees as appointed is also an expected role of all board members. Any other actions that will help your library board do its job better are to be expected from each board member.

The following eleven (11) items are some of the things a board member is expected to do. They were originally compiled to be considered when preparing a code of ethics for any board, but they are also appropriate when discussing the expectations and duties of individual members.

1. A board member should attend all scheduled meetings of the board insofar as possible and should become informed concerning the issues to be considered at those meetings.
2. A board member should make all decisions only after full discussion takes place at publicly held board meetings.
3. A board member should make decisions based upon available facts and independent judgment and should refuse to surrender that judgment to individuals and special interest groups.
4. A board member should encourage the free expression of opinion by all board members and seek systematic communications between the board, patrons, staff, and all elements of the community.
5. A board member should work with other board members to establish effective board policies and to delegate authority for the administration of the unit to the library director.
6. A board member should communicate expressions of public reaction to board policies and unit programs to other board members and the library director.
7. A board member should keep informed about current library issues by individual study and through participation in programs providing needed information--such as those sponsored by the State Library.
8. A board member should support the library director's choice in employing those persons best qualified to serve as library staff and have the library director perform annual and impartial evaluations of all staff.
9. A board member should avoid being placed in a position of conflict of interest and should never use the position as board member for personal or partisan gain.
10. A board member should take no private action that will compromise the board or staff and should respect the confidentiality of information that is privileged under applicable law. **(See Appendix II, page 29, NDCC 40-38-12. Library records - Open records exception.) (This law is commonly referred to by librarians as the Confidentiality Law.)**
11. A board member should always remember that the first and greatest concern must be the mission of the library and its public service functions.



D. LIBRARY DIRECTOR

This is probably the most under-used participant in many library board meetings. The library director is responsible for preparing the agenda in conjunction with you, the board president. The agenda shall be accompanied by appropriate background materials for the items contained therein, and it is the library director's responsibility to see that these materials are assembled in order and distributed to the board in time to permit thorough review prior to the meeting. The agenda is created in accordance with board policy and procedures discussed a little later in this handbook. This policy should set a time when all items are due, where they are due, and include a procedure for accommodating interested parties who want to have input at the meeting. The policy will also prescribe details for the distribution of the agenda, including time sent and recipients thereof.

The library director is expected to attend all board meetings and will present information about each item on the agenda or will present information as instructed by the board. The library director is the chief executive officer of the board and, as such, serves as the primary professional advisor. Each board must determine the exact role it expects from its library director at the meetings. It should be remembered, however, that the library director can and should be a valuable contributor at library board meetings and in all other phases of the unit's operation. Some boards elect to have the library director present each item on the agenda along with supporting information and then follow the presentation with a firm recommendation. Others simply call on the library director if they want input and have no regular system for the library director's participation.

The relationship between the board and the library director, whatever it is, must be developed and determined locally based upon what is most comfortable for the board and its library director. The relationship between the president and the library director often sets the tone for the library director's relationship with the board as a whole. Don't miss a good opportunity to get some valuable help for your board from your resident library expert.

E. SECRETARY

The position of secretary should be designated and defined in your policy and may be an actual board member or possibly, a staff member of the library. The secretary may have numerous duties as assigned by the board through its policy. Probably, the most important duties are executed during or after the board meetings.

The secretary keeps accurate minutes of all the proceedings of the board. These minutes are presented to the board for approval and then become part of the motions history of the unit. They must be maintained in a fashion so that easy retrieval is possible. Minutes and history aren't worth much if they aren't accurate and available.



F. PARLIAMENTARIAN

More and more boards are appointing someone to serve as the unit parliamentarian. This person may or may not be a member of the board and should be in attendance at all meetings--regular or special. It is the duty of the parliamentarian to have a broad knowledge of the rules of parliamentary procedure, to have readily available all necessary references, and to be able to use these references should questions about parliamentary procedure arise. It must be understood that the parliamentarian has no power other than to advise you, the president. It is you, in your role as chairman, and only you who will make the final decision on procedural questions. It is wise to listen carefully to the advice of someone who is trained and prepared in this area of learning, but the final call is a ruling from the chair.

SECTION III

Planning the Meeting

The annual meeting of each board is held on a date set by the board president (that's you) and approved by the other members. This meeting, obviously, must come after the appointment or reappointment of new members. It is at this meeting that the newly appointed members take their seats on the board, following the completion of unfinished business on the agenda. This is also the meeting at which the board organizes itself for the coming year of business.

Your board should hold regular meetings at least once each month for the transaction of business. In addition to the annual and regular meetings, special meetings may be called by you as president or as prescribed in your policy. When special meetings are called, there should be a policy requirement that each board member be notified in writing or through printed notice. Attendance at any such specially called meeting should constitute a waiver of the notice requirement.

Contrary to popular belief, there is no legal mandate to inform the public of special meetings aside from the suggestion to notify news agencies within the district who have so requested. Post a notice of the meeting at the library office and where the meeting is to be held; but for good public relations, it's best to have the notice posted as far in advance as possible in the places where such notices are normally displayed.

For your regular meetings, a specific day in each month should be established as the meeting date; for example, a board may meet on the second Monday of each month. This should be publicized in a manner so that all patrons are thoroughly familiar with when and where their library board meets. This is very important in keeping with our efforts to reinvolve the patrons of the public libraries.

A prepared agenda shall be in place for the regular meetings, constructed in accord with your policy. At the special meetings, the agenda shall include only the specific item(s) for which the meeting is called. No business, other than that so designated, may be addressed at a special meeting of your board.

It is important to note that some experts feel a gathering such as a library board meeting is too long if it runs more than two hours. That's about the maximum amount of time that persons, who have been doing all sorts of things during the rest of the day, can effectively perform in a decision-making role. After that period of time, the quality of decision making decreases. Between the agenda you prepared with the library director and your leadership abilities and efforts, it should be a serious goal to keep the meetings from running on, and on, and on.

For all practical purposes, executive (private) sessions of a public library board are prohibited. The board may meet in executive session only for matters specifically permitted in law.





Finally, let's discuss the physical setting for the board meeting. More people are now wanting to attend library board meetings than ever before. Unfortunately, most units are not blessed with unlimited space for the board meetings, and it is not unusual to see meetings with an audience far too large for the facilities, inadequate lighting, poor ventilation, poor temperature control, and terrible acoustics. If you know a crowd is likely to show up, prepare for them, even if it means moving the meeting to a larger public space such as a school gymnasium, cafeteria, or other public building. Lighting, ventilation, temperature, acoustics, and space are important ingredients in public satisfaction with the library board meetings that they attend. Have arrangements for an amplification system if needed.

It's a wise practice to have a space designated for the media if they commonly attend your meetings. All seating for the audience, media, and others should be arranged so that everyone has a clear view of the board. This may mean seating the board all on one side of a table, facing the crowd. Remember, this is a meeting of public officials that must be conducted in public. As long as that is the requirement, let's make the most of it by permitting the public to see and hear everything that is happening.

Have copies of the agenda and other materials available for the visitors. If they are to participate, be certain they have a good spot to stand and from which to present--a place where they can be seen and heard by you and the audience. Provide everyone with easy access to drinking water and restrooms. As the board president, do all you can to help your guests follow the proceedings. Generally, make everyone who visits your board meeting feel welcome.

SECTION IV *The Agenda*

Any organization that actively utilizes parliamentary procedure will follow a fixed order of business, or as we call it, an agenda. This agenda is prepared in a format, on a schedule, and by persons specified by your board. It is normally prepared so that it may be available for the individual board members no later than the Friday preceding the board meeting. It should be a combined effort of you (the board president) and the library director. There should be a part of your unit policy that governs this activity and prescribes how patrons and other interested parties may get time on the agenda. All this should be carefully addressed through a policy adopted by the board and periodically reviewed by them to ensure that it is current and workable.



It is important that the agenda allow all persons with an interest to have input. Yet this input must be of a length that the board can reasonably expect to complete in an amount of time that isn't absurd. A good agenda will not be packed in favor of one segment of thought or another. The agenda will be a fair reflection of the items that need the attention of the board. As you can probably surmise, even the preparation of the agenda is a demanding task for you.

As the agenda is being prepared, the library director should be pulling together any and all materials that may add to the information needed by the board to make the best possible decisions. This back-up material can be as important as the agenda itself. The more a board knows about a particular problem or issue, the better the chances of a sound decision. This is indeed one of the library director's most important duties--keeping the board informed about the things they will have to decide. The materials should be available to the board along with the agenda. Knowledge is indeed power.

The items to be included on the agenda can vary with each unit. Certainly, the format to be used is strictly a local unit decision, but experience has demonstrated that some basic elements are probably best included. For that reason, we have compiled the most commonly needed categories and will address each in some detail below.



A. CALL TO ORDER

As stated earlier, the president gently raps the gavel to call the meeting to order. You should work hard to see that the time you actually call the meeting to order coincides with the time stated on the agenda for beginning the meeting. Punctuality is an important ingredient of a good meeting. Begin and end in a timely manner.

B. ROLL CALL

The secretary shall call the roll and record in the minutes the names of the members present. This is significant because it establishes that the quorum required to conduct business is actually present. Remember, a quorum, for the purpose of doing library business in North Dakota is a majority of the appointed board. The secretary shall then announce to you, the president, that a quorum is, in fact, present when the roll call reveals such to be true.

Should a member be absent at the time of the initial roll call but appear later in the meeting, the secretary shall record the point in the proceedings at which the person arrived. Similarly, if a member leaves the meeting before adjournment, the time of departure should be noted in the minutes.

C. APPROVAL OF THE AGENDA

This item should be handled carefully. It is not an underhanded device to alter the published agenda. There are, however, times when emergency-type items must be added or deleted for good reason. Delegations may wish to be heard under provisions of your policy. This is the time to take care of that kind of business.

This is also when some boards add the names of patrons present and designate those who have asked for time on the agenda. Some units use the approach of designating a time for public input and allowing persons to sign up just prior to the meeting to be included on the agenda. This approach certainly fits into our stated goal of encouraging public participation. It should be pointed out, however, that even a liberal participation policy like this should have time parameters established. You surely want to hear whatever your constituency has to say, but their presentation has to be reasonable in time taken.

D. ACTION ON THE MINUTES

The secretary may read the minutes of the previous meeting(s) or a motion may be made to dispense with the reading and to adopt the minutes as written and distributed earlier. It is normal to have copies previously sent to the board members so that they are able to review them before coming to the board meeting. If, however, corrections are to be made, the specific items to be changed may be addressed in isolation without treating the entire set of minutes. A subsequent section of this handbook deals with the taking and keeping of minutes.

E. ACTION ON THE SCHEDULE OF BILLS

At this point, where it is applicable, all proposed expenditures will be presented by the library director or the treasurer (if one is designated), and the board will act as it sees fit. For all practical purposes, no expenditure may be made of public funds by a public library in North Dakota without the approval of a board having authority to do so.

F. REPORTS

This category usually includes a report by you called, surprisingly enough, the "President's Report." You will share anything that you've received that might be of general interest to your colleagues. Other members of the board may also bring things to share such as attendance at meetings, workshops, or conventions, etc. Also, the library director will give a report on activities of interest and concern to the board. Other staff members may be called upon from time to time for various reports. Your board may want reports from the secretary, the unit architect, the attorney, a consultant, etc. Action may be required as the result of a report, and that is appropriate as warranted.

As mentioned in Item C, above, you may wish to have the public presentations at this point. You may, however, wish to have them all at the very beginning of the meeting or you may wish to insert them at various points throughout the agenda as they apply to items therein.

G. COMMITTEE REPORTS

Any standing committee or special (ad hoc) committee report should be presented at this time. Bear in mind, you as president have appointed these committees with the approval of the rest of the board. It should also be remembered that committee reports are merely recommendations or advice to the board. If any action is appropriate, only the board as a whole can so act. The next section of this publication addresses committees in more depth.



H. UNFINISHED BUSINESS

This category consists of the items of business that have been brought forth from previous meetings. They are the items that were introduced earlier, but for some reason, had action delayed, and consequently are still unresolved. Sometimes this is called "old business." It sounds more professional, however, to call it "unfinished business."

I. NEW BUSINESS

This is where any topics new for the board's consideration are introduced.



J. ANNOUNCEMENTS

Under this category, the board is informed of things they need to know about future expectations. Dates of coming meetings, workshop schedules, etc., are brought before the board for their information.

K. ADJOURNMENT

At this point, the meeting ends by a vote or by general consent. That concept (general consent) will be defined later. You once again gently rap the gavel to signify that the meeting is adjourned.



SECTION V

Committees

It is becoming a more common practice for library boards to use committees in an effort to get everything done that needs to be done. There are essentially two types of committees that are of concern to library boards in this state: standing and special (ad hoc). The standing committee is appointed by you with board approval and exists permanently or until disbanded by the board. This kind of committee usually has a specific portfolio, and when topics come before the board that fit into this portfolio, they are referred to the appropriate committee. The committee will then meet, discuss the topic, and return to the full board with a recommendation for action. Examples of standing committee portfolios are collection development, finance, personnel, and building.

Special or ad hoc committees are also appointed by you and are also approved by the board. The special committee, however, exists to accomplish a very specific mission, and once this mission is completed, the committee ceases to exist. This type of committee also presents a recommendation to the entire board for action and, like a standing committee, is strictly advisory in nature. Examples of special committees would be a library director candidate screening committee, centennial activities committee, committee to review options for purchasing materials, etc.

A committee, standing or special, does not have the power to make decisions on behalf of the board. This must be emphasized and understood at all times by the board, by the committee, and by those with whom the committees are working. A committee has only the authority to study an issue and to make advisory recommendations back to the board. The board, and only the board in official session, has the power to make decisions. This can become especially significant when you have a committee doing personnel work for the board. Often, people will take what the committee says as binding upon the board, and this thinking must be discouraged. It must always be emphasized that the committee is obligated to take its recommendation back to the assembled board for action.

The composition of either kind of committee is not limited to library board members. Since the committee is only an advisory body, it may be desirable from time to time to include staff members, patrons, and perhaps students on committees. This is perfectly permissible since the board is not unlawfully delegating authority to make decisions.

There is a tendency for some people to search for ways in which to zing governing boards. You've heard a lot about illegal meetings and if you're not careful, committee activity could become suspect. When appointing a committee, never place a majority of the appointed board on either a standing or a special committee. It is felt in some circles that any time a majority of the board members gathers in the same place at the same time, regardless of the circumstances or purpose, such gathering constitutes a board meeting. Some even contend that when a committee composed of a majority of the board members makes a decision, it becomes binding upon the whole board. Rather than getting into lengthy legal debate, just avoid the problem by being certain that no committee has a majority of the board as its members.

This is important: All committees of the board, regardless of the number of members and regardless of whether there are any board members on the committee, are subject to the state's open meeting laws.

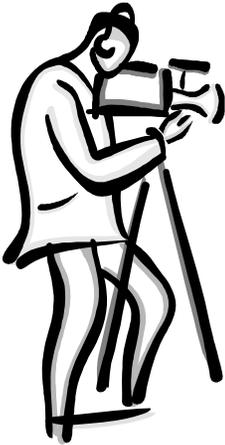


SECTION VI

Conducting the Meeting

Most of what we've talked about up to now has been the preliminaries. Now we're ready for the main event. It is the actual board meeting, and all that has happened before that has been leading to this point in time. So let's assume we're going to a regular, "second Monday of the month," library board meeting.

The first thing you notice is that the room is neatly arranged so that the visitors will get a favorable impression of how we do things and how we maintain our buildings. A lot of people form initial and lasting impressions based upon what they see when they walk into a place.



Next we notice that the room is well lighted and that it is properly ventilated with a comfortable temperature setting on the thermostat. There has been adequate seating provided for the audience as well as the board itself. We are also aware that the board has been seated in a manner so they are facing the guests and can easily establish and maintain eye contact. A section for the media has been designated, and copies of the agenda and other pertinent materials have been provided so they can follow along. Similar materials are available for other visitors who might appear at the meeting.

The meeting room is large enough and located near a drinking fountain and restrooms. Again, we are pleased with the cleanliness and order we see all around us. Board members and staff are circulating around the room chatting informally with the visitors making everyone feel welcome. As we take our places at the board table, we notice the library director has additional copies of everything that was sent to us since the last meeting. It is well-known that even though we try hard to remember everything, we do occasionally forget to bring our materials to the meeting. In a folder, neatly arranged in the order we will address them, are all the items of information we will need for tonight's meeting.

You are the chairman--the president of this library board. Your peers put you in this position, and you're the one who will have to get things started and then keep them going. The agenda follows the format suggested earlier in this publication.

You rap the gavel (ever so gently) and ask the meeting to come to order. You are off on one of life's more challenging adventures--a local library board meeting.

A. PARTICIPATION

We want people to know that they are welcome and that the libraries are theirs. We will allow them to participate, but it has to be within the established ground rules. This meeting is a very legalistic kind of thing. It is imperative that we conduct it right or there could be serious ramifications. Only appointed library board members are permitted to make motions, second motions, debate, and vote. No other person has a right to participate except when the board has solicited and scheduled such participation on the agenda or if the board calls upon someone for information on a particular item. Then the only thing a non-board member may do is speak to an issue as prescribed by the board.



The public is permitted to attend, listen to proceedings, record the proceedings, and participate when properly scheduled. Bear in mind, the library board meeting is a business meeting held in public--it is not a town meeting or a public forum.

B. MOTIONS

Decisions are made by a library board through the process of motions. Motions are the action part of library meetings. They are the movement that the board makes, and they trace the direction taken.

A motion is made when a board member obtains the floor from you, the president. There are a few times when the maker of a motion may interrupt, but normally at library board meetings, the cases where this is permissible don't often arise. These special cases are covered in the Motions Table appended to this handbook and are listed as Numbers 3, 4, 5, 6, 11, and 20.

You may wish to turn back to the Motions Table (**see Appendix III - page 30**) at this time and study its structure. The top boxes, going from left to right, give the kind of information that is contained in that particular column. In the first column in the ORDER OF MOTIONS is the precedence of the motions listed vertically.

They are presented with the most urgent, or highest priority, motion numbered as 1; and the others in the order of precedence are appropriately numbered.

The next column tells which motions the one listed may apply to. The next heading, MAY INTERRUPT ONE WHO HAS FLOOR, tells you whether or not the maker can simply **blurt** out the motion. If not, then the maker must first obtain the floor. MOVER MUST BE RECOGNIZED tells whether or not you as president must actually give the person the floor. REQUIRES A SECOND means just that. Does the listed motion need to be seconded? Some motions are not debatable, and those are identified under the box titled DEBATABLE. The next heading tells you what kind of majority is needed to pass a particular motion, followed by a column telling if the motion can be renewed. The final column contains a listing of the motions that may apply to the listed motion.

Back to the meeting. The member obtains the floor by addressing you. You will verbally recognize the speaker or do so with a nod of your head or somehow indicate that the person wishing for such has the floor. The mover states, "I move that" Please note, all motions are stated positively. It is not necessary nor is it proper for someone to move that the board NOT do something--it will "not be done" if the board simply doesn't act.

At this point, another member may volunteer a second without receiving recognition. If, however, there is no immediate second, you ask, "Is there a second to the motion?" If eventually the motion does receive a second, you announce, "We have a motion and a second that we" This announcing of the motions is a very important part of your job as president. It keeps everyone informed about the matter that is before them. Only after you have announced the motion is it actually before the board for consideration.

If, for whatever reason, the motion did not get a second, even after you asked if anyone wished to second it, then the motion is lost, or it drops to the floor and dies for lack of a second. The point is, there is no motion before your board without an identifiable second upon which the board can proceed with action. Without a second, you simply go on to the next item on the agenda or continue with the one you're working on.

On occasion, debate begins on a proposed motion that hasn't received a second and a subsequent vote passes the motion. This will stand as a valid action of the board because the only reason for requiring a second is to ensure that more than one person is interested in addressing a particular item. Obviously, if the majority votes to approve, more than one person feels it should be brought before the board. This has happened in the past, and when someone challenges it, the action of the board will usually prevail.



Now, back to the motion. It has life as soon as you announce it and must be debated. There are motions that are not to be debated, but most of those handled by your board will be subject to discussion. The exceptions are listed in the Motions Table as Numbers 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, and 22, (see **Appendix III, page 30**).

The person making the motion has the prerogative to speak first on the issue. The rest of the members are recognized by you. Notice that the person who made the second has no special privileged position in the order of debate.

After every board member has had an opportunity to speak (and that includes only the appointed library board members--not the library director, not the media representatives, and not the audience unless specifically invited to do so), then you as board president ask if there is any more discussion. You cannot unilaterally close the debate. Debate can only be closed by a two-thirds majority vote of the board OR by general consent.

Before explaining general consent, let's talk a little more about your role in board actions as president. Since you are an appointed official representing a constituency like any other board member, it is felt there must be some provision for you to make motions, second motions, and debate. Earlier in this handbook, we discussed the establishment of a system of succession to the gavel. This is a place where these presidents pro tempore (vice presidents) come into action.



When you feel compelled to make a motion, a second, or enter vigorously into the debate, we recommend that the gavel be passed to the person next in line to preside, and we recommend that it be your board's policy that the person be required to take the gavel. If this mandate is not present, you, as president, could be gagged simply by the refusal of the designated presiding officer to take over. When the gavel is so passed, you should not take it again until all action on the measure in question has been completed. Then you get back into the president's chair: This is not intended to be a device by which the potential president can gag the pro tempore. It should only be used in the best of faith. It is, of course, better if someone else will make the motion and second. Relinquishing the gavel is a last resort.

A policy to be considered regarding this situation is as follows:

At all meetings of the board, the president may [not] make or second a motion, [but] [and] will exercise privileges and duties of a board member, including the duty to vote on any question put to the vote of the entire board. The president may also contribute to the discussion in order to provide information or point out aspects not brought forth by other members, but shall not take advantage of the power of the chair to monopolize the discussion or exert undue influence on the vote.

Now, back to general consent. It is frequently used, and often casual observers don't realize that it's a "must." It is based upon the concept that silence implies agreement. You, as president say, "If there is no further discussion, without objection, I will declare debate closed." Then you wait a few seconds to give anyone so wishing an opportunity to object to closure. If no one speaks, you can assume everyone is in agreement to end debate. You then say, "Hearing no objection, debate is closed, and we will vote on the motion." If, however, a board member voices objection to closing debate, a motion on the question of closing debate is in order.

Often at board meetings and other similar gatherings, someone will yell, "Question," indicating a vote is wanted. Some presidents (you not included) think they are obligated to stop all discussion and take a vote. This is totally wrong. One individual cannot replace a two-thirds majority vote or implied consent, either of which is required to close discussion.

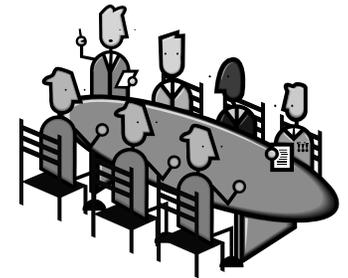
Throughout the entire process of dealing with a motion, you are in charge. If it becomes apparent that discussion is off the subject, you should declare this discussion out of order and bring it back on track. If an individual or group of individuals is trying to impede progress by whatever methods, you should declare them as being out of order. Being president at library board meetings brings with the honor a lot of responsibility and the necessary amount of authority to go with the responsibility. This is just one more reason why it's so important to know procedural rules and the state laws pertaining to library board meetings.

Almost all of the motions at a board meeting will be main motions (No. 19 on the Motions Table). There are, however, four broad types of motions. These are main, subsidiary, incidental, and privileged. These are listed by type in the Motions Table.

It is important to know that all motions have an order of precedence just in case you are surprised with an unexpected move at the board meeting. This precedence is simply an order of priority as to which motion must be treated first. The Motions Table has a number to the left of each of the motions. This number, from 1 to 22, indicates the order of precedence with No. 1 being the highest priority and No. 22 being the lowest.

The Motions Table also indicates which motions can be amended. To amend a motion that is amendable means to:

1. Strike out a word or words.
2. Insert a word or words.
3. Strike out and insert a word or words (or substitute motion if amendment requires many changes).



An amendable motion may be amended once and then the amendment itself may be amended--then the amending stops. If it went any further than this, things would get too confusing. An amendment cannot change the basic thrust of the original motion. The term "substitute motion" is often used. A substitute motion is nothing more than the original motion with amendments--but not amendments to the point where the intent has been altered. If you check the Motions Table, you'll notice that there is no such category as "Substitute Motion."

VERY IMPORTANT: Only one main motion can be on the floor at a time.

Occasionally, a library board will want to look at something they've done and want to bring a previously treated motion back onto the floor. The two ways to do this are to reconsider a motion acted upon earlier that same session or to move to rescind at a subsequent session. These are maneuvers that require you to be thoroughly familiar with procedure, and it may be wise to consult a trusted advisor or your parliamentarian for additional help should the need for either procedure arise.

It is also a common, but improper, practice to allow a motion to be withdrawn unilaterally by the maker after it has been properly announced. Once a motion is announced by you, the president, it is no longer the property of the maker. It is the board's motion and if the maker wishes to withdraw it, the board, through a vote, must give permission for such withdrawal. This is another point where consent can enter into the proceedings. You may simply say, "If there is no objection, the motion will be withdrawn." Allow time for objection, and if none arises, declare the motion withdrawn.



C. VOTING

After a motion has been made, seconded, announced, debated properly and debate has been closed by you, it is time to vote. You will clearly state the motion as it finally arrives for voting or have the secretary read the motion so the board knows exactly what they are voting on and so the audience can easily follow what's taking place.

All members, including you or whoever is presiding, will vote on each issue brought before the board. We can find no provision for an abstention in North Dakota law. As a matter of fact, we believe elected and appointed officials have a duty to vote as part of their office. If a board member absolutely refuses to vote, that vote will be recorded with the prevailing side of the issue.

There are provisions for not voting when a conflict of interest is present however, and your local policy should address this.

All votes taken must be done in a manner whereby the way (yes or no) each board member votes can be determined for the public record. Usually, roll call votes are used so the minutes can clearly reflect the vote of each member. It is maintained that only nonprocedural issues require a roll call vote, but it will save possible grief if you simply conduct all votes on the roll call basis. When in doubt, play it safe. You can't go wrong with a roll call vote in a public library board meeting.

The secretary will call the roll and record the vote. It is recommended that the order for calling the names be rotated so that no person is always called upon to vote first. This is simple to do and takes pressure off a single person who otherwise might always have to lead off.

Because of two factors, some presidents take a voice vote prefaced with the statement, "Assuming a roll call vote, all in favor" This is done primarily because the majority of board motions will pass by a unanimous vote; and secondly, if, when the "NO" votes are called for, even a single voice is heard, a regular roll call vote can be taken. This does save a little time but can leave the board open to some possible criticism.

On any issue voted upon by something other than a roll call vote, you must call for the "NO" vote even if it appears that the vote is unanimous. This is because a person voting may change the original vote to a negative vote before the results have been announced. By the way, the person making a motion does not have to vote in favor of the motion.

Most board motions will call for approval by a simple majority of the quorum present. Some motions require an extraordinary majority and are so noted in the Motions Table as No. 7, 8, 11, and 14.

Under North Dakota statutes, some items may require two-thirds majority approval or, in some cases, unanimous approval. Although it isn't totally clear, it would seem from the wording of these laws that the two-thirds requirement is of the entire board and not just the quorum present. For the purpose of giving direction, it is recommended that when these extraordinary majorities are mandated, they apply to the total board and not the quorum present.

When the vote is taken and tabulated, the secretary will tell you the results. You then announce that the motion has passed or failed and it becomes a part of your motions history. The item has been treated and the board has taken the action it elected to take.



SECTION VII
Open Records/Open Meetings

Perhaps the best approach to take is that all library board meetings are open to the public and all records of the public library are public domain.

The exceptions are infrequent and rarely come up in the normal activities of a library board. The exceptions will be discussed in the following text. Even when a board is relatively certain they may meet in executive session, it is recommended that they obtain competent legal advice to be sure they are acting properly.

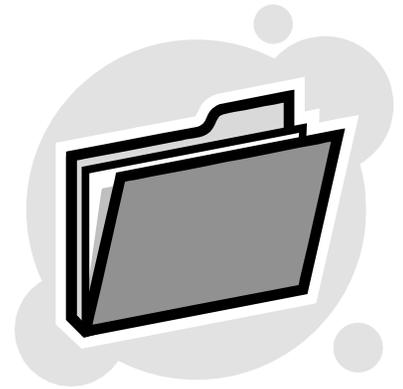
When dealing with personnel matters, from hiring to firing, public bodies often attempt to "protect" individuals from publicity. Whether it is the identity of the applicants, the selection of the best applicant or the taking of disciplinary action, North Dakota's broadly defined "sunshine" laws governing public records and public meetings **MUST** be followed. Failure to do so often generates much greater public exposure than does compliance with North Dakota's laws on these subjects. Charges of "secret" records or "secret" meetings, defending civil lawsuits and facing possible criminal charges are all good reasons to comply with these statutes.

A. OPEN RECORDS LAWS: Section 44-04-18 of the North Dakota Century Code states in part:

1. **Except as otherwise specifically provided by law**, all records of a public entity are public records, open and accessible for inspection during reasonable office hours.
2. Upon request for a copy of specific public records, any entity subject to subsection 1 shall furnish the requester one copy of the public records requested.
3. While this statute goes on to permit and define "reasonable costs" which can be charged for copies, it is clear that public entities must be able to identify specific statutory exceptions before denying access to their records.

B. OPEN RECORDS EXCEPTIONS: Four sources of exception are of particular relevance to public employers:

1. 44-04-18.1 – Excludes public employee personal, medical and employee assistance records, including personal information maintained by state professional boards. However, the definition of "personal information" makes it clear that the rest of the information in a public employee's personal file (performance reviews, investigations, etc.) are not confidential.





2. 44-04-19.1 – "Attorney work product" (documents prepared by an attorney representing a public entity, for civil or criminal litigation or adversarial administrative proceedings) is exempt from the open records law. However, once the legal proceedings and possible appeals are complete, the attorney work product becomes a public record in most instances.
3. 15.1-07-25 – Administrative investigation of a complaint concerning an employee is confidential until the investigation is complete. However, such investigations must be completed within 60 days following which the records or documents generated by the investigation become public records.
4. This means that two of these four "exceptions" to the open records law are temporary in nature. Public entities seeking to protect employee-related records from public scrutiny would be well advised to seek legal counsel and identify specific statutory authority upon which they choose to "hang their hat."

C. OPEN MEETINGS LAW: Section 44-04-19 of the North Dakota Century Code states in part:

1. Except as otherwise specifically provided by law, all meetings of a public entity must be open to the public.
2. This section is violated when any person is denied access to a meeting under this section, unless such refusal, implicitly or explicitly communicated, is due to a lack of physical space in the meeting room for the person or persons seeking access.
3. For purposes of this section, the meeting room must be accessible to, and the size of the room must accommodate, the number of persons reasonably expected to attend the meeting.
4. The right of a person to attend a meeting under this section includes the right to photograph, to record on audio or video tape, and to broadcast live on radio or television the portion of the meeting that is not held in executive session, provided that there is no active interference with the conduct of the meeting. The exercise of this right may not be dependent upon the prior approval of the governing body. However, the governing board may impose reasonable limitations on recording activity to minimize the possibility of disruption of the meeting.
5. For meetings subject to this section where one or more of the members of the governing body is participating by telephone or video, a speakerphone or monitor must be provided at the location specified in the notice issued under section 44-04-20.
6. The definition of what constitutes a meeting is very expansive. For instance, a recent Attorney General's Opinion on this subject has determined that a public entity's "retreat" is a public meeting. Notice is a mandatory prerequisite for the conducting of any public meeting.

D. NOTICE OF PUBLIC MEETING: Subsection 1 of section 44-04-20 states:

1. **Unless otherwise provided by law, public notice must be given in advance of all meetings of a public entity** as defined in section 44-04-17.1, including executive sessions, conference call meetings, and videoconferences. **Unless otherwise specified by law, resolution, or ordinance, or as decided by the public entity, notices required by this section need not be published.**
2. The remaining subsections of 44-04-20 delineate the contents, posting and filing requirements for all public meetings. It is noteworthy that the public entity's official newspaper must be notified before any special or emergency meeting, even if such a notice has not been requested. It is also important to limit the scope of all special or emergency meetings to only those topics contained in the agenda notice provided to the media.

E. OPEN MEETING EXCEPTIONS: Any public entity intending to utilize an executive session must first identify a lawful basis for going into executive session. For libraries, there are basically two exceptions that illustrate this requirement:

1. Attorney Consultation: Pursuant to subsections 2 and 4 of Section 44-04-19.1, when a public entity meets with its attorney to discuss pending or reasonably predictable civil, criminal, or adversarial administrative proceedings.
2. Negotiations Strategies: Pursuant to subsection 7 of section 44-04-19.1, when a governing body is involved in litigation, adversarial administrative proceedings or contracts which are currently being negotiated, provided that an open meeting would have an adverse fiscal effect on the bargaining or litigation.



F. EXECUTIVE SESSION PROCEDURE: After identifying a specifically provided exception to the open meeting laws, governing bodies must comply with the statutorily prescribed procedure for going into and conducting an executive session. Section 44-04-19.2 (Confidential or closed meetings) provides:

1. A governing body may hold an executive session to consider or discuss closed or confidential records.
2. Unless a different procedure is provided by law, an executive session that is authorized by law may be held if:
 - a. The governing body first convenes in an open session and unless a confidential meeting is required, passes a motion to hold an executive session.
 - b. The governing body announces during the open portion of the meeting the topic(s) to be discussed or considered during the executive session and the body's legal authority for holding an executive session on those topics.
 - c. The executive session is recorded under F-5 below.
 - d. The topics discussed or considered during the executive session are limited to those for which an executive session is authorized by law and that have been previously announced under this subsection.
 - e. Final action concerning the topics discussed or considered during the executive session is taken at a meeting open to the public, unless final action is otherwise required by law to be taken during a closed or confidential meeting. For purposes of this subsection, "final action" means a collective decision, or a collective commitment, or promise to make a decision on any matter, including formation of a position or policy, but does not include guidance given by members of the governing body to legal counsel or other negotiator in a closed attorney consultation or negotiation preparation session authorized in section 44-04-19.1.
3. The remainder of a meeting during which an executive session is held is an open meeting unless a specific exemption is otherwise applicable.
4. The minutes of an open meeting during which an executive session is held must indicate the names of the members attending the executive session, the date and time the executive session was called to order and adjourned, a summary of the general topics that were discussed or considered that does not disclose any closed or confidential information, and the legal authority for holding the executive session.
5. All meetings of the governing body of a public entity that are not open to the public must be recorded electronically or on audiotape or video tape. The recording must be disclosed pursuant to court order under subsection 2 of section 44-04-18.11 or to the attorney general for the purpose of administrative review under section 44-04-21.1. The attorney general may not disclose to the public any recording received under this subsection and must return the recording to the governing body upon completion of the administrative review. The recording may be disclosed upon majority vote of the governing body unless the executive session was required to be confidential.



6. Disclosure of the recording by a public servant except as provided in this subsection is a violation of section 12.1-13-01. All recordings under this subsection must be retained for a minimum of six months after the executive session that is the subject of the recording.

G. ROLL CALL VOTING: Section 44-04-21 specifically prescribes the voting requirements for public meetings, as well as the contents of the minutes of those meetings stating:

1. 44-04-21. Open voting at public meetings required – results recorded in minutes.

a. Unless otherwise specifically provided by law, all votes of whatever kind taken at any public meeting governed by the provisions of section 44-04-19 must be open, public votes and all nonprocedural votes must be recorded roll call votes, with the votes of each member being made public at the open meeting. Procedural votes must be recorded roll call votes upon the request of any member of a governing body holding a meeting subject to this section. As used in this section, "nonprocedural" should be broadly interpreted and includes all votes that pertain to the merits of the matter before the governing body.

2. Minutes must be kept of all open meetings and are records subject to section 44-04-18. The minutes must include at a minimum:

- a. The names of the members attending the meeting;
- b. The date and time the meeting was called to order and adjourned;
- c. A list of topics discussed regarding public business;
- d. A description of each motion made at the meeting and whether the motion was seconded;
- e. The results of every vote taken at the meeting; and
- f. The vote of each member on every recorded roll call vote.



Notwithstanding subsection 8 of section 44-04-18, the disclosure of minutes kept under this subsection may not be conditioned on the approval of the minutes by the governing body.

IMPORTANT: DO NOT TRY TO "GET AROUND" THE LAW. FOLLOW THE PROCEDURES TO THE LETTER. GET HELP IF YOU HAVE ANY DOUBTS.

SECTION VIII

Minutes

The minutes of any organization comprise the history of the group. Minutes tell what actions have been taken and who did what as the items came before the body. Logic suggests that each unit designate a specific individual to be responsible for keeping the minutes of all library board meetings.

From the instant a word is recorded on the secretary's note pad, everyone should regard it as public domain. It is, in fact, the right of the public to inspect the minutes at any point along the way. This emphasizes the need for accuracy, quality, and neatness when taking library board minutes. If the minutes are published in the local newspaper, then it is incumbent upon the unit, and especially the secretary, that such information be supplied to the media completely and in a timely fashion.

Some newspapers want the minutes immediately following the board meeting. The board does not have to comply with this request, but if you do and since the minutes are not official until the board has had the opportunity to review them and act upon them at a subsequent meeting, we suggest that prior to releasing draft minutes, a disclaimer be part of them indicating that the set of minutes so published is unofficial because they haven't yet been approved by the board.

Minutes should be neatly produced, filed in chronological order in a binder or in some kind of permanent file, and should be available at all board meetings for quick reference. The minutes are as much a part of the unit's reference library as the Century Code and other publications specified earlier herein.

The draft copies of the minutes should be signed by the person responsible for taking them (secretary), and when approved, they should be signed by both the secretary and you, the board president.

Minutes should not contain the editorializing of the secretary or anyone else. Basically, they should contain what is done by the board--there is no permanent value in trying to report word-by-word accounts of the discussions and debates. It is, of course, important to record any split votes in order to conform to the belief that how each member votes is to be public knowledge. It is also important to have such votes recorded in the event an issue is to be brought back at a later date.

Minutes shall contain the date, time, and place of the meeting and specify whether it is the annual meeting, a regular meeting, or a special meeting. They should indicate who presides and what persons were present.

Each action (motion) shall be recorded to show who made it, who seconded it, and how each member voted. The last paragraph should state the time of adjournment.

When approved by the board, a typed, signed copy of the minutes shall be filed in the motions history, which is a complete set of all the minutes ever generated by the board.

The notes taken in an approved closed meeting are somewhat different. It is the writer's position that these notes should be properly secured in a safe place and not released unless a judge of competent jurisdiction so orders. At the open session of a board following its action in closed session, it is recommended that the board president repeat and announce verbally any action taken during the closed meeting, including the roll call vote, to get it into the public record.

Secretaries are urged to become familiar with those sections of the Century Code and *Robert's Rules of Order* which deal with the taking and keeping of minutes.

SECTION IX *Miscellaneous*

There's a song in the hills of Missouri that has lyrics that proclaims, "*The universe brims full of questions – the answers are harder to find.*" Perhaps that's true about what we've tried to cover here. There are still hundreds of questions that haven't been answered in the foregoing pages.

For instance, how do you deal with the maverick board member who always wants to vote contrary to the rest of the board or worse, what if a board member actually gets unruly and out of hand? What are you to do about the patrons who start raising thunder at a board meeting and aren't on the agenda?

What can you do about pressure groups from the community that want additions to the collection or deletions from the collection? Or what about those groups who want a particular staff member fired? How do you handle petitions that are dropped on the board by special interest groups? How do you get the board to pull together as a team instead of everybody going off in different directions? How do you get the board to start communicating within its membership? How do you stop a board member from taking everything down to the cafe for discussion before the board is finished doing its job?

There is no end to the questions, problems, and challenges that being a board president involves; and no one has all the answers. Even if this handbook were ten times its present size, chances are the solutions offered wouldn't apply to all units equally. Much of what you will be doing as you lead your board is just common sense, courtesy, and good judgment. There are no books that can tell you about that. It's something that you develop over a period of time by putting yourself through numerous learning situations.

Many things have been omitted because there is no way a work of this scope can even begin to cover all the ramifications and possibilities involved in procedural rules. We've tried to hit the items most commonly encountered. You'll notice some items are repeated several times throughout. This is no accident. These are the things that seem to come up over and over again in the form of questions and problems for boards.

The State Library can supply you with a number of publications and workshops, but even that approach has its limitations. There's just no substitute for a strong, capable person chairing the board at the local level.

Being a library board member is a tough job — being a library board president is an even tougher job.

APPENDIX I: CONFLICT OF INTEREST LAW

NDCC 44-04-22. Conflict of Interest Law. A person acting in a legislative or quasi-legislative or judicial or quasi judicial capacity for a political subdivision of the state who has a direct and substantial personal or pecuniary interest in a matter before that board, council, commission, or other body, must disclose the fact to the body of which that person is a member, and may not participate in or vote on that particular matter without the consent of a majority of the rest of the body.



**APPENDIX II: LIBRARY RECORDS-OPEN RECORDS EXCEPTION
(Confidentiality Law)**

Any record maintained or received by a library receiving public funds, which provides a library patron's name or information sufficient to identify a patron together with the subject about which the patron requested information, is considered private and is excepted from the public records disclosure requirements of section NDCC 44-04-18 of the North Dakota Century Code. These records may be released when required pursuant to a court order or a subpoena.



APPENDIX III: MOTIONS TABLE

	ORDER OF MOTIONS	MAY APPLY TO FOLLOWING MOTIONS	MAY INTERRUPT ONE WHO HAS FLOOR	MOVER MUST BE RECOGNIZED	REQUIRES A SECOND	DEBATABLE	VOTE REQUIRED	MAY BE RENEWED	MOTIONS THAT APPLY TO IT
PRIVILEGED MOTIONS	1. TO FIX TIME TO WHICH TO ADJOURN	None	No	Yes	Yes	Not when privileged	Majority	Not for same time	Amend, Reconsider
	2. TO ADJOURN	None	No	Yes	Yes	Not when privileged	Majority	Yes after progress	None
	3. QUESTION OF PRIVILEGE	None	Yes, if necessary	No	No	No, but a resulting motion is	Decided by chair	After progress	None apply to question of privilege, but all may apply to resulting privileged motion
	4. TO CALL FOR ORDERS OF THE DAY	Any special or general order	Yes, to call for a special order	No	No	No	None - takes 2/3 vote to postpone special order	Yes; except special cases	None except to postpone orders
INCIDENTAL MOTIONS	5. RISE TO A POINT OF ORDER	Any motion or act	Yes	No	No	No	None unless appealed, then majority	No	None
	6. APPEAL	Any decision by the chair	Yes	No	Yes	No	Majority to reverse ruling	No	Lay on table, close debate, reconsider
	7. TO SUSPEND THE RULES	Any motion where needed	No	Yes	Yes	No	Usually 2/3 See Constitution	No, except by unanimous consent	None
	8. TO CREATE SPECIAL ORDERS	Main Motion	No	Yes	Yes	Yes	2/3	After progress	All
	9. TO WITHDRAW (or Renew) A MOTION	Any Motion	No	Yes	No	No	Majority	After progress	Reconsider
	10. VOTING - "DIVISION" MOTION TO BALLOT	Any		No	Division - No Ballot - Yes	No	Division - None Ballot - Majority	Does not apply	None
	11. OBJECTION TO CONSIDERATION	Original main question	Yes	No	No	No	2/3 in negative	No	Reconsider
SUBSIDIARY MOTIONS	12. TO LAY ON THE TABLE	Main question, appeals question of privilege or reconsider	No	Yes	Yes	No	Majority	After progress	None
	13. TO TAKE FROM THE TABLE	Only to motion that was tabled	No	Yes	Yes	No	Majority	After progress	None
	14. CLOSE DEBATE (Previous Question)	Any debatable or amendable motion	No	Yes	Yes	No	2/3 Majority	After progress	Reconsider
	15. TO POSTPONE TO CERTAIN TIME	Main motion, questions of privilege or reconsider	No	Yes	Yes	Yes	Majority	After progress	Amend, reconsider, limit or close debate
	16. TO REFER OR COMMIT	Main motion, questions of privilege	No	Yes	Yes	Yes	Majority	After progress	Amend, reconsider, limit or close debate
	17. TO AMMEND OR SUBSTITUTE	Main motion, limit debate, refer, postpone definitely, fix time of next meeting	No	Yes	Yes	Yes	Majority	No	Amend, reconsider, limit or close debate
	18. TO POSTPONE INDEFINITELY	Main motion, question of privilege	No	Yes	Yes	Yes	Majority	No	Limit or close debate, reconsider (yes' vote only)
MAIN MOTIONS	19. MAIN QUESTION (or Motion)	No other motion	No	Yes	Yes	Yes	Majority	Not at same session	All
	20. TO RECONSIDER	Any motion except adjourn, suspend rules, lay on table	Yes, for entry	No	Yes	Yes	Majority	No	Limit or close debate lay on table postpone definitely
	21. TO RESCIND	Main motions, appeals, questions of privilege	No	Yes	Yes	Yes	Majority	Not at same session	All
	22. ELECTIONS (NOMINATIONS)	None	No	Yes	No	No			Close nominations or polls - 2/3

APPENDIX IV: SAMPLE BYLAWS

For definitions of the terms referred to in Appendix III: Motions Table on page 30, please refer to:

Jones, O. Garfield. 1971. *Parliamentary procedure at a glance: group leadership manual for chairmanship and floor leadership*. New York, NY: Penguin Books.

For a sample bylaw, compliments of the Fargo Public Library, please go to:

<http://www.cityoffargo.com/CityInfo/Departments/Library/LibraryBoard/Bylaws/>

For other samples of bylaws you can check other library Web sites.





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