



Origination N/A
Last Approved N/A
Effective N/A
Last Revised N/A
Next Review N/A

Owner **Tim Dillman**
Area **Public Services**
Applicability **NCRL Public Services**

Open Meeting Policy

Policy:

Meetings of the Board of Trustees of NCW Libraries ("Board") are open to the public in accordance with the Open Public Meetings Act (RCW 42.30), as existing or amended. The Board invites and welcomes the public to attend its public Board meetings, and participate in such meetings in accordance with law and this Policy.

Purpose:

The Washington Open Public Meetings Act, codified in chapter 42.30 RCW ("OPMA"), requires that all meetings of governing bodies of public agencies, including cities, counties, and special purpose districts (i.e. NCW Libraries), be open to the public. The purpose of this Policy is to provide general guidance and establish procedures governing the Board of Trustees of NCW Libraries to ensure compliance with the OPMA.

Applicable RCWs:

Open Public Meetings Act (RCW 42.30)

Open carry of weapons prohibited on state capitol grounds and municipal buildings (RCW 9.41.305)

Statement of Policy:

Meeting Conduct, Order of Business and Quorum

The Board will schedule its meetings in compliance with the law, and as deemed by the Board to be in the best interests of the district and community. The Board will function and conduct business through (1) regular meetings, (2) special meetings, and (3) emergency meetings. In addition, the Board may form

and utilize advisory committees to provide feedback to the Board related to specific subjects or issues. Advisory committees are not subject to the Open Public Meetings Act requirements set forth in this Policy unless (1) a quorum of Board members are present at a committee meeting, or (2) the committee has been delegated authority to take final action on any matter on behalf of the Board.

Regular Meetings/Workshops

Regular meetings are held at 1:00 p.m. on the 3rd Thursday of each month in the NCW Libraries distribution center main Boardroom. An agenda of the business that the Board will transact will be posted on the NCW Libraries' website not less than twenty-four (24) hours in advance of the published start time of the meeting. Board Workshops will be held as needed, with notice provided in the same manner as for special meetings.

If the Board holds regular meetings at places other than the NCW Libraries Boardroom, or if the Board adjourns to times other than a regular meeting time, the Board will provide notice of the meeting in the same manner as provided for special meetings. All regular meetings of the Board will be held within the NCW Libraries boundaries. In cases of emergency declared by federal, state or local government, or in cases of local emergency including fire, flood, earthquake, or other emergency, the presiding officer chair/president may provide for a location other than that of the regular meeting, a remote meeting with no physical location, or a meeting at which physical attendance is limited. In the instances of remote or limited in-person meetings, NCW Libraries will provide real-time telephonic, electronic, internet, or other readily available means of remote access that do not require an additional cost to access the meeting.

Board members may attend meetings remotely (i.e. via telephone or videoconference) with advance notice and/or approval of the Board President.

Special Meetings

Special meetings may be called by the Board President or at the request of a majority of the Board members. A written notice of a special meeting, stating the time and place of the special meeting and the business to be transacted will be delivered to each Board member. Written notice will also be delivered to each newspaper and radio or television station that has filed a written request for such notices. Written notice may be delivered personally, by mail, facsimile, or email. The notice will also be posted on the NCW Libraries website.

NCW Libraries will also prominently display the notice at the main entrance of its headquarters (distribution center) as well as at the location of the meeting if the meeting is held at a location other than the headquarters and is not held as a remote meeting. During a declared emergency that prevents a meeting from being held in-person with reasonable safety, NCW Libraries may post notice of a remote meeting without a physical location on its website, or the website hosted or shared by another agency.

All required notices must be delivered or posted not less than twenty-four (24) hours prior to the meeting.

A Board member waives the written notice requirement if that Board member:

1. Submits a written waiver of notice to the Board secretary at or prior to the time the meeting

- convenes. The waiver may be given by telegram, fax, or email; or
2. Is actually present at the time the meeting convenes.

The Board will not take final action at a special meeting on any matter other than those items stated in the meeting notice. If NCW Libraries calls a special meeting of the Board to deal with an emergency involving injury or damage to persons or property, or the likelihood of such injury or damage, when time requirements of such meeting would make notice impractical and increase the likelihood of such injury or damage, or when the required notice cannot be posted or displayed with reasonable safety, including but not limited to declared emergencies in which travel to physically post notice is barred or advised against, the Board may meet immediately with no prior notice.

Emergency Meetings

If NCW Libraries determines, by reason of fire, flood, earthquake, or other emergency, that there is a need for expedited action by the Board to meet the emergency, the Board President may provide for a meeting site other than the regular meeting site, for a remote meeting without a physical location, or for a meeting at which the physical attendance by some or all members of the public is limited due to a declared emergency. The Board President may provide for an emergency meeting without providing notice.

If, after the declaration of an emergency by a local or state government or agency, by the federal government, or existence of other emergency, the Board (through the president/chair) determines that it cannot hold a Board meeting with its members or with public attendance in person with reasonable safety because of the emergency, the Board will either:

1. Hold a remote meeting without a physical location, or
2. Hold a meeting at which the physical attendance by some or all members of the public is limited due to the declared emergency.

Members of the Board may appear at a remote meeting telephonically or by other electronic means that allows for real-time, remote communication.

For a remote meeting or a meeting at which the physical attendance by some or all members of the public is limited due to a declared emergency, the district will provide an option for the public to listen to the proceedings telephonically or by using a readily available alternative in real-time that does not require any additional cost for participation. Free readily available options include, but are not limited to, broadcast by the public agency on a locally available cable television station that is available throughout the jurisdiction or other electronic, internet, or other means of remote access that does not require any additional cost for access to the program. NCW Libraries may also use other electronic means of remote access.

NCW Libraries will provide notice for remote meetings or meetings at which the physical attendance by some or all members of the public is limited due to a declared emergency according to this Policy. The notice for meetings pursuant to a declared emergency will include instructions on how the public may listen live to proceedings and how the public may access any other electronic means of remote access offered by the district.

The district will not take final action on any matter during a remote meeting or a meeting at which the physical attendance by some or all members of the public is limited due to a declared emergency unless the district has provided an option for the public to listen to the proceedings, except for an executive session, pursuant to this Policy.

Public Notice

The Board will give proper public notice for any special meeting whenever a regular meeting is adjourned to another time. The Board may provide notice for an emergency meeting in accordance with this Policy.

All meetings will be open to the public with the exception of executive or closed sessions authorized by law. The Board will take final action resulting from executive session discussions during a meeting open to the public as required by law.

Individuals with disabilities who may need a modification to participate in a meeting and those who may have difficulty physically attending a meeting should contact the Executive Assistant to the Executive Director no later than 2 days before a regular meeting and as soon as possible in advance of a special meeting so that special arrangements can be made.

During the interim between meetings, the Assistant to the Executive Director, as Board secretary, will be the office of the Board. NCW Libraries' public records will be open for inspection in the manner provided by and subject to the limitation of the law.

Quorum and Voting

A quorum consists of the majority of all Board members. A quorum is required for the transaction of business, including voting. Board members are not required to be physically present to attend a Board meeting. Any or all Board members may attend a Board meeting and vote via any communication platform that provides real-time verbal communication without being in the same physical location with those in attendance.

Additionally, any meeting held via a communication platform will: 1) include proper notice with any required passwords or authorization codes; 2) be known and accessible to the public; and 3) make reasonable effort to accommodate any member of the public who wishes to participate.

The Board will take no action by secret ballot at any meeting required to be open to the public. Generally, the Board votes on motions and resolutions by "voice" vote, unless a Board member requests to vote by oral roll call, in which case the Board will do so. A motion passes when a majority of those Board members present and voting, vote in favor. However, a majority vote of *all* Board members is required to elect/ select or discharge an Executive Director or Board officer and the Board will vote on these matters by an oral roll call. The Board will vote by an oral roll call whenever required by law.

Meeting Conduct and Order of Business

The Board will conduct all Board meetings in a civil, orderly, and business-like manner. The Board uses *Roberts Rules of Order (Revised)* as a guide, except when Board bylaws or policies supersede such rules. During Board meetings, Board members will refrain from communicating electronically (e.g., by email,

text, social media) with their fellow Board members.

The Board will use the agenda to establish its regular order of business. However, either the Executive Director or a Board member may request additions or changes to the prepared agenda, and the Board may adopt a revised agenda or order of business by a majority vote of the Board members present. At a special meeting, the Board may take final action only on that business contained in the notice of the special meeting.

Public Attendance and Comment

Any member of the public may attend NCW Libraries Board meetings, including individuals who do not live within the NCW Libraries boundaries. The Board will not require people to sign in, complete questionnaires, or establish other conditions for attendance.

The Board recognizes the value of public comment on library-related issues and the importance of involving members of the public in its meetings. The Board further recognizes the requirements imposed by state law related to public comment at regular Board meetings. In order to permit fair and orderly expression of public comment, with the exception of emergency situations, the Board will provide a period at or before each regular Board meeting at which final action is to take place for public comment. During the public comment period, members of the public may address the Board on any topic within the scope of the Board and/or NCW Libraries' responsibility. Public comment may occur orally or through written comments submitted before the meeting. Written comments will adhere to the standards of civility discussed below and will be received 24 hours before the Board meeting. All written public comments timely submitted will be distributed to each Board member.

Members of the public may submit their comments in writing via regular mail or emailed 24 hours prior to the meeting, to one of the following:

USPS

NCW Libraries Board of Trustees

c/o: Executive Assistant

16 N Columbia Street

Wenatchee WA, 98801

Email

board@ncwlibraries.org

The Board may structure the oral public comment period, including determining the total time allotted for public comment and equally apportioning the minutes for each speaker. Typically, the Board will apply a three minute time limit for public comment. This time limit may be modified at the discretion of the Board, by announcement at the start of the Board meeting (or any time before the comment period commences). The Board is not obligated to provide additional public comment time to accommodate everyone in attendance who wishes to speak. Speakers may not yield their time to another individual. To avoid repetition speakers supporting or opposing the same issue are encouraged, but not required, to

designate a spokesperson and have the spokesperson request that members of the audience supporting the position stand during the presentation. Any structure the Board imposes will be content neutral.

The Board may require those who wish to speak (but not all attendees) to sign in so that the Board has a tally of individuals who wish to speak and can call them forward. When called forward, individuals will identify themselves and proceed to make comments within the time limits established by the Board. Comments will be directed to the Board as a whole, not to individual Board members or staff. Comments will be relevant to library matters, excluding personnel issues.

The Board is not obligated to respond to questions or challenges made during the public comment period and the Board's silence will not signal agreement or endorsement of the speaker's remarks. The Board may control the time, place, and manner of public comment. The Board chair/president may terminate an individual's statement when the allotted time has passed and may interrupt a speaker to require the same standard of civility that the Board imposes on itself. Examples of uncivil comments include comments that:

- Are libelous or slanderous under a legal standard;
- Are an unwarranted invasion of privacy;
- Are obscene or indecent pursuant to the Federal Communications Act or any rule or regulation of the Federal Communications Commission;
- Violate NCW Library's policy or procedure related to harassment, intimidation, bullying, or discrimination;
- Incite an unlawful act on library premises or violate a lawful NCW Libraries' regulation; or
- Create a material and substantial disruption of the orderly operation of the Board meeting

The Board as a whole has the final decision in determining the appropriateness of all such rulings and can maintain order by removing those who are disruptive. However, the Board recognizes the distinction between uncivil discourse, which it will not tolerate, and comments about NCW Libraries (including Board members and personnel), that are negative yet still civil in nature. The Board will exercise its authority to maintain order in a content neutral manner.

Respectful and courteous behavior and language is expected of all participants attending a Board meeting (whether they elect to comment or not). The Patron Code of Conduct Policy applies to behavior in Board meetings, in both virtual and physical spaces. Prohibited disruptive behavior includes but is not limited to: shouting, making disruptive noises, such as boos or clapping, creating or participating in a physical disturbance, speaking out of turn or in violation of applicable rules, preventing or attempting to prevent others who have the floor from speaking, preventing others from observing the meeting, entering into or remaining in an area of the meeting room that is not open to the public.

In the event that any Board meeting is interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible, and order cannot be restored by the removal of individuals who are interrupting the meeting, the members of the governing body conducting the meeting may order the meeting room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by majority vote of the members. In such a session, final disposition may be taken only on matters appearing on the agenda. Representatives of the press or other news media, except those

participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the governing body from establishing a procedure for readmitting an individual or individuals not responsible for disturbing the orderly conduct of the meeting. Nothing in this section prohibits the Board from stopping people from speaking to the Board when not recognized by the Board to speak.

Executive Session

Although all meetings of the NCW Libraries Board must be open to the public as described above, a meeting may be recessed into executive (closed) session to consider certain matters as defined by law. An executive session may be called by the Board as part of a regular or special meeting. Executive sessions may only be called for the purposes set forth in RCW 42.30.110, as existing or amended.

Before convening in executive session, the Board president will publicly announce the general purpose for excluding the public from the meeting place and announce the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the Board president (or authorized designee).

An executive session may be conducted for one or more of the following purposes authorized by RCW 42.30.110:

1. To consider, if in compliance with any required data breach disclosure under RCW 19.255.010 and 42.56.590, and with legal counsel available, information regarding the infrastructure and security of computer and telecommunications networks, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities, and other information that, if made public, may increase risk to the confidentiality, integrity, or availability of agency security or to information technology infrastructure or assets;
2. To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price;
3. To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, discussion of the factors comprising the minimum value of the property and the final action of selling or leasing public property will be taken in a meeting open to the public;
4. To review negotiations on the performance of publicly-bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs;
5. To receive and evaluate complaints or charges brought against a director or staff member; however, upon the request of such director or staff member, a public hearing or a meeting open to the public will be conducted on such complaint or charge;
6. To evaluate the qualifications of an applicant for public employment or to review the performance of a staff member; however, discussion of salaries, wages, and other conditions of employment to be generally applied within the district will occur in a meeting open to the public, and when the board elects to take the final action of hiring, setting the salary of an individual staff member or class of staff members, or discharging or disciplining an employee, that action will be taken in a meeting open to the public;

7. To evaluate the qualifications of a candidate for appointment to the board; however, any interview of such candidate and final action appointing a candidate to the board will be in a meeting open to the public; or
8. To discuss with legal counsel representing NCW Libraries matters relating to NCW Libraries enforcement actions, or litigation or potential litigation to which NCW Libraries, the Board, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to NCW Libraries. Potential litigation means matters protected by attorney-client privilege related to litigation that has been specifically threatened; litigation that NCW Libraries reasonably believes may be commenced; or the litigation or legal risks of a proposed action or current practice of the district, if public discussion is likely to result in an adverse or financial consequence to NCW Libraries.

The announced purpose of the executive session (with citation to the applicable statute) and total duration will be entered into the minutes of the meeting. If an executive session occurs at the end of a Board meeting, the Board President is encouraged to announce whether the Board anticipates taking action following the executive session.

Closed Sessions/Private Meetings

The OPMA does not apply to certain NCW Libraries Board activities and public notice is not required prior to holding a closed session for any of the following purposes:

1. Consideration of a quasi-judicial matter between named parties, as distinguished from a matter having a general effect on the public or a class or group (i.e. when the Board is acting like a "judge" rather than a legislative body); or
2. Collective bargaining sessions with employee organizations or professional negotiations with an employee, including contract negotiations, grievance meetings, and discussions relating to the interpretation or application of a labor agreement, or that portion of a meeting in which the board is planning or adopting the strategy or position to be taken during the course of collective bargaining, professional negotiations, or grievance or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings while in progress.

Weapons

It is unlawful for any member of the public to knowingly carry onto, or to possess on, any area of a facility being used for official NCW Libraries Board meetings, a dangerous weapon, including but not limited to a firearm, "nun-chu-ka sticks," "throwing stars," air gun or pistol, stun gun, or other dangerous weapon as listed in RCW 9.41.280. The Board will ensure that signs providing notice of the restrictions on possession of firearms and other weapons are posted at facilities being used for official meetings of the Board.

By the enactment of this policy the Board of Trustees of North Central Washington Libraries is concurrently rescinding any prior policy or procedure within NCW Libraries that is either in conflict with or expansive of the matters addressed in this policy.

Approval Signatures

Step Description

Approver

Date

COPY