

LIBRARY BOARD WARS AND POWER PLAYS: HOW TO RESOLVE THEM AND HOW TO AVOID THEM

**Illinois Library Association
Trustee Forum Workshop
Saturday, February 14, 2015
9:15 a.m. – 10:30 a.m.**

PRESENTERS

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AGENDAS & NOTICES

Q. 1

- Who sets the agenda for board meetings?

A. 1

- In most libraries, the board president or the director establishes the agenda.
- The board can establish other fair methods.

Q. 2

- What if the board president will not allow trustees to place items on the agenda for regular board meetings?

A. 2

- The board could enact a policy requiring the president to place items on the agenda if board members follow the policy.
- Or, 4 trustees can call a special meeting, at which they would control the agenda.

Q. 3

- What items can we act on at a *regular* meeting?
- What about discussion?

A. 3

- The only items that you can take final action on at a regular meeting of a public body are those which are specified on the agenda and which are described in adequate detail during a discussion before a vote is taken.
- You can discuss other items even if they are not listed on the agenda so long as no action is taken.

Q. 4

- What items can be discussed and acted upon at a *special* meeting?

A. 4

- The only items that you can discuss and act upon are those items that are listed on the special meeting agenda and adequately described at the meeting prior to action being taken. You cannot bring up new items at a special meeting even for discussion purposes. The same holds true for emergency meetings.

PARLIAMENTARY PROCEDURES

Q. 5

- Can a Board limit the period of time that a trustee or president can speak?

A. 5

- Yes, as long as the period of time is reasonable and all parties get to participate.

Q. 6

- How can we prevent a board member from repeatedly revisiting an issue after it has been decided?

A. 6

- The board president can rule the member out of order and move to the next item on the agenda.
- Alternatively, board members can call “point of order” to remind the board president to take control of the meeting and move to the next business item.

Q. 7

- What can we do about a board member who repeatedly interrupts other members?

A. 7

- The board can adopt a rule that members can only speak when recognized by the president (the chair of the meeting).

Q. 8

- What can we do if a board member has taken over debate on a particular agenda item and refuses to let other members speak or give the floor back to the president (the chair of the meeting)?

A. 8

- A board member might move to “call the question,” which will bring the item to a vote. There must have been a motion and second on the floor to approve the item before this procedural tactic will work.
- If the board members are not ready to vote, one could call “point of order” to remind the president to take control of the meeting.

Q. 9

- How can we limit debate?

A. 9

- Legislative bodies can limit debate by a motion and second to table the matter either to a time certain or indefinitely. Motions to table are usually non-debatable. In the alternative, a member of the public body can make a motion (requiring a second) to “end debate” or “call the question.” The courts will not allow debate to be ended in this manner if the opportunity for the expression of the views of some board members has been suppressed.

Q. 10

- How many times can a matter that has already been decided be brought back before legislative body?

A. 10

- In general, items already decided should be ruled out of order by the presiding officer unless new facts have emerged.

Q. 11

- Is there a rule as to the order in which a vote must be called?

A. 11

- There is no rule, although a board can enact a local rule.
- Some boards alternate roll call from right to left, then left to right.
- Others call the vote in order of seniority.

Q. 12

- What if the board president refuses to allow a board member to speak on an agenda item or refuses to call the vote after the question has been called?

A. 12

- A board member can make a motion to “appeal the decision of the chair.” If that motion is seconded and approved, the president must honor the majority’s decision.

Q. 13

- Must every motion be seconded?

A. 13

- In order to prevent legislative time from being take up by a matter that only one member is interested in, most rules of order require all motions to be seconded.

Q. 14

- How can a board member raise a matter of interest if the motion is not seconded?

A. 14

- Most governmental bodies allow some period of time at each meeting for each elected board member to raise issues important to them, such as during their reports. That is the period of time when such matters can be brought to the attention of the board.

Q. 15

- What can a board do if a member breaches the confidentiality of the closed session and passes data on to other parties including the “other side” on issues discussed in closed session?

A. 15

- Not much, although the Board can censure that individual by a motion or resolution. It can file an injunction lawsuit and can report the action, if properly documented, to the local State's attorney.

Q. 16

- Can several trustees leave the meeting to block the vote on an issue if they don't like the way it is going?

A. 16

- Yes. If enough trustees leave, resulting in less than a quorum, the vote will be “blocked” because the meeting will have to stop because there is no longer a quorum.

CITIZENS PARTICIPATION

Q. 17

- Are citizens allowed to speak at some point at every public meeting?

A. 17

- Maybe. Although the actual language of the statutes would not appear to require it, the Attorney General has issued a number of non-binding opinions stating that public bodies must provide public comment at every meeting.

Q. 18

- Can a member of the public demand an answer to a question from a board member or staff member during public comment?

A. 18

- No. Members of the public have the right to address members of the public body, but they have no right to interrogate them or library staff members, and the PAC agreed in recent non-binding opinions.

Q. 19

- Are citizens allowed to speak about every issue at the time it comes before the board?

A. 19

- No. The time for citizens' questions and comments can be limited as long as the rule is fairly implemented.

Q. 20

- Can a public body's rules on public comment specify that most comments are fine, but any comments that are negative or critical of the public body should be submitted in writing to the president or a staff member during regular office hours?

A. 20

- No. A recent case clarified that public comment rules are not reasonable when they attempt to regulate the content of the speech.

Q. 21

- Can a public body remove a member of the public from a meeting for being disruptive?

A. 21

- Yes. The Attorney General found no violation of the OMA where a public body removed a member of the public for disruptive behavior for a meeting. Similarly, the AG found no violation where a member of the public body interrupted a member of the public during public comment.

Q. 22

- Does the Open Meetings Act require a public body to adopt rules for public comment?

A. 22

- Maybe. The Attorney General has said yes, in a number of non-binding opinions. In fact, the PAC has stated that even subsidiary bodies must establish rules of their own.

MINUTES

Q. 23

- Who is responsible for the minutes?

A. 23

- The secretary is generally responsible for preparing the minutes; however, it is the board who approves the minutes.

Q. 24

- What if the board will not approve a board member's requested changes to the minutes?

A. 24

- The minutes are subject to approval by a majority of the board; therefore, there is nothing a trustee in the minority can do to force the majority to include his or her changes. The board member could submit a letter of disagreement and ask that it be made part of the record.

QUESTIONS?

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- Visit ancelglink.com for more information on board wars.
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