



**CITY OF NOVI LIBRARY BOARD
LIBRARY BOARD – OMA Training
MINUTES
July 12, 2021**

Final Draft

Call to Order by Vice-President, Kat Dooley

A Zoom Meeting

Called to order by Vice President Kat Dooley at 7:01 PM

Pledge of Allegiance

The Pledge of Allegiance was recited.

Roll Call by Secretary, Brian Bartlett

1. **Library Board – 6 members were present and stated their location.**

Kathy Crawford, President - Absent

Kat Dooley, Vice- President

Brian Bartlett, Secretary

Sreeny Cherukuri, Board Member

Tara Michener, Board Member

Geoffrey Wood, Treasurer

Torry Yu, Board Member

Library Staff

Julie Farkas, Director

Guest Presenter

Clare Membiela

Library of Michigan

Approval of Agenda

A motion was made to approve the Agenda.

1st – Torry Yu

2nd – Brian Bartlett

MOTION APPROVED: 6-0

Goal Setting Discussion

Facilitator Clare Membiela:

Presenting from Ingham County. Clare is a law librarian with law degrees and degrees in library science.

Libraries are unique in the way they are structured. They are locally controlled government entities and could not exist without boards. They have existed in the State of Michigan before it was a state. They are typically by either government entities or boards.

Boards are chartered with safeguarding and overseeing the organization. The most important role of members of the board is to safeguard the assets of the library to guarantee its longevity to future generations and boards. Lego analogy: As an individual block each board member isn't significant, but by coming together, they can do amazing things.

The key steps to being a successful trustee:

- Seek opportunities to train and learn to increase knowledge
- Ask and inquire from others. Staff, directors and other Trustees.
- Actively discuss and participate in board meetings.
- Trust and Respect others on the board
- Focus on the welfare and "safeguarding" the library.

All work is done in a public meeting. This is part of the OMA rules and regulations. The Board is autonomous to make decisions for the library's best interest. All members need to be able to set aside any personal agendas and politics to act as a fiduciary for the entity's best interest.

Open Meetings Act – Enables Michigan Citizens to view, attend, address, and witness the work and decision making of public policies. The key word is transparency. The concept applies to all states and the federal government. Each State establishes their Open Meetings law. The official statute in Michigan is MCL 15.263(2). MCL stands for Michigan Compiled laws which keeps laws up to date with all modifications to date.

A "decision" involves not only the final action, but all discussion and actions leading up to that action. All deliberations of a public body constituting a quorum are an open meeting. Anyone in the public can attend an open meeting. There can be no requirement to sign in, register, or identify themselves and all public members must be accommodated. If a room runs out of capacity due to capacity, the meeting needs to be postponed until a larger facility can be obtained.

Danger areas regarding the Open Meetings act:

- "Work" meetings where factions of the board are discussing board decisions. Committees making recommendations in finite areas are ok, but not general discussion.
- "No Parking lot Chats". All discussions should be in open meeting.
- No individual canvassing to achieve "round the horn" votes. The importance is the discussion.
- No email or texts regarding business and agenda items. Do not discuss board packet in email or text.
- Don't choose times/days when the public can't attend.
- Using personal phone/email/text to discuss business can open up your personal devices to FOIA (Freedom of Information Act) requests.

You can have a Closed Session for board decisions.

- To consider dismissal, suspension or disciplining of or charges against a public officer, employee, or staff member. This can only happen IF the officer, employee or staff member requests it. They can choose to move this to private session, or keep it in public session at their request.
- Negotiating a collective bargaining agreement
- To consider the purchase or lease of a property.
- To consult with an attorney regarding trial, settlement, or action against the board. (Attorney-Client privilege)
- Interviews are held in open session. There are instances where a candidate wishes their interview to be private (at the candidate's discretion).
- If the issue is covered by another privacy law such as ADA, HIPPA.

Minutes from Private session are kept on file, but not shared with the public. They need to be maintained for one year.

At a meeting the public has a right to speak. All public members need to be controlled by the same set of rules and time frames. Persons are free to discuss anything they wish. You can request a sign-in and identification as long as it is the same for everyone. It's best to have a written firm policy. It's best for the board to focus on behavior rather than content. You can specify:

- Length of time
- Rules for conduct, but not regulate speech.
- It is not a debate session – the board is encouraged not to respond.
- It is best that the board models the behavior they expect among themselves (mutual respect).

Committees do not have a quorum or decision authority. This can be a gray area. For example if the HR committee is evaluating resumes, and discarding some, this is a decision. It should probably be in open meeting. When in doubt, it is best to call an open meeting.

Minutes shall be available. Within 8 days minutes highlighting the attendance in decisions. The minutes require date, time, and members present, any decisions made at the meeting open to the public and any and all roll call votes. The public body will make corrections at the next public meeting. The best practice is to put them on the organizations web site. Minutes are kept forever.

A brief discussion of FOIA (Freedom of Information Act) of what items are open record.

- Staff Salaries and employment contracts
- Staff Benefits (but personal information and medical information are protected)
- Employee evaluations
- Discussion of strategic plans
- Contracts for purchases
- Financial information and budgets

Modifications of the OMA includes remote meetings if there is a current state of emergency, a medical condition and military duty. This was put in place for COVID. Previously only Military Duty allowed for remote attendance. After December 31, 2021 this change expires. An agenda if one exists should be on web site (If available, it is not required).

Tips for OMA compliance

- Lots of training and a Bylaw requirement for new members
- Signage around the room "Remember the OMA"
- Cheat Sheets – What is allowed, what is not
- Assign a board member as an "OMA GURU"

- Err on the side of Transparency whenever in doubt.
- Consult your board attorney

As a board member you are obligated to identify violations and report to local attorney's and authorities

A word about civil discourse. Be sure that all members treat each other with respect. Consider a set of meeting rules to encourage collegiality.

- Cell phones off
- Everyone speaks once on a topic until any member gets to comment a second time.
- One person speaks at a time
- No raised voices
- Actively listen.
- All members abide by the same debate rules
- If you wouldn't post a statement in public for all to see, don't say it.
- Disagreement is fine, Bullying, intimidation and name calling are not.

Comments/ Questions from the board:

Trustee Cherukuri: Interested in emails being received from the public regarding an individual trustee. What is the best specific response. Should all board members be cc'd. Also interested in Committee meetings regarding a recommendation. If all members agree with a committee decision, are they violating the OMA. Also, what are the things trustees need to keep in mind when trying to secure new large donors.

Clare Membiela: The email response is really at your discretion as to who you copy and inform of your response to the member of the public. The danger becomes if it becomes a conversation and discussion about an issue. That discussion would be in an open meeting.

Committee recommendations are OK as long as the committee provides the information to the board as a whole to discuss the recommendation and make the business decision in open meeting.

For enticing new library donors, there can be no use of public money for wining, dining, or entertaining. The rules are very strict in that regard.

Trustee Michener: Had questions regarding the group ICube tour. Is this an issue with the OMA? Also she has requested Org chart information that has not been forthcoming. Is this an issue for OMA or FOIA?

Clare Membiela: The ICube or outing is acceptable as long as the board treats it only as an information gathering event and does not discuss any board business. It needs to be a pure knowledge gathering event.

Information you have not received that you are entitled to should be FOIA.

Trustee Dooley: What is the libraries responsibility to create documents that may not exist for FOIA requests? Is the requestor entitled to have their requirements meant? And what are the requirements for providing information for public comment?

Clare Membiela: If a document doesn't exist the library simply states the document is not available. FOIA requests do not translate to needs for the library to fulfill them. Using the previous example of the library org chart. If no traditional org chart exists, the library is not obligated to create one.

PUBLIC COMMENT

No public comment was made.

Meeting Adjournment

Motion to Adjourn the meeting
1st – Sreeny Cherukuri
2nd – Torry Yu

MOTION APPROVED: 6-0



Brian Bartlett, Secretary

July 22, 2021

Date