NEVADA LIBRARY TRUSTEE MANUAL
2013

(Revised from 2003, 2006 version)
NEVADA PUBLIC LIBRARY TRUSTEE MANUAL
Nevada State Library and Archives

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This training has been updated regarding Appendix Contents. Chapter content has not been updated at this time.

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This 2013 update for the Carson City Library was done by Sara Jones, former State Library and Archives Administrator and was reviewed by:

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- Nancy Cummings, Retired Washoe County Library Director, Chair, Nevada State Council on Libraries and Literacy

THIS HANDBOOK WAS PREPARED AS AN EDUCATIONAL RESOURCE AND SHOULD NOT REPLACE LEGAL ADVICE

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PREFACE

Library Trustees are the most critical element for successful public libraries in Nevada. This manual was a very effective resource when it was current. As I leave my service to Nevada Libraries I have updated it for the Trustees of the Carson City Library and to make it useable by other public library systems in Nevada. I am including as a preface a very thought provoking blog post by Seth Godin that will help you start thinking about the future of public libraries which is quite literally in your hands if you are reading this manual. All copyright permissions were obtained from Unshelved® and other copyright holders.

Sara Jones

The future of the library- Seth Godin

What is a public library for?

First, how we got here:

Before Gutenberg, a book cost about as much as a small house. As a result, only kings and bishops could afford to own a book of their own.

This naturally led to the creation of shared books, of libraries where scholars (everyone else was too busy not starving) could come to read books that they didn't have to own. The library as warehouse for books worth sharing.

Only after that did we invent the librarian.

The librarian isn't a clerk who happens to work at a library. A librarian is a data hound, a guide, a sherpa and a teacher. The librarian is the interface between reams of data and the untrained but motivated user.

After Gutenberg, books got a lot cheaper. More individuals built their own collections. At the same time, though, the number of titles exploded, and the demand for libraries did as well. We definitely needed a warehouse to store all this bounty, and more than ever we needed a librarian to help us find what we needed. The library is a house for the librarian.
Industrialists (particularly Andrew Carnegie) funded the modern American library. The idea was that in a pre-electronic media age, the working man needed to be both entertained and slightly educated. Work all day and become a more civilized member of society by reading at night.

And your kids? Your kids need a place with shared encyclopedias and plenty of fun books, hopefully inculcating a lifelong love of reading, because reading makes all of us more thoughtful, better informed and more productive members of a civil society.

Which was all great, until now.

Want to watch a movie? Netflix is a better librarian, with a better library, than any library in the country. The Netflix librarian knows about every movie, knows what you've seen and what you're likely to want to see. If the goal is to connect viewers with movies, Netflix wins.

This goes further than a mere sideline that most librarians resented anyway. Wikipedia and the huge databanks of information have basically eliminated the library as the best resource for anyone doing amateur research (grade school, middle school, even undergrad). Is there any doubt that online resources will get better and cheaper as the years go by? Kids don't shlep to the library to use an out of date encyclopedia to do a report on FDR. You might want them to, but they won't unless coerced.

They need a librarian more than ever (to figure out creative ways to find and use data). They need a library not at all.

*When kids go to the mall instead of the library, it's not that the mall won, it's that the library lost.*

And then we need to consider the rise of the Kindle. An ebook costs about $1.60 in 1962 dollars. A thousand ebooks can fit on one device, easily. Easy to store, easy to sort, easy to hand to your neighbor. Five years from now, readers will be as expensive as Gillette razors, and ebooks will cost less than the blades.

Librarians that are arguing and lobbying for clever ebook lending solutions are completely missing the point. They are defending library as warehouse as opposed to fighting for the future, which is librarian as producer, concierge, connector, teacher and impresario.

Post-Gutenberg, books are finally abundant, hardly scarce, hardly expensive, hardly worth warehousing. Post-Gutenberg, the scarce resource is knowledge and insight, not access to data.
The library is no longer a warehouse for dead books. Just in time for the information economy, the library ought to be the local nerve center for information. (Please don't say I'm anti-book! I think through my actions and career choices, I've demonstrated my pro-book chops. I'm not saying I want paper to go away, I'm merely describing what's inevitably occurring). We all love the vision of the underprivileged kid bootstrapping himself out of poverty with books, but now (most of the time), the insight and leverage is going to come from being fast and smart with online resources, not from hiding in the stacks.

The next library is a place, still. A place where people come together to do co-working and coordinate and invent projects worth working on together. Aided by a librarian who understands the Mesh, a librarian who can bring domain knowledge and people knowledge and access to information to bear.

The next library is a house for the librarian with the guts to invite kids in to teach them how to get better grades while doing less grunt work. And to teach them how to use a soldering iron or take apart something with no user serviceable parts inside. And even to challenge them to teach classes on their passions, merely because it's fun. This librarian takes responsibility/blame for any kid who manages to graduate from school without being a first-rate data shark.

The next library is filled with so many web terminals there's always at least one empty. And the people who run this library don't view the combination of access to data and connections to peers as a sidelight--it's the entire point.

Wouldn't you want to live and work and pay taxes in a town that had a library like that? The vibe of the best Brooklyn coffee shop combined with a passionate raconteur of information? There are one thousand things that could be done in a place like this, all built around one mission: take the world of data, combine it with the people in this community and create value.

We need librarians more than we ever did. What we don't need are mere clerks who guard dead paper. Librarians are too important to be a dwindling voice in our culture. For the right librarian, this is the chance of a lifetime.

Blog posted by Seth Godin on May 16, 2011
INTRODUCTION

Congratulations on your appointment to serve as a public library trustee for your community! You are to be commended for your interest and involvement. Your active participation is needed to help Nevada public libraries grow stronger and increase services to meet the informational, educational and recreational needs of the people of Nevada.

This handbook will serve as a guide to help you get started and become comfortable with your role as a public library trustee. It is designed to provide you with basic information and to be used as a quick reference for helping you do your job in an efficient, effective manner. Think of it as a map by which you can explore the opportunities, responsibilities, and liabilities of serving as a public library trustee.

All public library boards are bound by a variety of laws that govern their policies and operating procedures. You will find copies of Nevada Revised Statutes (NRS) Chapter 379, Public Libraries contained in this manual.

While all Nevada public libraries share legal authority described in NRS, each library serves the unique needs of the local community. Please use this handbook to develop your individual role and participation as a public library trustee.

"Since a public library belongs to its entire community, library boards have been created by law to act as citizen control or governing body of the library. Library trustees are public officials and servants of the public, and the powers delegated to library boards are a public trust."

CHAPTER 1: Take Time to Learn the Job

This job deserves your very best effort. It is distinctly an honor to serve on the board of a Nevada public library. Board members set the direction for a very important service. You will govern the expenditure of public funds and be responsible for many thousands of dollars of library assets. When you accepted the position, you also accepted the responsibility to expend time and effort to learn, and then to do the job.

The community has entrusted you with this responsibility. Your peers and your appointing officials believe you have the skills to govern the library and they trust you to do that. You are therefore referred to as a “trustee”.

The simple definition of a trustee is:

1. a person, usually one of a body of persons, appointed to administer the affairs of a company, institution, etc.

What a privilege it is to sit in a seat so powerful that you make decisions that affect the lives of so many people who use the library now and many more who will benefit from a good library far into the future.

However, being a library board member is not all honor and privilege. It’s hard work and sometimes you’ll have to look hard to find the rewards for your efforts. Becoming a good trustee is an acquired skill that must be learned, honed to a sharp edge and regularly updated.

You have two major tasks facing you as a board member. The first is to govern the library. Among other things, you will plan and monitor finances and services and evaluate the progress of the library. The second major task is equally important. You must become a part of the board team and keep it functioning at optimum level. If you and the other board members don’t do a good job of building and maintaining your skills of teamwork and good board membership, you won’t be able to accomplish the first task —- governing the library. The intent of this manual is to help you with both tasks.

As you gain experience on the board, you will continue to learn facts, statistics, history, procedures and a thousand other things. But first things first:

Get to know the other people who serve on the board with you- not just their names, but who they are. What are their interests and concerns? What motivates them to serve on the library board? Team building begins by knowing your teammates. Governance cannot happen without team effort.

Get to know the director, the other part of the board team. There must be a high level of trust between those who govern the library and the person they have chosen to manage.
Board members and the director form the board team. Hopefully there is diversity and differences among the Board members, those differences will make you stronger as a team and will help you better serve all the people in your community.

Recognize that this job deserves your very best effort. The governance of the library demands the best job you can do. It will require time and effort on your part.

Continue to learn. Ongoing development activities should be part of the plan for every board and every board member. Attend state and national library conferences, take part in board development workshops, read pertinent literature about library services and governance of the library.

Find out where to go for answers to your questions. Your best defense against being totally lost in the early stage of your term as a board member is to know the people and resources that will give you quick answers to tough questions. The director and other board members are the best sources for learning about the library.

This manual is designed to be a guide to the basics of good board membership and will answer many of your questions. You will continue to learn about the library and how it works for as long as you remain on the board. But some information is needed from the beginning. Here are some questions to which trustees should know the answers:

- What are the mission, goals and objectives of the library?
- When was this library organized and what is the service area?
- How many citizens does this library serve?
- How big is the annual budget and what are the total assets of this library?
- What facilities and equipment does the library own or rent?
- What is the total indebtedness (if any) of this library?
- Where does the money come from to finance this library?
- How many staff does the library have and what do they do?
- What local/state/national legislative issues could affect the library?
- What are the major problems faced by the library?
Your orientation should include, but not be limited to, information provided in these documents:

- Nevada Public Library Law (NRS 379)
- Open Meeting Law (NRS 241)
- Administrative Procedures (NRS 233B.0607).
- Public Records (NRS 239.010, 01 3,052,080,125)
- Ethics in Government (NRS 281.411-671)
- Local Government Purchasing Act (NRS 332)
- Five year master plan of the library
- Board policies, procedures and bylaws
- Annual calendar of major board and library activities
- Annual budget approval calendar and the current budget
- Financial reports for the past year.
- Organizational chart and a library directory, if available.
- Annual reports
- Minutes of board meetings for the past year
- Library brochures or pamphlets
- Historical reports on the library

Complete Toolkit for Boards at
http://www.managementhelp.org/boards/boards.htm

Being a Library Board Member is:

- a Privilege
- an Honor
- Hard Work
- Rewarding...and
- Fun!
CHAPTER 2: The Board Member’s Duties and Responsibilities

The library board is responsible for the library and all that happens in it. That may be a strong statement, but it is both a legal and practical way of looking at the job you accepted as board member. Even though the board delegates the actual day-to-day operation of the library to professional, paid staff, the board never gives up ultimate bottom-line responsibility for the success or failure of the library. To manage that responsibility, the board has six major duties:

1. Set Policies

2. Hire and evaluate the director

3. Plan for the future of the Library

4. Submit budgets and monitor finances

5. Monitor and evaluate the overall effectiveness of the Library

6. Advocate for the library in the community

(See statutory powers and duties of Nevada library trustees in NRS 379.025. A Job Description and Minimum Standards for Nevada Library Trustees, based on the statute, are included in the Appendix).

Set Policies

The board must first establish broad but clear policies about what the library will do and how it will be done. Policy is a carefully designed, broadly stated, written guideline for actions and decisions of the library. It is a governing principle formally adopted by the board.

The board begins with the mission statement and writes policies that outline parameters of how the library will operate to accomplish its mission. Then the board observes, interprets, evaluates and supports those policies. The board also modifies existing policies and creates new policies as needed to keep the library running well. The board’s role in developing library policies is explained further in Chapter 5.

Hire and Evaluate the Director

One of the major responsibilities of the library board is hiring a library director. To ensure that the most qualified candidate is hired, it is critical that the library follow standard hiring procedures.

(Page 4)
Before thinking about a new director, a preliminary assessment of the current status of the library should be reviewed. In order to do this, the board needs to discuss the following questions:

✓ What is the role of the library in the community?
✓ Have library needs changed? Has the library kept pace?
✓ What qualifications are needed in the next director?
✓ What is the reason for the job opening?
✓ Was the previous director dissatisfied? Why?
✓ Was the board dissatisfied with the previous director? Why?

A time line should be established to include:

✓ Appointment of a search committee.
✓ Review of job description and development of advertisement.
✓ Date that advertisements will appear and deadline for applications.
✓ Time period to review applications and to decide on persons to interview.
✓ Time period for interviews.
✓ Time period for board to make decision and offer job to candidate.
✓ Time for candidate to respond and anticipated starting date for the new director.

Chapter 4 has more information on Director responsibilities and evaluation and on hiring a new Director.

**Plan for the Future of the Library**

Planning in an age when dramatic change in libraries comes almost faster than we can comprehend seems like an exercise in futility. But the fact that change is so rapid is even more reason that every library must have a plan to cope with rapid change and the effects it can have on the library.

Failure to plan is planning to fail. Board members must be visionaries for the library. They must plan as far ahead as five to ten years. The board is generally recognized as the responsible party for planning and the director is responsible for developing strategies to accomplish the goals set by the board. But all planning for the library is a team effort of the board, director and staff.

*(Page 5)*
The library's five year master plan is like a mark in the sand placed as a reference point to determine if the library is moving ahead, standing still or falling behind. Always be aware of the mission, goals and objectives of the library so that you can accurately measure the progress. The decisions you make as part of the board team will determine progress or lack of progress.

See Chapter 10 for a complete discussion of the Planning Process

Submit Budgets and Monitor Expenditures

Finance is one of the most difficult items you will have to review and monitor, but it doesn’t have to be an overwhelming task. Begin your monitoring with careful attention to the budget. The budget is the board’s financial plan for the library and deserves your attention.

The budget will be prepared by the director and staff and presented to the board for approval. When the budget is presented, board members must ask whatever questions necessary to gain a reasonable understanding of this financial plan, including where the money is coming from and where it will be spent.

Monthly financial reports to the board are the windows used to monitor how well the director and staff is following the financial plan the board approved when they voted on the budget. If you don’t understand the reports, ask the director for an explanation. Remember, you don’t have to know everything about the finances, just enough to feel comfortable that the money is coming in and going out according to your budget plan.

Financial reports may cover both the revenue side and the expense side of the budget. On the expense side, you should understand what was budgeted, what has been expended to this point, the variance between the spending plan and what is actually being spent, and the reasons for the variances. If you monitor revenue the same is true for the revenue side. How much money did you anticipate at this point? What has actually come in?

To learn about library finance, new board members should insist on a good orientation about library finance and how to monitor financial status. If the budget is not clear to you, ask questions. If the financial report is not clear to you, ask questions. If the audit report is not clear to you, ask questions.

Chapter 6 has more information on library finance.

Monitor and Evaluate Library Effectiveness

The very term "trustee" indicates what the community expects from you. The community puts its trust in you to make sure the library is operating the way it should. It's your job to keep an eye on the progress of the library for the community.

(Page 6)
Of course, you can't watch every detail and every activity that takes place in the library, because that would be a full-time job. Board members monitor and evaluate "bottom-line" results. For example, you cannot and should not be in the library every day monitoring the kind of service provided by library staff. But the board can survey the community to find out the overall satisfaction of those who use the library. That's bottom-line evidence of the work the staff is doing.

**Advocate**
To be a library advocate is simply to work for the betterment of libraries, or more importantly, for the betterment of library services for citizens. The results can be spectacular—and the rewards great.

As a trustee, you are in a unique position to be a library advocate and to place your library in high regard by members of your local community.

Because you serve as a volunteer leader of the library, you qualify as a good advocate for the organization. Volunteer board members' motivation is service to the community. Board members are also community leaders and influential in the community, prime qualities for an advocate.

Advocacy is a primary role of a library trustee because you have statutory responsibility for your library's governance and a moral responsibility to better its services. In cementing the relationship between the local community and its public library, you are in a unique position to promote and advance the cause of libraries. Your board is privy to knowledge of how your library works and what it has to offer. You can truly represent the library when working with citizens, the media and local community groups.

One of the main responsibilities of the library board is to obtain adequate financing for the library. Reaching out into your local community to provide the financial support the local library needs has been a hallmark of library trusteeship. This is the kind of advocacy with which trustees are most familiar. Trustees also have a role in other types of advocacy, such as in the legislative process or in working with the media.

See **Chapter 11** for detailed information on Library Advocacy and Public Relations.

**Responsibilities**

Additionally, as a library board member, you have the following responsibilities for carrying out the duties listed below:

- ✓ Participate actively in board meetings and actions.
- ✓ Listen carefully to the board members who are your teammates.
- ✓ Respect the opinions of the other board members.

(Page 7)
✓ Respect and support the majority decisions of the board.
✓ Recognize that all authority is vested in the board when it meets in legal sessions and not with individual board members.
✓ Be well-informed of relevant issues that may come before the board and call attention to issues that may have an adverse affect on the library.
✓ Interpret the needs of the community to the library and interpret the action of the library to the community.
✓ Refer complaints about the library to the proper level on the chain on command.
✓ Recognize that the board members job is to ensure that the library is well-managed, not to manage the library.
✓ Represent the whole community to the library and not a particular interest or group, i.e. neighborhood, family, institution, organization.
✓ Do your best to ensure that the library is well maintained, financially secure, growing and always operating in the best interests of the community.
CHAPTER 3: Board Member Ethics and Liability

As a board member of a public library, you are a public servant. Beyond the strict legal definition of how board members should conduct themselves, there are board member ethics. The public expects that your performance will always be above question and for the public good, not for your own interest or another special interest. Most professional employees are covered by a code of ethics or standards of practice. The following is a suggested code of ethical conduct [ALTA (Homepage of ALA) (12 May 2003) (online), ala.org, Date accessed 27 May 2003.] for library trustees:

As a member of the library board I will:

- Promote the highest level of library service while observing ethical standards.
- Declare any conflict of interests between my personal life and my position on the library board and avoid voting on issues that appear to be a conflict of interest.
- Avoid situations in which personal interests might be served or financial benefits gained at the expense of library users, colleagues or the institution.
- Distinguish clearly in my actions and statements between my personal philosophies and attitudes and those of the institution.
- Respect the confidential nature of library business while being aware of, and in compliance with, the Freedom of Information Act.
- Be prepared to support to the fullest, the efforts of librarians in resisting censorship of library materials by groups or individuals.

Trustees who accept appointment to a library board are expected to perform the duties and responsibilities of Trustee. As a member of the library board I will not:

✓ Be critical, in or outside of the board meeting, of fellow board members or their opinions.
✓ Use any part of the library for my personal advantage or the personal advantage of my friends or relatives.
✓ Discuss the confidential proceedings of the board outside the board meeting.
✓ Promise prior to a meeting how I will vote on any issue in the meeting.
✓ Interfere with the duties of the director or undermine the director’s authority.

Ethics in Government

Nevada public library trustees are public officers under NRS 281.4365. As such the Ethics in Government provisions of NRS 281.41 1-NRS 281.671 apply to all trustees. Trustees must be familiar with the Code of Ethical Standards in NRS 281.481

Liability

Legal action may be brought against public officers as individuals or as a whole for accusations of willful or corrupt misconduct in office or for malfeasance, misfeasance
and/or nonfeasance, as well as for a variety of civil actions related to administration of personnel, purchasing contracts, tort claims, etc. Trustees must be familiar with requirements throughout the Nevada Revised Statutes. Public library boards of trustees are strongly encouraged to rely heavily on legal advice of the local District Attorney or privately hired board attorney, if the need should arise.

The Attorney General more appropriately resolves some questions. A Deputy Attorney General is assigned to advise public agencies on issues and questions related to the Nevada Open Meeting Law. Another Deputy Attorney General is assigned to the Nevada State Library and Archives to advise on matters relating to Nevada library law.

This Deputy Attorney General may be approached through your District Attorney or through the State Library and Archives Administrator. It is important that your board chairperson or library director discuss potential legal issues governed by Nevada Revised Statutes with the State Library and Archives Administrator who can direct your concerns to the appropriate legal authority.

Nevada Revised Statutes on the legal authority and responsibilities of public library trustees, and related laws, cited throughout this handbook are available at Nevada public libraries and on the state government website.

**Administrative Procedures Act**

Nevada Revised Statutes authorize government agencies to promulgate administrative regulations for many purposes. These regulations have the force of law. NRS 33B.0607 requires each agency proposing a regulation to deposit it with the librarian in the main public library in the county so that it will be publicly accessible for review and comment. These proposed regulations, along with NRS and Nevada Administrative Code (approved regulations) are public records and subject to the copy costs required in NRS 239.052.

Public Records/Records Management

Public libraries support open government and open access to public books and records. It is important to adhere to the spirit of the law of open public access to records of the board of trustees and the library. Because Nevada has a very antiquated public records law, most disputes over access are decided by the Attorney General using a court ordered "balancing test" or in the courts themselves. An important component of public access is meeting legal requirements for length of time records are to be kept. Records of a library that identify a user with library materials used are declared confidential by law and may be disclosed only in response to a court order. (NRS 239.013)

Some computer systems are designed to destroy records that identify library materials with a user upon return of the materials to the library. Other records generated by the board and library are governed by records retention schedules developed by the Records Management section of the Nevada State Library and Archives.
The local government records retention schedule found in the Nevada Administrative Code, Chapter 239, will cover most types of records. It is important to note that it is illegal to destroy records unless authorized by a records retention schedule. NRS 239.080 and NRS 239.125 prescribe the authority and method for destruction of records.
CHAPTER 4: The Library Director’s Job

The director is responsible for administering all functions of the library. Just as there is sometimes confusion about the role of the library board member, there may be confusion about the director’s role on the board team. The director is first an employee of the board, but the relationship between the board and the director is not the typical employer/employee relationship. The library board members’ job is to make sure the library operates well and in the best interest of those the library serves, not to demonstrate expertise in managing a library. The board must hire a qualified director, who possesses the required professional library education and experience, to manage the day-to-day operations.

Hiring a New Director

Selecting and hiring a new library director is a responsibility of the library board. Before initiating a search for a new library director, the job description needs to be reviewed to ensure that it meets current requirements, including:

- Specific duties
- Areas of responsibility
- Salary and fringe benefits.
- Period of probation
- Desirable areas of expertise
- Minimum qualifications and experience.

The salary range for the director’s position (and other positions in the library) should be comparable to other city/county personnel with comparable education requirements and responsibilities.

The job description should be used to write the advertisement. The announcement should be as comprehensive as possible providing a description of the position, required education and experience, and desirable areas of expertise and work experience. Include the salary range and fringe benefits, a brief description of the library and community, where to send applications, and the application deadline. Request a resume and professional references. The job opening should be publicized to as broad an audience as possible. Before reviewing applications, criteria should be developed and used to rank them. It is helpful if a form is developed for use in screening and comparing each applicant’s qualifications to the requirements of the position. Some qualifications that could be considered in ranking applicants are:

- Education. (See Minimum Standards for Public Libraries in Nevada)
- Experience in administration of a public library, and supervisory experience.
- Ability to express clearly why the candidate would be an effective director.
References for those candidates whom the search committee is interested in interviewing should be checked. An agreed-upon list of questions should be used when calling references and responses should be recorded for use in the decision making process.

During the interview the board should pose a standard list of questions to each candidate, but don’t preclude opportunities for additional questions as conversation dictates. Some areas you may wish to cover in the interview are those pertaining to management and fiscal philosophy, interlibrary cooperation, intellectual freedom and community outreach. Remember, it is illegal to ask certain questions of candidates, such as marital status, age, family plans, etc.

Evaluation of the candidates comes at the end of the interview process. The committee should discuss and rank the finalists. Some qualifications that could be considered in ranking candidates are:

- Education in library/information science.
- Philosophy of library in line with the library’s mission statement.
- Ability to explain how his or her experience and talent can be used for the library.
- Attitude of service to the community.
- Successful experience with board and community leaders and supervising staff.
- Commitment to continuing education for the director, staff and trustees.

The board must decide if one or more of the candidates should be offered the job or if the search is to be reopened. The top candidate should be offered the position by telephone. If the candidate accepts the position, follow up with a letter of agreement indicating the date of employment benefits, salary, fringe benefits, etc. Notify other candidates immediately after acceptance of the job offer.

**The Library Directors Responsibilities**

The director is charged with virtually all the day-to-day management of the library and it must be understood by both staff and board that the director is the authority in matters of routine management. Although the director is responsible for the management of the library, the board retains ultimate responsibility for everything that happens in the library. Therefore, board members should expect a continuous flow of information from the director to help them in their monitoring and evaluating roles.

As prescribed by state law (NRS 379), Nevada public library directors shall:

- Administer all functions of the library.
- Employ staff.
- Recommend policies to the trustees.
- Carry out policies established by the trustees.
- Act as department head (in city and county government).
The library director has full responsibility for the operation of the library and all that is enthralled in managing a variety of complex library functions and procedures. The director is also responsible for hiring, evaluation, and discipline of library employees in accordance with county and district policies. After board members carefully hire a qualified director they delegate all management responsibility to that director. The board’s job becomes one of monitoring the director’s work to make sure that library plans and policies are carried out properly.

This delegating and monitoring relationship the board has with the director is very difficult to master because it is such an unusual employer/employee relationship, but a citizen board governing a qualified director is a good system. It has the best elements of both worlds - a board of trustees that represents the best interests of the community, and a qualified director who has the skills to make the library run efficiently within the parameters set by the board. The director articulates library position, within city or county governing structure, as a local government department head or as a liaison in the case of district libraries.

The director is much more than just an employee of the board. The director is a valuable resource and often the leader on many issues that come before the board. The director should sit at the board table during all board meetings and be encouraged and expected to make recommendations on all issues that come before the board and to take part in board deliberations whenever necessary to help make decisions in the best interest of the library.

There should rarely be an occasion when the board meets without the director as part of the meeting. The director is responsible to the whole board, but not responsible to each board member individually. When delegating to the director, the board must speak with one voice. When giving direction to the director, the board must speak with one voice. When asking for accountability from the director, the board must speak with one voice.

Individual board members, including the board president, have no power to make demands of the director and should avoid trying to exercise power they don’t have. The director cannot serve many masters and still manage the library effectively. This does not rule out individual board members asking the director for clarification about issues facing the board or discussing with the director concerns that individual board members may have, but it does rule out individual board members giving orders to the director.

**Evaluation of the Director**

The best way to evaluate and monitor the director is to have a good job description for the director and then conduct a formal annual evaluation to determine how well the director is filling the job description. Each library should have an employment handbook that covers evaluation policies as well as types of disciplinary action, dismissal and appeal procedures.

Policies and procedures found in employment handbooks of city or county governments, or union contracts are also applicable to libraries. The director’s job description should be
consistent with the mission, goals and objectives stated in the library's master plan. In addition to demonstrating skills and abilities in the areas of planning, decision-making and communication, the director should display knowledge of professional library practices, ethics and philosophy and of library statutes, regulations and standards. (A model job description and a comparison of the roles of library director and trustees are included in the Appendix).

Make your evaluation a positive effort to communicate effectively with the director. Look as much for what the director does well as for areas that need improvement. The annual evaluation should result in a written document, and then the cycle should start again with decisions on the basis of the evaluation for the coming year's performance. Each board must work out the format and procedure for director evaluation, but it is important for everyone to understand both the criteria and process in advance.

If disciplinary action or dismissal becomes necessary, decisions must be based on a set of clearly defined, attainable job-related standards (separate from the job description) that have been acknowledged by the director at the beginning of the cycle. Justification for dismissal should be based on job related facts (rather than personalities) and must be carefully documented. A board should not begin a dismissal process unless they understand the implications, have consulted with the appropriate local government officials, believe their position is defensible, and have obtained appropriate legal advice from an attorney.
CHAPTER 5: The Board and Policy Making

Written policies are essential for efficient library operation. To do your board member job well, you must understand policy because that's where you'll be spending your time. You will be making policies, wrestling with policy issues, interpreting policies, monitoring policy effectiveness, enforcing policy, setting direction for the library through policies, and protecting yourself and the library through a good set of policies.

An effective set of written board policies:

✓ Informs every one of board intent, goals, and aspirations.
✓ Prevents confusion.
✓ Promotes consistency of board action.
✓ Eliminates the need for instant (crisis) policy-making.
✓ Reduces criticism of the board and management.
✓ Improves public relations.
✓ Clarifies board member, director and staff roles.
✓ Gives the director a clear direction from the board.

A board policy is a carefully designed, written general statement of direction for the library, formally adopted by a majority vote of the board at a legally constituted board meeting. Good policy is "developed" not just written. Good policy grows out of a lengthy process of studying issues and needs, gathering facts, deliberating the issues, writing the policy and reviewing the policy annually.

Board policies are not laws. There is little need to repeat in board policy those statutes that already have the force of state or federal law unless the board policy spells out some special manner in which the library will implement or comply with a law. For example, if state law prescribes when your fiscal year will begin, there is no need to repeat that law in a board policy.

Bylaws are a higher and more permanent set of guidelines for how the board will operate. They do not cover the broad scope of library management. (Sample Bylaws available at http://www.managementhelp.org/boards/boards.htm and in Appendix).

Before developing library policies and procedures all relevant laws and regulations must be reviewed to ensure that there is no conflict with local, state, or federal legislation and rules. At a minimum every library must have current policies on personnel matters, use of facilities, and, most importantly, services -- especially in the areas of selection of materials and collection development, intellectual freedom, privacy and confidentiality of patron records, and interlibrary loan.
The list below is not intended as a comprehensive checklist of all library policies but a few examples of the types of policies that fall within various categories.

**Services**
- programs and services offered
- intellectual freedom
- circulation/registration
- collection development
- privacy/confidentiality
- selection of materials
- patron behavior
- public Internet access
- interlibrary loan

**Community Relations**
- community use of facilities
- news media relations
- public solicitation and advertising in the library
- naming of facilities

**Personnel**
- recruiting
- hiring
- termination
- personnel records
- part-time help
- evaluation
- sexual harassment
- safety/health
- transfers
- reduction in force
- salary and benefits
- grievances
- staff development
- paid/unpaid leave

(Personnel policies and procedures of county or city governments may also apply.)
POLICY DEVELOPMENT CHECKLIST

Let’s look at policy development step by step.

Each step should be completed.

☑ Identify the need.

Unfortunately many library policies are a direct result of a problem or even a crisis rather than a result of careful planning and foresight. The best way to identify the need for particular policies is to anticipate problems and write policies before the problems occur. Although it is helpful to review other library policy manuals, each library needs to develop their own policies.

☑ Gather the facts.

Most policies will grow out of recommendations from the library director. Your director is in touch with trends, problems and issues that demand policy statements from the board. Depending on the nature of the policy, you may want to seek legal counsel.

☑ Deliberate the issue.

Careful deliberation of a proposed board policy should include several considerations.

☑ Ask these questions.

Is the proposed policy:

✓ necessary?
✓ compatible with other policies?
✓ consistent with the mission statement?
✓ within the scope of the board authority?
✓ consistent with local, state and federal law?
✓ broad enough to cover the subject completely?
✓ practical?
✓ enforceable?
✓ affordable?
Write the policy.

The actual wording of the policy is best left to the library director or a task force of board members and the director rather than the full board struggling with wording. The actual policy may come to the board and back to committee for revision several times before it is finalized. Making good policy takes time.

Adopt the policy.

Final approval of the written policy is a board responsibility.

Establish a schedule for policy review.

Regular review of board policies can help keep policies current and at the same time keep board members current about board policies. An out of date policy can be as bad as having no policy at all.

Place the policies in one manual.

To make board policies usable, they should be collected in one manual. The manual makes the process of learning board policy simpler for new board members and it makes application and interpretation of policies easier. A manual also makes the process of review and update of board policies much easier. All changes in the policy manual must have board approval.
Operational Procedures and Regulations

Library procedures and regulations are not to be confused with policies. Whereas library policies address "what" the library provides, procedures and regulations provide specific details on "how" policies will be accomplished. Using the general guidelines of board policies, the director and staff will write rules and regulations for the operation of the library. For example, your board may develop a policy that says the library will have a video game collection for public lending. The director and staff will then write guidelines for purchasing materials for the collection, lending rules for the collection and various other regulations necessary to maintain and manage the collection.

The following list is an example of some operational procedures and regulations.

**Board Operations**
- meeting procedures
- committees for specified tasks
- methods of adopting policies

**Buildings and Grounds**
(Carson City has control over maintenance of library buildings and grounds)
- construction contracts
- disposal of property
- maintenance requirements

**Business**
- budgeting
- insurance
- purchasing
- revenue collection
- inventories
- service contracts
- setting fines and fees
CHAPTER 6: Library Budget and Finance

Trustees have a responsibility to safeguard public funds. To understand the budgeting process and approve an annual budget for the library, board members must know where the money comes from and how much revenue they can expect to build into the budget each year. A good understanding of revenue sources is important as board members must encourage continued funding from those sources and find new sources when needed.

Each board member should:

- Know the library's financial base and background.
- Know the governmental unit(s) allocating the local appropriation.
- Know the grants available from the state and federal government.
- Understand the basics of legal regulations and reporting required for library funding.
- Understand the financial needs of library operation and plan for funds needed for growth and expansion.
- Investigate other possible sources of funding: a bond issue, endowments, trusts, memorials, dedicated tax revenue, foundation grants, donations, gifts, and fines.
- Library trustees should not wait for a budget presentation to make a case for needed funding or to describe programs and services. This is an ongoing responsibility of all trustees.
Sources of Library Funding

Public libraries are structured in various ways in Nevada. County and city libraries are departments of county or city government and, therefore, must compete with other departments of local government, i.e. Police, Fire, etc., for funds.

*Carson City Library is this type of public library.*

However, in Nevada many libraries are library districts that, as separate political entities, have separate taxing authority from that of the counties in which they are located. All districts must follow State Budget calendar and deadlines, so district library trustees must be aware of these time lines.

When library districts are formed, taxes are levied at varying rates upon all taxable property in the district to create a "library fund" and transferred to a separate account to be administered by the trustees. (NRS 379.021). Sources of state-administered funds available to local governmental entities are identified in a publication called Ad Valorem Tax Rates that is updated yearly by the Nevada Department of Taxation. Sources and distribution of state-controlled funds to libraries and other governmental entities are subject to change and it is, therefore, wise to stay abreast of the sources and comparative rates of funding.

Library trustees in all types of libraries may also propose general obligation bonds that must be approved by a vote of the electorate. (NRS 379.0225) Libraries may receive additional funds by providing services to other jurisdictions on contract. For instance, one county library contracts with two other counties for administration of library services and some public libraries contract to provide cooperative services to school districts.

**Government Grants**

Federal and state grant programs are an additional source of funding for local libraries.

Nevada libraries may apply to the Nevada State Library and Archives annually for funding available through the Library Services and Technology Act (LSTA). These funds are used for statewide projects and competitive local programs that support the goals, priorities and strategies of the LSTA State Plan for Nevada. Cooperative, multi- type library projects that improve public access to library and other information are given priority. Grant requests are prioritized by the State Council on Libraries and Literacy and awarded by the State Library and Archives Administrator.

To qualify for funding, applicants must meet the Minimum Standards for Public Libraries in Nevada. LSTA information and application forms may be accessed directly on the NSLA website.

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Additional funding may be provided through the Nevada State Legislature to support statewide projects for demonstrated needs, i.e. library construction and technology for state of the art networking. There is a statutory funding formula for books, library materials, and computer databases in NRS 378.087 (1997). Library Planning and Development administer state and LSTA grants in cooperation with the State Library and Archives Administrator.

Workshops and consulting are provided to assist local libraries in making application for grants. Information concerning finances of Nevada libraries may be found in the Nevada Library Directory and Statistics, published yearly by the Nevada State Library and Archives.

In addition to library listings and statistics, the directory provides contact information for officers of the State Council on Libraries and Literacy and for related boards. The directory is available online at

Statistics are gathered from local public libraries annually and compiled by the NSLA office of Library Planning and Development. The statistics serve as a basis for distribution of funding to local libraries. Nevada library statistics are also reported to the National Center for Educational Statistics IMLS. It is important for local libraries to submit statistics according to the guidelines provided to assure accuracy at local, state and national levels.

**Private Grants**

Private foundations, businesses and corporations may award grants to assist local libraries with programs, services or building projects. Many times the grants are from local or regional organizations or businesses that wish to give something back to their communities.

The Grant Foundation Centers have many excellent indexes and other resources containing private, as well as government grant information.

**Gift Funds**

A board of trustees has the authority to establish with the county or city treasurer a gift fund for the library. The fund must be separate and continuing and cannot revert to the general fund. "The money in a gift fund of a library may be used for construction of new library buildings, capital improvements to library buildings, special library services or other library purposes." (NRS 379.026)

**Library Foundations**

Because libraries may receive memorials and monetary gifts, and because of the need for funding outside the traditional methods, it may be a good idea for the library to consider setting up a foundation. The library foundation functions as a separate entity and can attain 501 (c) (3) status from the Internal Revenue Service.
Gifts to a foundation are tax deductible to the donor. One factor that makes a foundation extremely attractive is that many foundations will not give to tax-supported agencies, but will give to an organization that will enhance that agency's services and programs.

A source of more information is Forming and Funding Public Library Foundations. This publication is available through the Public Library Association in care of the American Library Association. A foundation may serve as a vehicle for bequests, endowments, memorials, and other forms of "planned giving." Some donors may prefer this choice.

**Friends of the Library**
Many libraries encourage citizens to establish Friends groups in order to raise funds for special library projects. Friends groups are excellent at attracting publicity and encouraging good public relations and good will for a library. A foundation, described above, may act as a Friends group. The American Library Association publishes Friends of the Library in *Chapter 11.*

**Budget and Finance**
In order to make good decisions, library board members need a basic understanding of library finances. The board has a clear responsibility to ensure that public funds are used in the best interest of the community and that the library has adequate financing to continue its programs and services.
The Budget Calendar

1. The budget process for the next fiscal year begins shortly after the beginning of the current fiscal year; in the course of doing the library annual report, the library director should gather information for the trustees to review in developing the budget. Some questions trustees should ask are:

   - Did more people use the library this year?
   - Were the prior year’s line item costs accurate?
   - Is there a need for more programming?
   - Have there been requests for new services or technology?
   - Are there better ways to serve the community through the library?

2. The library director is responsible for the preparation of the budget request and the board of trustees is responsible for the final approval and adoption of the budget request before it is submitted. Items to consider when setting the budget request include:

   - Reviewing the master plan for the library.
   - Projecting anticipated expenditures.
   - Deciding library priorities.
   - Projecting anticipated revenues.
   - Part of the anticipated revenue includes the amount of funding the library will receive. Trustees are responsible for requesting funds for the library.

3. Budgets of county and city libraries are prepared under the same guidelines as their county and city departments, under the direction of a city or county manager. Library trustees present the budget request to the appropriate body. For county libraries, the board of county commissioners sets the final budget. For city libraries, the board of city supervisors sets the final budgets.

By contrast, in the case of library districts, the board of trustees sets the final budgets that are then submitted to the state Department of Taxation in accordance with their requirements. In the case of a consolidated district, the board of trustees submits the library budget to the board of county commissioners and the board of city supervisors for joint review and recommendation.

Revenues
If your library receives additional funding from federal, state or private grants and gifts or donations, it is important to meet the reporting and auditing requirements of funding sources. These funds may not be co-mingled in the same budget categories as general fund revenues budgeted by cities, counties and districts.
As mentioned elsewhere, gift funds must be deposited in a separate fund. While some private grants may be eligible for deposit in the gift fund, many will have reporting requirements similar to those for federal and state funds. The board of trustees must set a policy on the collecting of fines and fees. NRS 239.052 must be observed in setting fees for copying public records, including board minutes, agenda and exhibits presented at board meetings. The board should also set a fee for all other printing and copying. It is recommended that all of these policies be posted along with the notice on copying public records.

All revenues, including fines and fees, must be budgeted as part of the regular budgeting process and amended in the same way. Cash for fines and fees collected in the library must be acknowledged by receipt and deposited as often as recommended by your auditor, but not less than weekly. Fines and fees must never be deposited in the gift fund. Some cities and counties may attempt to revert fines and fees to the general fund. This may be avoided by appropriately budgeting them as revenue and expenditures. (For protection of the library staff, cash collected for fines and fees must never be treated as petty cash. If petty cash is needed, a separate fund should be established and used as necessary. Receipts must back up all withdrawals.)

Auditing
The board of trustees has the fiduciary responsibility for all funds in the public library budget! Cities and counties usually include public libraries in their annual audit. In the case of library districts, or other public libraries not covered by their local governments, the board should budget for an annual audit and review and implement all relevant recommendations annually.

See Appendix for Opinion No. 08-01 Authority of Carson City Library Board of Trustees, March 7, 2008, Office of the District Attorney Carson City

Budget Management
Financial Reports
The library director should provide trustees with monthly financial reports that review:

✓ Year-do-date figures.
✓ Total budget.
✓ Balance of budget.
✓ Explanation of major changes.

Library trustees should carefully review financial reports and be prepared to question them at board meetings, if necessary.
Budget Process

The budget process serves three basic purposes:

1. Accountability, which is related to the stewardship role of the library; the trustees have a responsibility to safeguard public funds. However, the stewardship role also includes spending the funds needed to provide library services to the community.

2. Financial information, which relates to the management role of trustees and the need for accurate, timely, and reliable information as a basis for effective decisions and library policies;

3. Information from which the public can assess the financial conditions and operations of the library.

Amending the Budget

When the library budget is adopted, it gives the library board the capability of spending all funds budgeted. If the library receives additional income from any source, it cannot be spent unless the budget is amended to include this additional income. No library can spend more than has been budgeted unless the budget is formally amended. This does not apply to library funds maintained in gift funds, by foundations or by Friends of the Library.
CHAPTER 7: Library Board Officers

Board leaders facilitate good group decisions. Any group that expects to accomplish anything must have leaders to keep the group organized, help the group discipline itself, prod the group to move ahead, and facilitate the work of the group to make good decisions. That's the function of all board officers.

Your board may have some or all of the officers described below. Boards grow from different traditions and have different ideas about the type and number of officers they need. The job responsibilities of your board's officers may vary from those described below.

Someone has to be the board's leader and that person is the board chairperson. The job description for the chairperson is relatively simple, but the job can be complex.

First of all the board chairperson must be understood to have no power beyond that of any other board member unless the full board has granted that power to the chairperson. For example, the board may delegate specific powers to the board chairperson, such as managing board meetings, crafting the agenda with the Library Director, speaking to the public on behalf of the board, or signing contracts or the Director’s timesheet on behalf of the board.

Any powers exercised by the board chairperson must first be granted by the full board in policy, or in commonly accepted and understood practice of the board. In other words, the board president does not speak for the board unless the full board has formally or informally delegated that privilege to the chairperson.

Board Chairperson Responsibilities:

**Planner**
-- Works with the director to plan the meeting agenda and the manner in which the meeting will be conducted. The president keeps an overall view of the board year and ensures that the board is completing duties mandated by board policy or law.

**Facilitator**
-- Begins the meetings on time, directs the board through the agenda and adjourns meetings on time and ensures that all board members have an opportunity for fair participation and that the public has an opportunity to comment so that all sides of an issue are fairly exposed, and moves the board to action on the issues.

**Delegator**
-- Appoints board members and others to committees with board consent. To do that, the president must have a clear understanding of each board member’s skills, strengths and
interests so that appropriate assignment can be made. Clarifies committee assignments and holds committees accountable to do the jobs assigned.

**Liaison**
--Interprets board needs and concerns to the director, and the director's needs and concerns to the board, offers personal support and counsel to the director, and serves as a sounding board for the director.

**Team builder**
--Promotes team concept among members. When there is danger to the team structure, the chairperson must mediate, counsel and discipline fellow board members to keep the team intact.

**Vice-Chair Responsibilities:**

The vice-chair of the board traditionally serves as the backup for the board chairperson. However, the vice-chair is usually assigned additional specific duties such as chairing a committee, taking charge of board development activities or preparing for special board events.

The vice-chair must work with the chair to stay current on issues and methods of board operation and be prepared to step in when the chairperson is not available. The vice-chair is often considered the logical successor to the chairperson.

*Carson City Library does not have the following positions, a recording secretary is provided from the Library staff.*

**Secretary Responsibilities:**

The size and the complexity of the business of today's library dictate that the traditional job of the secretary of the board be significantly changed. For example, a staff member could take the minutes of the board meeting. All board members need to be able to participate in deliberations. It is difficult for the board secretary to actively participate while taking the minutes. The board secretary's job may be that of reviewing the minutes for accuracy. Clerical staff at the direction of the library director may also do correspondence on behalf of the board.

**Treasurer Responsibilities:**

The treasurer's job is also one of overseer. Although paid staff usually manage the finances of the library, the board treasurer is responsible to ensure that adequate financial records are kept, accurate and timely financial reports are delivered to the board and an audit of the system's finances is completed bi-annually. The treasurer may also be asked by the director to assist in preparation of the budget to be submitted to the board and to help interpret financial reports to the board.
Board officers, particularly the board chairperson, must be well respected by the rest of the board, must be willing to give the extra time necessary to carry out the extra duties of the office and must have strong leadership skills. Officers should also be board members with some experience on the board. If you are asked to be a candidate for a board office, consider carefully if you have the extra time it will take, as well as the leadership skills, to do the job well.
CHAPTER 8: Library Board Meetings

The art of compromise is the key to effective board meetings.

Regular board meetings and committee meetings are where most of the board's work is done. What you do in meetings can make the difference between an effective and an ineffective board. Poor meetings can alienate staff, damage the board team, waste your time and the time of the other board members, cause turmoil in the community and actually hamper the operation of the library.

Careful preparation is the key to meetings that produce results. Here are a few guidelines for planning and conducting an effective meeting:

- Decide what is to be accomplished.
- Define the purpose in clear terms.
- Develop a written agenda.
- Begin on time, and end on time.

You can expect the board chairperson to run the meetings and keep the board moving toward good decisions.

However, it is no less each board member’s responsibility to:

- Attend all meetings.
- Prepare well for meetings.
- Take part in all discussions.
- Cooperate with fellow board members to make meetings work.
- Adhere to parliamentary law and to relevant state laws.
- Learn traditional meeting practices of your board and follow them.
- Practice the art of compromise with other members of the team.
- Practice the art of listening and merging your ideas with those of the others.
- Work toward consensus on issues.
- Focus all deliberations on the best interests of library users.
- Publicly support the board decisions.

Nevada Open Meeting Law (NRS 241)

All members of the board should become familiar with the Nevada Open Meeting Law and the Nevada Open Meeting Law Manual. In order to strengthen the 1991 law, the 1997 Nevada State legislature has enacted certain amendments to NRS Chapter 241.

Take special note of the amended statutes and their requirements. The complete text of the law, along with definitions and answers to common questions are essential reading for all board members.
The Open Meeting Law, requiring that all meetings be held in public, is designed to protect the public from secret dealings by public agency boards.

Public notice of regular meetings must be given at least 3 working days before the meeting listing the time, place, and location, where the notice has been posted and an agenda listing specific items to be considered (NRS 241.020., 1997). The agenda must include a clear and concise statement of all topics to be discussed and must identify action items.

There have been challenges to the Open Meeting Law related to library board meetings in Nevada. A thorough knowledge of the law as it is stated in the NRS and abiding by the law should minimize such challenges.

The complete text of the law, definitions and answers to common questions are published by the Attorney General's Office in Nevada Open Meeting Law Manual, which should be available at every public library.

**Parliamentary Rules:**
Board meetings should be conducted according to established parliamentary rules, such as Robert's Rules of Order or some other parliamentary procedure guide agreed on by all board members. That set of rules is intended to set a businesslike and courteous tone, allow for ample discussion of the issues, protect the right of all board members to be heard on the issues, and not allow the discussion to get out of control.

You should have a basic understanding of parliamentary rules so that you can be a part of the process of moving quickly and efficiently through a good meeting agenda. When a disagreement among board members occurs about the way to proceed, consult the parliamentary guide specified by your bylaws.

As a "quick help," a one page Guide to Parliamentary Procedures has been included in the Appendix.

Caution: Parliamentary rules are not intended to impede meeting process, but simply to ensure that the rights of all board members are protected and meetings move towards action. Using parliamentary rules for the purpose of impeding the meeting process is unethical and detrimental to the team atmosphere.

**Agenda:**
Your board meeting should run according to an agenda prepared by the director and the board chairperson. The purpose of the agenda is to set a clear direction for the meeting. The board chairperson will ask the board to formally vote to approve the agenda plan at the beginning of the meeting. When the board approves a written meeting agenda, board members agree to discuss those issues on the approved agenda.
Even though the board chairperson and the director prepare the agenda, all board members have a right to place issues on the agenda by bringing those issues to the attention of the director or the board president. However, anything you want on the agenda must be requested well in advance of the board meeting, allowing time for a final agenda to be legally posted at least 3 working days before the meeting.

Socializing with other board members is important to building the team atmosphere, but should be done before and after the meeting and kept to a minimum during the meeting. Extreme caution should be exercised by board members in avoiding discussion of specific library issues and matters with each other on social occasions, as this may violate the Open Meeting Law.

Minutes:
The meeting minutes, when approved by a formal vote or by consensus of the board, are the official legal records of what happened at the board meeting. The minutes are also an important communication between the board and constituents. If you are a new board member, you should examine the minutes of board meetings for at least the past year. That will give you a good perspective on the issues the board has faced and how the board handled those issues.

Any board member has a right to ask the board to correct errors in the minutes before the board accepts the minutes as a record of the previous meeting. Board members do not have a right to demand that their reasons for voting a certain way or their detailed views about an issue be recorded in the minutes. Every board member should have full opportunity to express a viewpoint prior to the vote on any issue, so there’s no good reason to extend the debate into the voting process. Your “yes” or “no” vote will represent your views on the issue.

Minutes of Nevada public library board meetings are permanent records that must be available to the public within 30 days after a meeting. Board minutes must be retained by the local library for at least five years, and then transferred to the State Archives. (NRS 239.080-1 25; 241.035)

Reports:
During the meeting, the board members will likely hear reports from committees, the director and staff. The reports will provide the background and information the board needs to deal with the issues on the agenda for the rest of the meeting.

Often, the reports will conclude with a recommendation for board action. If those reports were in written form and sent to the board members prior to the meeting, you should be well prepared to take action on those reports without having them read to you during the meeting. Those presenting reports during the meeting will simply highlight information, clarify items, and answer questions.
Motions:
A motion is a formal request or proposal for the board to take action. Motions usually come from two major sources, committee reports and director recommendations, but board members may make motions at any time in accordance with the parliamentary guide. To make a motion, you simply address the chairperson and say, "I move that..." and state the action you wish the board to take. Most motions require that another board member second the request for action by seconding the motion.

Once the motion is seconded, the chairperson restates it. The board then begins discussion of the motion. Some motions, such as the motion to adjourn, do not require discussion. By requiring a motion on an issue prior to discussion, the board focuses discussion on agenda items only and stays on track.

After a motion is made and seconded, there should be plenty of time to discuss freely all the pros and cons of any issue. At the same time, the chairperson and all board members must work to keep the discussion moving towards a decision - that's the reason the issue is on the agenda.

Once the motion has been discussed thoroughly, the chairperson will call for board members to vote on the motion. You may be asked to vote by saying "aye" (yes) or "nay" (no) in a voice vote, by a show of hands or in a roll-call vote. Your vote will be recorded in the minutes.

Abstaining rather than voting "yes" or "no" on a motion before the board should be very rare and is usually appropriate only when you have a conflict of interests in the issue before the board. You are appointed to express an opinion on the issues, and abstaining expresses no opinion.

Once the vote is taken, the chairperson will declare that the motion passes or fails. Upon completion of an item on the agenda, the chairperson moves on to the next agenda item.

Committees:
The many and complex issues that your board addresses cannot always be handled efficiently by the full board. Many issues may be delegated to board committees for study with the understanding the committees will make recommendations to the full board. At some time in your service on the library board you will be asked to serve on at least one committee and you need to understand the nature and purpose of committees. Committee work is a good place for board members to offer any special expertise they may have, but service on committees is not limited to experts on the committee subject. Committee service is a good way to learn more about the library.

Often committee members are selected from people outside the board so that additional expertise can be utilized by the board through the committee. Involving non-board members also builds ownership among other members of the public and opens a new avenue of communication between library and community.
Committees expand the capabilities and act as an extension of the board. Committees are always responsible to the full board and have no power or authority beyond what is granted to them by the full board. The only actions committees can traditionally take is to study an issue assigned by the full board and make recommendations to the full board about the assigned issues. Board members not on the committee should feel free to ask questions and get clarification from committee members, but avoid repeating work the committee has done.

Meetings of the full board should not be used as a time to conduct committee meetings. The purpose of the committee is to save time for the board. If the full board repeats the committee discussions after the committee reports to the board, the board has not saved time but rather doubled the time spent on the issue.

Your board may already have standing or permanent committees that are described in the bylaws of the library and function year round. As certain important issues arise, the board may also appoint temporary or "ad hoc" committees to study those issues for the board.

At certain times, the board may meet as a committee of the whole. This is done to allow time for in-depth discussion of one subject. The issue is then presented as a committee report at the regular board meeting where formal action is taken.

Your board may also have an executive committee. This committee is usually composed of the board officers and the director. It often has limited powers to act for the board in emergencies, but must have all actions ratified by the board at the next regular meeting.

When you are appointed to a committee, it is your responsibility to learn the mission of the committee, when and where the committee meets, and the names of other members. You should also examine the history of the committee and the minutes of their meetings for at least the past year.

Help your committee stay focused on its responsibility and accountability to the full board. Although committee meetings are usually not as formal as a full board meeting, they should have a chairperson, a distinct structure, agenda and goals. When the committee completes its meeting, there should be a clear result of the meeting that can be reported to the full board. Committees are given the charge to study and recommend, not making the board decision. Committees are a valuable extension of the board, but only if they work in an orderly and accountable fashion. Committees, as described in this chapter, are subject to the Open Meeting Law, meaning published agendas with clear action items and recording of minutes.
CHAPTER 9: The Decision Making Process

Good decisions aren’t made “by the seat of your pants.”

Your board team will have to make dozens of decisions all the way from deciding meeting times to deciding to build a new building. Good decisions are made through a logical, common sense process that includes plenty of pertinent information, expert advice, experience, vision and exchange of ideas among members of the board team.

Politics, special interests and personal bias are realities that always come into play when a board attempts to make a team decision, but with a well-understood and followed decision-making process, those elements can be controlled and the board team can make good decisions.

The following steps will lead to effective board decisions:

- Define the issue clearly.

  First make sure that all members of the board team are on the same channel. You could deliberate for hours on an issue that deserves only a few minutes if all board members aren’t clear about what the issue really is. The best way to avoid that is to get a motion on the table right away so everyone can focus on that specific motion. The chairperson should make it clear to all what a positive or a negative vote means. If you are not clear about the intent or meaning of the motion, ask the maker of the motion to clarify.

- Look at the information.

  Good information is the only way a board team can understand enough about the issues to make good decisions. Your experience is a prime source of valuable information. Other board members will have valuable information and insights.

  Board members are not on the front line with the daily business of the library and probably have limited expertise in library management. That means you have to rely on information from a variety of other people. The director and committee reports are standard sources for information about the issues that come before the board. Call on outside experts when necessary. Board members aren’t appointed for their expertise and experience in running a library, but rather their ability to ask the right questions, draw upon their experience and leadership skills and make good, informed decisions for the benefit of the library and community.
Consider the alternatives.

Approach every issue with an open mind, believing that there is more than one side to every issue. What seems obvious at first glance may prove to have serious consequences down the road. Play the "devil's advocate," ask tough questions and encourage other members of the team to voice opinions even though they may not agree with the majority.

Even a strong recommendation from the director or a board committee should not be accepted without a hard look at the possible alternatives. The director and committees should be expected to deliver a list of alternatives they have considered in arriving at their final recommendation.

Seek assistance.

You should expect a recommendation from your director on all issues before the board. Never be afraid to seek help from outside the board from attorneys and other specialists who can help you make the decision. Just remember that no matter who recommends what or who advises you how to vote, the board has the ultimate responsibility and liability for the decisions they make. You can't blame others for your poor decisions.

Keep in mind your mission and goals. All that you do should be in line with the mission of the library. Every decision the board makes should be in line with the five year masterplan of the library and somehow advance the mission. You should also be able to say that every decision is for the greatest good of those who use the library.

Project the consequences.

This is where the board members vision comes in. A board decision cannot be made in isolation from all other things going on in the library. You must consider how this decision will affect people, programs and plans. How will the community be affected by your decision? Are there possible legal problems with this decision? Will a decision to spend money in one area mean that less money will be available for other areas?

A decision today could well have consequences for years to come. For example, a decision to build a new building would be very shortsighted if it did not take into consideration the cost of upkeep and maintenance for the life of the building.
Vote.
This is where you put it all together and voice your own individual decision on the issue. Set aside personal bias and emotions and cast the vote for what you think is the best decision for the library.

Some Roadblocks to Good Decision Making

You and your board will not always make the best decisions because there are sometimes roadblocks waiting for you. Understanding the roadblocks will help you make more good decisions than bad ones.

Poor information is a major cause of poor board decisions. Not asking the right questions, listening to the wrong people or simply letting your ego lead you to believe you know all you need to know about the issue, can lead quickly to a poor decision. Plenty of good information is your first line of defense against poor decisions.

Not allowing time for good deliberation of an issue will result in a poor decision. Cutting off debate before all board members have a good opportunity to discuss the issue may deprive the board of insights needed for a good decision. Pressure from individuals or special interest groups often results in poor decisions from board members who simply want to get out from under the pressure-no matter the cost. The key to removing this roadblock is a policy that says we listen to all segments and then make all decisions based on what’s best for all who use the library. Emotions often trip up trustees and lead to poor decisions. At some time most boards will have heated debate over an issue. But board members must recognize when debate has gone beyond spirited discussion and fallen into a personal attack, anger and argument. When that happens, it’s time to break or table the issue until all cool down. Voting on an issue when board members have forgotten the facts and are operating on emotions will result in a poor decision.

Many of the decisions your board team makes will be done by consensus. Consensus simply means that all board members accept a decision on an issue even though each board member may not completely agree with the decision. Compromise is at the head of arriving at consensus on any issue.
CHAPTER 10: Planning for the Library's Future

"Failing to plan is planning to fail."

The purpose of planning for the library's future is to anticipate both opportunities and problems. Planning involves the following basic questions:

- What is our purpose?
- Where are we now?
- Where do we want to go?
- How will we get there?
- What is the optimum time frame for achievement?
- How will we know what we accomplished?
- What is our purpose?

The library mission should be expressed in a brief statement of the library’s purpose that sets the focus for planning. It is based on, but not limited to, a vision of the library’s roles in the community. While somewhat general, the statement should summarize the library’s major areas of emphasis.

Where are we now?
Before you can plan for the future, you must know where you are now. The background, history and trends of the library system must be explored before effective goals and objectives can be developed.

Facts and figures about the library system service and operation, service area population, and library trends are important. Input from the library director, staff, friends of the library, and the general public is essential. To successfully plan for the future, trustees must have the benefit of hard facts, professional insight, and public interest.

Every library board has a fundamental duty to develop an effective library plan. A good plan becomes a road map for the library. It assists the board and the director in making reasoned decisions that are the best ones for the community being served. It also publicizes the library’s priorities and its vision of the future.

The plan should reflect intense examination of the following questions:

- How is the library meeting the identified needs of the community?
- What are the economic, political, and cultural factors that impact library services?
- What trends can be identified as being significant to the library?
- What roles should the library play in the community?
- Where should the library be in the future?
- What is the mission of the library? What are the goals?
Planning involves looking at what is possible and considering a wide range of alternatives. Open-mindedness and creativity are paramount in developing a plan which will direct the most effective use of library resources. Board members must keep in mind the present and future needs and the values of the entire community served by the library.

Planning is a board/director partnership. Obtaining input from the members of the public, as well as from staff, is critical. The director and staff must have strong involvement in the formulation of the plan.

**Where do we want to go?**

The library's mission should reflect identified needs of the people in the community. Goals and objectives describe the conditions that must be achieved in order to support the library’s mission. Both goals and objectives describe what the library should accomplish, not how it will accomplish those results.

Goals are general, non-measurable descriptions of conditions or accomplishments that will support the library mission. Goals are generally not time limited and often are not expected to be fully accomplished.

Objectives are specific, measurable, time-limited descriptions of desired results. Achievement of objectives will be the basis for assessment of success in meeting library goals.

**How will we get there?**

Activities are specific steps that will be taken in order to meet stated objectives. The activities will state how each objective can be met. For every objective, a number of possible activities should be identified and analyzed. The analysis should include the potential impact of each activity on the objective, the likelihood of success, and the cost and impact on other library activities. One or more activities should be selected for each objective.

**What is the optimum time frame for achievement?**

Strategies must be carefully developed for carrying the overall plan into effect. Divide the selected approach into steps and map out the timeframe for accomplishment. Assign priorities for essential steps and desirable steps, keeping in mind which activities must be completed first to form a foundation for others. Another important consideration in strategic planning is timing relative to other community priorities, trends and programs. This ranking will dictate allocation of time, effort and funding.
How do we know what we accomplished?

After the plan has been finalized and implemented, the planning process shifts to review and evaluation. The board will monitor the plan's progress. Have any goals been accomplished? Are parts of the plan out of date and in need of amendment? Are there new elements that need to be added to the plan? What is the impact on community and individual needs?

Your plan should include performance indicators and output measures by which success may be gauged in terms of meeting specified needs. Plans are not set in stone. They are dynamic documents and at times it is necessary to change them in relation to changing needs. While mission statements are not apt to be changed for a long time, goals, objectives and action statements are likely to be altered in the review process.

Nevada Public Library Boards of Trustees not only should be planning for the future, but also are required to plan by state law. Nevada Revised Statute 379.003 states that "The governing body of every public library in this state shall develop, through a continuing process of planning, a master plan for the library or libraries for which it is responsible, including plans for levels of library services and resources, and shall submit the plan to the State Council on Libraries and Literacy. The master plan must be designed to extend 5 years into the future and must be made current at least every 2 years. (Added to NRS, 1981, A 1993)

This statute is echoed in the MINIMUM PUBLIC LIBRARY STANDARDS FOR NEVADA that state that "The Library Board of Trustees shall have a written master plan of service covering five years and update it every two years."

Planning Library Facilities

The construction or renovation of a library building is one of the most exciting and ambitious projects that a Board of Trustees undertakes. Careful planning is essential to a successful building program.

The initial step is the formation of a building committee composed of individuals whose expertise is needed. The basic building team usually consists of the library director, selected staff and board members, appropriate government officials, library users (and later) an architect and building contractor.

The Building Committee prepares a "Building Program" which is a narrative describing a collective vision of the type of facility needed, based on a detailed summary of community demographics in the library's service area, statistics on current services, and specifics on the roles and functions the library serves. It will also include projected needs for space and furnishings and diagrams of departmental interaction.
The Building Program is a major tool that creates a "word picture" to be used by the architect in drafting a design that will meet community needs. Hiring the right architect is the most critical step in a successful building project. An architect with experience in library design who can communicate effectively with the Library Building Committee is highly desirable. The architect needs a great deal of input from the team before beginning to draft plans to meet specified needs. It is not possible to over-prepare for a building project.

The Building Committee should be functioning many months in advance of selecting an architect. In the long run, clarity in describing what is needed can save time, energy and money. Although building projects can be time-consuming and frustrating, they allow the library board and staff to take on the exciting challenge of planning for the community's future library services.

Because a library board and staff will not have the necessary expertise to deal with all aspects of a library-building project, outside consultants may be used to provide specialized guidance. Consultants can suggest procedures, prevent mistakes, introduce new ideas, and sometimes defuse controversy. Some types of consultants whose services may be needed are:

- Library Building Consultant
- Attorney
- Library Services Consultant
- Architect
- Automation Consultant
- Certified Public Accountant

The Library Board should draft a "Request for Proposal" (RFP) for potential consultants to review needed services. After a bid is selected, a contract should be entered by the Board and the consultant before any work begins.
CHAPTER 11: Library Advocacy and Public Relations

An effective trustee promotes the interest of the library at all times. As a trustee, you must have a deep personal commitment to your library and the services it provides. You must have a sense of what you want your library to be in the future, not just what it is today, and you must be willing to work to help move forward to that point. The trustee who has the deep personal commitment to the library is well on the way toward being a good advocate.

As a trustee, you will come to appreciate the concept of libraries as an integral part of our society. Our entire educational process depends, to a great extent, on the quality of information services. Libraries are not only part of our present society; they are a part of our history that has helped move society forward. They are the hope for an informed future. They serve the societal good. When you advocate better public library services, you advocate better quality of life for American citizens today and in the future.

As an advocate for libraries, you must be willing to go out into your community on behalf of the library. All communities served by public libraries consist not only of library users to whom the trustee must respond, but also of citizens who pay taxes to support the library but do not use it. You must recognize the entire community and be prepared to work with groups as well as individuals. This means not just waiting for an invitation, but aggressively pursuing opportunities to speak before various community groups.

You are expected to know enough about your library to be able to respond to queries and to articulate just what the library has to offer. You must have a clear idea of how your library fulfills community expectations and values and be able to "tell the library story" to illustrate this in a meaningful way.

To be an effective advocate you must understand the different roles and responsibilities of librarians and trustees and do everything possible to work together meaningfully to develop and promote a comprehensive library program. For example, at a county commission or city supervisors meeting it is appropriate for you as a trustee to present and support the library's programs and budget, and for the librarian to be there to answer technical questions regarding services. The more you understand your library's roles the better advocate you will be.

A successful advocate can bring new users into the library, bring new revenues into the library, and increase awareness of library services. Legislators have been known to see the public library from a new perspective after speaking to an effective trustee advocate. Remember, the reason you were appointed to the library board is because you have the ability to help improve the library's services. The people to whom you speak may be motivated to write a bequest to the library in a will, ask a corporate officer to consider a donation to the library, or speak to state or federal legislators on behalf of the library.
Your advocacy for the library will take different forms, including establishing a relationship with the mayor, city manager and supervisors and/or the county manager and county commissioners, and state legislators. You will also be expected to communicate the value of library services to the taxpayer. Your advocacy efforts will generally be part of a planned board effort. The board must speak with one voice. You, as an individual board member, can speak about the board’s official position on library-related issues. An effective trustee promotes the interest of the library at all times.

Finally, as a trustee advocate, you will be a defender of intellectual freedom, and of an individual’s right to information. That includes, but is not limited to, firm support of the American Library Association’s Freedom to Read Statement and Library Bill of Rights. (Both documents are included in the Appendix.) One of the questions frequently asked of library trustees (usually in open forum) is whether a particular book or other item should be in the library’s collection.

The response must be unequivocal in defense of intellectual freedom. You must explain that the role of the library is to provide materials in response to the needs of all segments of the community and (when available) to provide information on all sides of a given issue. Communicating to the community about library services and programs is of great importance.

The library system was established to serve the community, but if citizens are not aware of this resource, then the services remain unused. Public relations are more than sending press releases announcing board meetings or operation hours. Public relations involves educating and informing distinct groups in the population about the programs, services, needs and opportunities offered by public libraries. Increasing library visibility and, therefore library usage, is an important function in which the library director and trustees must work together.
Trustees enjoy unique opportunities to serve as liaisons between the public and their library, translating community needs into improved policies and programs and keeping in mind their role as a good will ambassador building awareness and support wherever possible.

The various responsibilities can be placed in two categories:

Board responsibility is to:
- Establish a public relations policy.
- Make sure there is a public relations plan and a budget for public relations activities.
- Participate in public relations events and evaluate your library’s P.R. activities.
- Encourage staff involvement in public relations.

Individual trustee responsibility is to:
- Be vocal, visible and well informed -- use your library and spread the word about its services and successes.
- Look for opportunities to build a positive image for the library.
- Tell people about the library’s programs, progress and plans.

Library board trustees, both individually and collectively, can improve the public’s knowledge and awareness about the library program by:

- Speaking to various groups, individuals, and organizations, (civic, business, professional, and social) about library programs, services, and facilities.
- Finding out the community’s reaction to the library and its services, including program suggestions and other improvements, and relaying these ideas back to the director.
- Standing up for the library’s needs when funding is discussed and as communities plan for public services.
- Writing, calling or visiting your local, state or national public officials.
- Bringing newer members onto the board and assuring broad community representation on the board.
- Encouraging the development of Friends of the Library and volunteer programs where suitable, and stimulating programs and services involving a variety of groups in the community.

A strong library system is an important part of the infrastructure of any community. A proactive communications plan helps business leaders, economic developers, public officials, and the general public remain aware of library services and resources. Public and community relations can become the means by which a trustee’s community knows, appreciates, and uses the public library to the fullest extent.

More can be found on Library Advocacy in Chapter 2.
Friends of the Library are volunteer organizations formed with the agreement of the Library Director and Board of Trustees. Friends' groups expand the circle of contacts in the community begun by trustee board members. Often, it is from these loyal supporters of libraries that trustees are chosen. Friends extend great enthusiasm, eagerness and assistance in a variety of ways.

Typical functions of Friends of the Library groups include:

- Economic aid to the library—fund-raising or purchase of materials for the library.
- Volunteers to assist library staff.
- Grass root support of political action in support of the library.

Friends groups differ from library to library. In every case the Friends organization and library organization are essentially different and distinct and thus their roles are also distinctly different. They exist to promote the library. However, all involved must understand that Friends do not make policy.

Trustees should assist Friends groups and support activities by providing leadership to:

- Develop policies on Friends and volunteers.
- Work with the library director to draft procedures and regulations.
- Meet semi-annually with Friends board to plan and define goals for the group.
- Invite and welcome Friends to trustee board meetings.
- Attend Friends' board meetings and special events.
- Appoint a special trustee representative as a liaison to the Friends group.
- Provide information and ask for input.

United for Libraries provides help to motivate and strengthen local libraries by:

- Assisting in developing Library Friends groups.
- Providing guidance, education and counsel.
- Serving as a clearinghouse for information.

Volunteers from Friends Groups or other sources may be extraordinarily useful in libraries. Successful volunteer programs are most productive when they are:

- Planned and approved by the staff and board of trustees.
- Clear about work descriptions, the status of the volunteers and the expectations, including regular hours and consistent service and supervision.
- Mindful of need for recognition and appreciation of volunteer work.
- Realistic expectations of hours, types of work to be done and training required.
- Open to the community, but on the basis of specific job descriptions and capacities of volunteers to fill the jobs.
- Structured to provide recognition and appreciation of volunteers.
- Regularly evaluated.
Cooperation and support by the library trustees is vital to a sound volunteer program. Trustees should show appreciation for good volunteer assistance.

Lobbying is the public relations term describing activities related to presenting information to governmental authorities or entities. It is essential for board members to know the political process and to learn ways to affect decision-making. The public library is irrevocably involved with the governmental authorities of the community. The Nevada Revised Statutes allows libraries to be created in several ways and the powers and responsibilities of the library board are specifically outlined for each. Even though the board has governance obligations, the public library will still be dependent on the local legislative body, and occasionally the state legislature, for funding. Board members can be the most effective lobbyists for the library at all levels--local, state and federal.

Contact must be continuous with the local authorities, both on an informal basis and with formal written reports and oral presentations at meetings. Board members should communicate in a consistent and timely manner by:

- Getting to know the local authorities and telling them what libraries do for constituents.
- Preparing facts and statistics and translating them into visible action.
- Preparing evidence of the need for legislation or funding.
- Many boards invite representatives of the local government to a special meeting either annually or biennially. The local library is introduced as it currently operates and its policies and long-range plan are discussed.

Board members should involve the community -- Friends' group, library users, civic groups and business contacts -- to help put library issues before the voters and governing officials in an effort to gain favorable public sentiment.

In lobbying for state and federal action, the board should work closely with other trustee boards and Friends of the Library groups including Friends of Nevada Libraries and with the Nevada Library Association and the American Library Association. Both associations have established legislative networks to notify interested parties of pending legislation and the need for immediate contact with legislators or other authorities. Many boards select one of their members to act as the local liaison to the networks to eliminate confusion when the state or national coordinator calls for immediate action. Lobbying on library issues is putting your role as library advocate in the forefront.
CHAPTER 12: Nevada Library Agencies and Associations

Nevada State Library and Archives

Mission Statement
The Nevada State Library and Archives (NSLA) provides comprehensive government information services to state and local government and Nevada citizens through relevant, efficient library, archives, and records management programs.

Agency Background
On November 29, 1861, the First Territorial Legislature created the function of the library. On February 14, 1865, the First State Legislature created the Nevada State Library. The archival role was officially identified in 1965 by the legislature and with public records these functions were administratively combined with the State Library by legislative action: Archives in 1979 and Records Management in 1983. In 1985, the agency's name was formally changed by the legislature to The Nevada State Library and Archives (NSLA) to reflect the expanded duties and responsibilities. (Nevada Revised Statues Chapter 378, 379, 380A and 239).

In October 1993, the agency became a division of the Department of Museums, Library and Arts. In 2001 it became a division the Department of Cultural Affairs and in 2011 became a division of the Department of Administration. The purpose of the agency is to provide reference, research, archival and records management services to public officers and their staffs. This function is extended to state and local government agencies, other libraries and researchers. The NSLA also coordinates the development of statewide plans and activities to enhance access to all types of information. The State Library and Archives Administrator is responsible for directing all functions of the agency, its services and operations.

Agency Overview
Library Planning & Development (LPD) coordinates statewide development of library services. LPD administers federal, state and private grant operations, provides public library consulting services, collects public library statistics and publishes the Nevada Library Directory and Statistics. The Regional Library for the Blind and Physically Handicapped in Carson City and Las Vegas are also part of Library Planning & Development. Public & Technical Services provides for the informational research needs of government agencies, libraries and researchers. This includes developing, maintaining and facilitating access to state and federal government documents collections, census data, Nevada and Reference collections.

Archives and Records Management (ARM) acquires, preserves, organizes, maintains, and makes government records available for use at state and local levels. This includes the development of appropriate policies and procedures, proposed legislation and public outreach.
The Cooperative Libraries Automated Network (CLAN) is a growing consortium of library systems operating under a cooperative inter-local agreement that is administered by the Nevada State Library and Archives. Network members share a central computer system that supports library management functions, including circulation, inventory control, bibliographic and online catalog services.

**State Council on Libraries and Literacy (SCLL)**

SCLL members are appointed by the Governor in accordance with the Nevada Revised Statutes (Chapter 380A). The membership consists of eleven members who represent public, school, academic and special or institutional libraries; persons with disabilities; state labor organizations; private sector employers; library users; volunteer, private or community based literacy organizations; and a classroom teacher who has demonstrated outstanding results in teaching children or adults to read.

The directors of the following state agencies (or their designees) serve as ex officio members of the council: Department of Administration; Department of Education; State Job Training Office; Department of Human Resources; Commission on Economic Development; and Department of Prisons. Officers of state government whose agencies provide funding for literacy services may be designated by the governor or the chairman of the council to serve whenever matters within the jurisdiction of the agency are considered by the council.

The governor shall ensure that there is appropriate representation on the advisory council of urban and rural areas of the state, women, persons with disabilities and racial and ethnic minorities.

The Council advises the State Library and Archives Administrator on matters concerning the development of libraries and literacy programs in Nevada. One of its primary tasks is to review grant applications from public and other libraries seeking financial support from federal and state sources of funds and to advise on priorities for funding.

To accomplish this, Council Members consider the status of Nevada's library development, trends of growth, adherence of local libraries to minimum standards, certification of librarians, services to special populations and other elements of library and literacy services.

In addition to the federal Library Services and Technology (LSTA) funds, the State Legislature provides formula funding for collection development in public libraries and periodically appropriates additional state funds for Nevada libraries. The State Library and Archives Administrator coordinates closely with all state agencies with programs related to libraries and literacy to optimize services to all Nevadans.
Nevada Library Association

Beginnings and Purpose
The Nevada Library Association (NLA) had its beginnings with a small group of librarians meeting in Reno in 1946 to discuss the possibility of forming a state library association. A letter was drafted and sent to other librarians in the state. Interest grew and the first association Constitution was adopted June 4, 1946, stating that the object of the association "shall be to promote library service and librarianship." Changes to the Bylaws in 1977 expanded the purpose of NLA:

Article II. Purpose: The purpose of NLA shall be to promote library service of the highest quality for all present and potential users of libraries in Nevada. NLA is organized and operated for educational and library purposes, no part of the net earnings of which insures to the benefit of any private individual or member.

Structure of the Nevada Library Association
The Nevada Library Association has an elected president and a board of trustees. The board of trustees consists of the president, the president elect who serves as vice president, the executive secretary, the treasurer, the immediate past president, and one representative from each of the three districts and each of the three sections of the association. Advisory, nonvoting members are the State Library and Archives Administrator, the library representative of the Nevada State Department of Education, and NLA delegates, if any, to national and regional organizations.

There are three districts, organized geographically within the state: the Southern District, the Northwest District and the Northeast District. Each district reflects the interests of all groups within the boundaries of the district and each is governed by its own rules of procedure, in accordance with the Bylaws of the association.

There are also three sections within the Nevada Library Association, each section reflecting specific types of library services within the state:

1. The Nevada School and Children's Library Section (NSCLS) has been influential in changing legislation relating to school libraries and adding to the curriculum for school librarianship within Nevada's university system.

2. The charge of the Public Library and Trustees Organization (PLATO) is to promote and foster the development of public library services in Nevada by providing training events for public library personnel and trustees.

3. The stated purpose of the Nevada College and Research Libraries (NCRL) is to promote library service of the highest quality for all present and potential users of academic and special libraries in Nevada.
Various interest groups have served at different times and stages in Nevada's library history. Current NLA interest groups include: All Classifications Teamed in One Network (ACTION), Collections, Automation, Preservation, Technical Services & Acquisitions in Nevada (CAPTAIN), Government Documents Interest Group (GODIG), Indexing (Nevada Newspaper, Library Instruction, Nevada Networking/Automation Group (NNAG), Nevada Young Readers' Award (NYRA); Reference and Information Searchers of Nevada (RAISON); Statewide Summer reading (SSRP) and Retired Employees All Libraries (REAL).

Much of the work of the NLA is carried on through a variety of committees, including a Government Relations Committee that works with the State Library and Archives Administrator to develop, support and monitor library-related legislation. During biennial Legislative sessions the NLA supports the partial time of a Lobbyist to monitor library legislation and represent Nevada library interests at committee meetings and hearings.

**Nevada Library Association Annual Meeting**
Each year NLA sponsors an annual meeting, usually three or four days in the fall, providing a variety of educational opportunities for a nominal registration fee. Each section and interest group sponsors at least one program or workshop, resulting in a wide variety of topics from which attendees may choose. The overall event also provides opportunities for library staff, trustees, and others to learn about new developments in the field of library and information science, and to network and gain ideas and motivation for improving library services. Some local libraries support trustee membership, along with registration and travel expenses for participation in the annual statewide meeting. As a Nevada library trustee, you are encouraged to become an active member of the Nevada Library Association.
Glossary

The profession of librarianship has a language all its own. Understanding these terms and acronyms will help trustees and librarians communicate!

**AACR2**: Anglo-American Cataloging Rules. The standard set of rules for cataloging used by many libraries in the U.S., Canada, and Britain.

**ACCESS**: Availability of the library and its services to residents of an area served. In a larger sense, the ability to reach sources of information through a library and its cooperative links to other sources.

**ACCREDITED LIBRARY SCHOOL**: A college or university offering instruction according to recognized standards and officially accredited by the ALA.

**ACQUISITIONS**: The activities related to obtaining library materials by purchase, exchange, gift, or other means. New items received are often publicized to users in an acquisitions list.

**ACRL**: Association of Colleges and Research Libraries, a division of the American Library Association.

**ADA**: Americans with Disabilities Act. This Act gives civil rights protection to individuals with disabilities; it impacts libraries as service providers and as employers.

**ALA**: American Library Association. The national association serving the interest of libraries.

**ALTA**: American Library Trustee Association, Division of ALA devoted to the concerns of library trustees.

**ASSESSMENT**: In Nevada, the process of determining the value of real property for the purpose of providing a base for the tax levy of governmental units.

**AUDIOVISUAL**: Applied to materials other than printed, i.e. tapes, films, records and slides.

**BOOKS AND MATERIALS SELECTION**: The process of deciding what books, periodicals, records, films, online resources, e-books etc., should be bought for the library. Selection should be based on policy adopted by the board of trustees, funds available, and the goals and objectives of the library.

**BRANCH LIBRARY**: An auxiliary library with separate quarters, a permanent basic collection of books, a permanent staff and a regular schedule, under the administration of the central or main library facility.
CALL NUMBERS: The classification number on an item of library material used to mark the item, shelve it properly, list it in the card catalog or computer and find it for a user. The Dewey Decimal and the Library of Congress are two classification systems.

CATALOG: A file of bibliographic records created to describe the materials in a collection, a library or a group of libraries. It may be in the form of a card catalog, a book catalog, or an online catalog.

CATALOGING: The process of physically describing library materials, for example, a book so that it can be listed in a catalog and located on a shelf for use by patrons.

CERTIFICATION: A program providing for certification of a librarian in Nevada targeted to public libraries serving a population of under 50,000 which do not have a person with a graduate library degree performing duties as administrator, reference, and children's librarian.

CIRCULATION: The activity of a library in lending books and other materials to borrowers and keeping a record of such loans.

CLAN: Cooperative Libraries Automated Network is a growing consortium of Nevada library systems operating under a cooperative inter-local agreement to provide automated access to information. CLAN provides circulation, inventory control, online catalog, and bibliographic cataloging services to members.

COLLECTION: A group of library materials having a common characteristic, such as Reference Collection, Nevada Collection, etc. This term may also refer to the library’s entire holdings.

COMPETITIVE WRITTEN BID: Bid submitted on a bid form furnished by the buying library system and signed by authorized personnel representing the vendor, or a bid submitted on a vendor’s letterhead or identifiable bid form and signed by authorized personnel representing the vendor.

COORDINATIVE: Any joint effort by two (2) or more public library systems to improve library services.

COPYRIGHT: The exclusive privilege of publishing and selling a work granted by a government to an author, composer, artist, publisher, etc. Libraries have a special interest in fair use of copyrighted material.

DATABASE: A systematic organization of information stored in a computer file or online for searching and retrieval.
DEWEY DECIMAL CLASSIFICATION: A method of classifying library materials dividing all knowledge into ten classes arranged in numeric sequence and further divided by a decimal system. Developed by Melvil Dewey (1851-1931).

END USER: A library user who requests and uses information obtained from an online search.


FTE: Full-time equivalent. Used when budgeting and reporting library employees.


GPO: U.S. Government Printing Office. The official federal government document depository. Some libraries in each state are designated as official depositories for GPO.

ILL: Interlibrary Loan. Originally a library borrowing from another in order to serve the user. Now a system of interlibrary cooperation that allows libraries to obtain information and materials for their users.

IMLS: Institute of Museum and Library Services. Federal agency that administers programs and funding to museums and libraries, including LSTA funds.

INTERNET: An international computer network that allows connections with various computer systems and other participating libraries.


JOBBER: A company that supplies many titles from different publishers and producers and sells them to libraries and retailers.

KEYWORD: A word used during an information retrieval search to find a particular word in an author, title, abstract or subject field.

LAMA: Library Administration and Management Association (Division of ALA).

LC: Library of Congress. The national library in Washington, D.C. which serves the U.S. Congress and other libraries and supports a variety of library programs.

LC CLASSIFICATION: A subject classification system devised by the LC that divides knowledge into 21 subject areas and has a notation of letters and figures that allows for expansion.
LSTA: Library Services and Technology Act. Federal law which provides funds to be distributed by the Institute of Museums and Library Services through a population based formula.

MARC: Machine Readable Cataloging. A standard format for computer data about library materials, originated by LC and now prevalent around the world.

MLS: Masters degree in Library Science. A graduate degree for a professional librarian accredited by the American Library Association.

MLIS: Masters degree in Library & Information Science. A graduate degree for a professional librarian accredited by the American Library Association.


NCRL: Nevada Colleges and Research Libraries (Section of NLA).

NRS: Nevada Revised Statutes.

NSCLS: Nevada School Libraries and Children's Services (Section of NLA).

NSLA: Nevada State Library and Archives, s division of the Nevada Department of Administration.

OCLC: Online Computer Library Center, Inc. A nonprofit membership organization offering a variety of services to libraries and other educational organizations. OCLC published WORLDCAT, the largest database of library records in the world. W


ONLINE SYSTEM: Connection of a distant user terminal to a central computer through a continuing communication hookup.

PATRON: A person who uses the library.

PER CAPITA: By the head. Refers to allocation of funds based on population or service statistics calculated by the person.

PLA: Public Library Association (Division of ALA).

PLATO: Public Library and Trustee Organization (Section of NLA).
PUBLIC LIBRARY: A library which provides general library services to all persons in a given community, district, or region. It is supported in whole or in part by public funds.

RECORDS MANAGEMENT: A section of the Nevada State Library and Archives that schedules records of public agencies for retention and disposition. Records cannot be legally disposed of unless they have been scheduled.

SERIALS: Publications such as magazines, newsletters and journals that are published in sequence. So-called because they carry serial numbers indicating volume and issue.

SYSTEM: A library made up of more than one service outlet, usually administered from a central location, i.e. branches of a rural or urban library, a cooperative agreement among several different library entities, a contractual agreement among a library and several counties.

TECHNICAL SERVICES OR PROCESSING: All the activities related to obtaining, organizing and processing library items and maintaining them with repairs and renovation.

TRUSTEES OF THE LIBRARY: The legal term used in Nevada for those appointed local officials who govern the public library.

VERTICAL FILE: A collection of pamphlets, clippings, and/or pictures kept in a filing cabinet and arranged for ready reference, generally by subject.

WEEDING: Removing from the collection books and other library materials no longer up-to-date or useful to the users of the library. Weeding keeps a collection current and provides ongoing evaluation of the library’s materials and use.

WORLDCAT: A union catalog which itemizes the collections of 72,000 libraries in 170 countries and territories which participate in the Online Computer Library Center (OCLC) global cooperative. It is built and maintained collectively by the participating libraries.
**Suggested Readings**


## APPENDIX

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(Page 57)
March 7, 2008

Larry A. Werner, City Manager
201 N. Carson St., Suite 2
Carson City, NV 89701

Opinion No. 08-01 Authority of Carson City Library
Board of Trustees: The Board of Supervisors controls the budget of the Carson City Library and can amend the budget at any time during the fiscal year. The Librarian is required to work within the budget given by the Board of Supervisors.

Dear Mr. Werner:

You requested a legal opinion regarding the authority of the Board of Supervisors to control the budget of the Carson City Library.

ISSUE PRESENTED

Can the Carson City Board of Supervisors amend the budget of the Carson City Library and thereby affect the ability of the Librarian to fill personnel positions?

ANALYSIS

Carson City created a county library pursuant to NRS 379.010. The library is governed by a Board of Trustees who are appointed by the Carson City Board of Supervisors. See NRS 379.020(1) and (3). The Carson City Library Board of Trustees is composed of five members - Phyllis Patton, Sandy Foley, Maxine Nietz, Caren Jenkins and Bob Kennedy. Members of the Board of Trustees serve four year terms, and can be removed by the Board of Supervisors for failing to attend three successive meetings of the trustees without cause. See NRS 379.020(1) and (5). The Board of Trustees are responsible for hiring a Librarian, who in turn has the responsibility to
administer the functions of the library, employ assistants and carry out the policies established by the Board of Trustees. See NRS 379.025 and NRS 379.027

Carson City is currently facing a budget shortfall due to a slow housing market and decreased retail sales. City Departments have been asked to cut their budgets to accommodate the shortfall. In addition, the Board of Supervisors implemented a hiring freeze. Currently, the Carson City Library has several positions open. The Board of Trustees wants the Librarian to fill some of the positions without obtaining Board of Supervisors approval.

NRS 379.025 requires the Library Board of Trustees to submit an annual budget to the Board of Supervisors. NRS 379.025(1)(d) states:

1. Except as otherwise provided in subsection 2, the trustees of any consolidated, county, district, town or other public library, and their successors, shall:

(d) In the case of a county library, submit annual budgets to the board of county commissioners, containing detailed estimates of the amount of money necessary for the operation and management of the library for the next succeeding year.

However, the Carson City Board of Supervisors, not the Library Board of Trustees, makes the determination of how much money to provide the library for the purpose of operation and management. NRS 379.010 provides, in part, that:

1. The board of county commissioners of each county may set apart a sum of money to be used in the establishment and maintenance of a public library in the county. Each year thereafter the board of county commissioners may set apart an amount of money for the purpose of operating and maintaining the library.

(Emphasis added.) Pursuant to the plain language of NRS 379.010, the setting apart of a sum of money for the operating and maintaining of a public library is a discretionary act of the Board of Supervisors. No provision requires the Board of Supervisors to accept the estimated budget submitted by the Library Board of Trustees pursuant to NRS 379.025. In fact, pursuant to the plain language of NRS 379.010(1), the Board of Supervisors does not have to set apart any money for the operating and maintaining of
a public library. As such, the Board of Supervisors has the discretion to determine how much money, if any, to set apart for the operation and maintenance of the public library.

Once the budget for a public library is approved, the Board of Supervisors retains the authority to control the budget during the fiscal year. NRS 379.030(1)(a)-(c) provides that:

1. All claims for indebtedness incurred or created by the trustees of any consolidated, county, district or town library must:
   (a) Be audited and approved by a majority of the trustees;
   (b) Be presented to and acted upon by the board of county commissioners, unless a separate account has been established pursuant to NRS 354.603; and
   (c) Be paid out of the appropriate library fund in the same manner as claims against the county are presented, acted upon and paid.

(Emphasis added.) In addition, the statute clearly indicates that any money in the Library Fund remains with and belongs to the county. NRS 379.030(3) states:

3. Any money remaining in the county library fund on June 30 of any year reverts to the general fund of the county.

The Librarian, however, has the authority to administer all functions of the library and employ assistants pursuant to NRS 379.027. Once the Board of Supervisors approves the budget and gives it to the Library Board of Trustees, it is up to the Librarian to employ assistants. Therefore, in order for the Board of Supervisors to reduce the employee count at the library, the Board must reduce the library's budget. A reduction in the budget would affect the ability of the Librarian to hire personnel. Aside from the reduction in the budget, only the Librarian has the authority to decide which positions to fill.

Although there is no Nevada law on this issue, a similar issue was raised in Hazel v. Barry, 580 A.2d 110 (D.C. 1990). The District of Columbia Public Library is a free public library governed by a Board of Trustees. Although it is defined as a "statutory independent agency" the mayor determines the amount necessary for the library to properly function. In 1989, the Council of the District of Columbia adopted its proposed Fiscal Year 1990 budget which allocated $18,849,00 to the library. Before the budget was finalized, the mayor cut 4% from the library's budget. The Library Board of
Trustees, the Library Director and a patron sued claiming that the mayor did not have the authority to reduce the budget. The District of Columbia Court of Appeals held:

We agree with the trial court's ruling that, although the Library was independent of the Mayor "in terms of its policy choices, personnel choices, in a whole plethora of areas that are articulated in [D.C. Code § 37-105 (1990)]," it was subject to the Mayor's authority in financial matters under section 37-106.

Id. at 114.

The Carson City Public Library is similar to the District of Columbia Public Library in that the Carson City Library Board of Trustees has the authority to establish, supervise and maintain a library, appoint and dismiss librarians, and hold the property and effects of the library in trust for the public. See NRS 379.025. In addition, the Carson City Librarian administers the library, employs assistants and carries out the policies and procedures established by the Library Board of Trustees. See NRS 379.927. However, as with the District of Columbia Public Library, the governing body, in this case the Board of Supervisors, establishes the budget for the library.

CONCLUSION

The Board of Supervisors has the authority to create and dissolve a county library. The Board of Supervisors has the responsibility and authority to set the budget for the library. Although the day to day operations of the library are vested within the authority of the Librarian, the Board of Supervisors can reduce the budget and require the Librarian and the Board of Trustees to work within the reductions.

If you have any questions concerning this opinion, please feel free to contact me.

Sincere regards,

NEIL A. ROMBARDO
District Attorney

By: [Signature]
Melanie Bruketta
Chief Deputy District Attorney

cc: Carson City Board of Supervisors
Sara Jones, Library Director
Carson City Library Board of Trustees
BYLAWS
CARSON CITY LIBRARY
BOARD OF TRUSTEES

ARTICLE I- Name & Authorization

This organization shall be called the Board of Trustees of the Carson City Library, existing by virtue of the provision of Chapter 379 of the Nevada Revised Statutes, and exercising the powers and authority and assuming responsibilities delegated to it under said statute.

ARTICLE II- Purpose

The purpose of the Board of Trustees of the Carson City Library is to represent the library both to the people and to the governing officials, and to provide the people and the governing officials a well-run library.

ARTICLE III-Officers

Board officers shall be as follows: Chairman and Vice-Chairman, who shall be elected from the Trustees at the first regular board meeting of the fiscal year, serve a term of one year in such office, and may be reelected subsequent terms.

Should either office be vacated, the members shall elect a new officer at the next meeting. The board chairman shall preside at all meetings, certify all actions approved by the board, authorize calls for special meetings, and generally perform the duties of a presiding officer.

In the absence of the chairman, the vice chairman shall perform all duties authorized for the chairman. The members in attendance will appoint a vice chairman if needed.

The Librarian shall act as executive secretary to the board. The secretary shall keep a true and accurate account of all proceedings of the board meetings; issue notices of all proceedings of the board meetings; issue notices of all regular meetings and on the authorization of the chairman, of all special meetings; and have custody of the minutes and other records of the Board.

ARTICLE IV- Terms, Vacancies, Etc.

SECTION 1: Term of Office

The term of office of trustees shall be four years. No trustees may be appointed to hold more than two consecutive four year terms. All vacancies which may occur at any time in the office
of the Board of Trustees must be filled by appointment by the Board of Supervisors. (NRS 379.020)

SECTION 2 - Disqualifications, Vacancies

When any trustee fails to attend three consecutive regular meetings of the board without cause it shall be the duty of the Chairman to notify the appointing officials. (NRS 379.020(5))

ARTICLE V - MEETINGS

All meetings of the Carson City Library Board of Trustees shall comply with the Nevada Open Meeting Law.

SECTION 1: Annual Meeting

An annual meeting shall be the first meeting of the fiscal year for election and appointment of officers.

SECTION 2: Special Meetings

Special meetings may be called by the chairman or upon the written request of three members for the transaction of business stated in the call for the meeting.

SECTION 3: Quorum

A quorum for transaction of business shall consist of a simple majority of members.

SECTION 4: Order of Business

The order of business at regular meetings shall comply with the provisions of the Nevada Open Meeting Law.

SECTION 5: Parliamentary Authority

Roberts Rules of Order shall govern the parliamentary procedure of the meetings.

SECTION 6: Subcommittees

The Board may establish subcommittees consisting of not more than two Trustees and if so desires members of the public. The subcommittees are subject to the provisions of the open meeting law.

ARTICLE VI - Librarian

The Librarian shall be appointed by the board and is the board’s executive officer and shall have charge of administration of library. The Librarian shall be responsible for employing
and directing staff, for appointing a recorder to attend board meetings and act as recording secretary for selecting library materials for the care of the buildings and the equipment, for the efficiency of the library’s service to the public, and for operating the library under the financial conditions set forth in the annual budget. The Librarian or a designee shall attend all board meetings. (NRS 379.027)

ARTICLE VII- Duties of the Board of Trustees

1. Set, appoint and evaluate the professional performance of the Librarian. (NRS 379.025)

Determine the policy of the library to allow development of the highest possible degree of operating efficiency in the library.

Submit the annual budget, and work to secure adequate funds to finance the requested library services.

Through the Librarian supervise and maintain buildings and grounds, as well as regularly review various physical and building needs to see that they meet the requirements of the total library program.

Study and support legislation which will bring about the greatest good to the library.

Cooperate with other public official and boards to promote the services of the library and participate in maintaining vital public relations.

Other duties as set forth under NRS 379.025 and NRS 379.060

ARTICLE VIII- Amendments

These bylaws may be amended by a simple majority of the members of the board, provided the amendment was stated in the agenda of the meeting

(Amended & Adopted July 26, 2007)
JOB DESCRIPTION FOR NEVADA PUBLIC LIBRARY TRUSTEES

Legal responsibility for all operations of the library:

Participate in all library board meetings and serve on related committees.

Hire, evaluate, and, if necessary, dismiss the library director.

Manage all library property, real and personal, in the public trust.

Review and adopt written policies and establish bylaws and regulations for management of library and board.

Fiscal responsibility for providing quality library services:

Participate in local government and serve on selected committees.

Negotiate with appropriate authorities to secure adequate funding for library services.

Provide facilities, resources and trained staff to meet the library needs of all residents.

Review and approve budget annually, submit quarterly reports to governing entities, and provide additional information upon request.*

Leadership responsibility for securing future library services:

Lead a strategic planning process to update library master plan every two years.

Evaluate progress in relation to stated objectives.

Be proactive in exceeding Minimum Public Library Standards for Nevada.

Be aware and knowledgeable of community demographics, needs and interests.

Speak on behalf of the local library at meetings of community organizations.

Advocate for the library at all times and play an active role in state, regional and national committees, workshops and conferences.

A public library trustee is responsible for the legal governance of public libraries in Nevada as stated in NRS 379. *District library trustees must comply with all fiscal regulations as stated in NRS 354.470-354.626.
Sample By-Laws

BY-LAWS OF [NAME], A NOT-FOR-PROFIT CORPORATION

ARTICLE I ORGANIZATION

1. The name of the organization shall be [NAME].

2. The organization shall have a seal which shall be in the following form: [DESCRIBE]

3. The organization may at its pleasure by a vote of the membership body change its name.

ARTICLE II PURPOSES

The following are the purposes for which this organization has been organized: [DESCRIBE]

ARTICLE III MEMBERSHIP

Membership in this organization shall be open to all who [DESCRIBE].

ARTICLE IV MEETINGS

The annual membership meeting of this organization shall be held on the ________ day of [MONTH] each and every year except if such day be a legal holiday, then and in that event, the Board of Directors shall fix the day but it shall not be more than two weeks from the date fixed by these By-Laws.

The Secretary shall cause to be mailed to every member in good standing at his address as it appears in the membership roll book in this organization a notice telling the time and place of such annual meeting.

Regular meetings of this organization shall be held [LOCATION].

The presence of not less than ________ ( ____%) percent of the members shall constitute a quorum and shall be necessary to conduct the business of this organization; but a lesser percentage may adjourn the meeting for a period of not more than ________ weeks from the date scheduled by these By-Laws and the secretary shall cause a notice of this scheduled meeting to be sent to all those members who were not present at the meeting originally called. A quorum as herein before set forth shall be required at any adjourned meeting.

Special meetings of this organization may be called by the president when he deems it for the best interest of the organization. Notices of such meeting shall be mailed to all members at their addresses as they appear in the membership roll book at least ten (10) days before the scheduled date set for such special meeting. Such notice shall state the reasons that such meeting has been called, the business to be transacted at such meeting and by whom it was called. At the request of ________ ( ____%) percent of the members of the Board of Directors or ________ ( ____%) percent of the members of the organization, the president shall cause a special meeting to be called but such request must be made in writing at least ten (10) days before the requested scheduled date.
No other business but that specified in the notice may be transacted at such special meeting without the unanimous consent of all present at such meeting.

ARTICLE V  VOTING

At all meetings, except for the election of officers and directors, all votes shall be by voice. For election of officers, ballots shall be provided and there shall not appear any place on such ballot that might tend to indicate the person who cast such ballot.

At any regular or special meeting, if a majority so requires, any question may be voted upon in the manner and style provided for election of officers and directors. At all votes by ballot the chairman of such meeting shall, prior to the commencement of balloting, appoint a committee of three who shall act as "Inspectors of Election" and who shall, at the conclusion of such balloting, certify in writing to the Chairman the results and the certified copy shall be physically affixed in the minute book to the minutes of that meeting.

No inspector of election shall be a candidate for office or shall be personally interested in the question voted upon.

ARTICLE VI  ORDER OF BUSINESS

1. Roll Call.
2. Reading of the Minutes of the preceding meeting.
3. Reports of Committees.
4. Reports of Officers.
5. Old and Unfinished Business.
7. Adjournments.

ARTICLE VII  BOARD OF DIRECTORS

The business of this organization shall be managed by a Board of Directors consisting of [#] members, together with the officers of this organization. At least one of the directors elected shall be a resident of the State of and a citizen of the United States.

The directors to be chosen for the ensuing year shall be chosen at the annual meeting of this organization in the same manner and style as the officers of this organization and they shall serve for a term of years.

The Board of Directors shall have the control and management of the affairs and business of this organization. Such Board of Directors shall only act in the name of the organization when it shall be regularly convened by its chairman after due notice to all the directors of such meeting.

[_____%] (___%) percent of the members of the Board of Directors shall constitute a quorum and the meetings of the Board of Directors shall be held regularly on the [DATE].

Each director shall have one vote and such voting may not be done by proxy.

The Board of Directors may make such rules and regulations covering its meetings as it may in its discretion determine necessary.
Vacancies in the Board of Directors shall be filled by a vote of the majority of the remaining members of the Board of Directors for the balance of the year.

The President of the organization by virtue of his office shall be Chairman of the Board of Directors.

The Board of Directors shall select from one of their members a secretary.

A director may be removed when sufficient cause exists for such removal. The Board of Directors may entertain charges against any director. A director may be represented by counsel upon any removal hearing. The Board of Directors shall adopt such rules for this hearing as it may in its discretion consider necessary for the best interests of the organization.

ARTICLE VIII OFFICERS

The initial officers of the organization shall be as follows:
President:
Vice President:
Secretary:
Treasurer:

The President shall preside at all membership meetings.
He shall by virtue of his office be Chairman of the Board of Directors.
He shall present at each annual meeting of the organization an annual report of the work of the organization.
He shall appoint all committees, temporary or permanent.
He shall see all books, reports and certificates required by law are properly kept or filed.
He shall be one of the officers who may sign the checks or drafts of the organization.
He shall have such powers as may be reasonably construed as belonging to the chief executive of any organization.

The Vice President shall in the event of the absence or inability of the President to exercise his office become acting president of the organization with all the rights, privileges and powers as if he had been the duly elected president.

The Secretary shall keep the minutes and records of the organization in appropriate books.
It shall be his duty to file any certificate required by any statute, federal or state.
He shall give and serve all notices to members of this organization.
He shall be the official custodian of the records and seal of this organization.
He may be one of the officers required to sign the checks and drafts of the organization.
He shall present to the membership at any meetings any communication addressed to him as Secretary of the organization.
He shall submit to the Board of Directors any communications which shall be addressed to him as Secretary of the organization.
He shall attend to all correspondence of the organization and shall exercise all duties incident to the office of Secretary.

The Treasurer shall have the care and custody of all monies belonging to the organization and shall be solely responsible for such monies or securities of the organization.
He shall cause to be deposited in a regular business bank or trust company a sum not exceeding $_______ and the balance of the funds of the organization shall be deposited in a savings bank except that the Board of Directors may cause such funds to be invested in such investments as shall be legal for a non-profit corporation in this state.

He must be one of the officers who shall sign checks or drafts of the organization. No special fund may be set aside that shall make it unnecessary for the Treasurer to sign the checks issued upon it.

He shall render at stated periods as the Board of Directors shall determine a written account of the finances of the organization and such report shall be physically affixed to the minutes of the Board of Directors of such meeting.

He shall exercise all duties incident to the office of Treasurer.

Officers shall by virtue of their office be members of the Board of Directors.

No officer shall for reason of his office be entitled to receive any salary or compensation, but nothing herein shall be construed to prevent an officer or director for receiving any compensation from the organization for duties other than as a director or officer.

ARTICLE IX SALARIES

The Board of Directors shall hire and fix the compensation of any and all employees which in their discretion may determine to be necessary for the conduct of the business of the organization.

ARTICLE X COMMITTEES

All committees of this organization shall be appointed by the Board of Directors and their term of office shall be for a period of one year or less if sooner terminated by the action of the Board of Directors.

The permanent committees shall be: [DESCRIBE]

ARTICLE XI DUES

The dues of this organization shall be $_______ per annum and shall be payable on [DATE].

ARTICLE XII AMENDMENTS

These By-Laws may be altered, amended, repealed or added to by an affirmative vote of not less than ___________ (____%) percent of the members.

IMPORTANT

A primary purpose of the “Letric Law Library” has always been to provide no-cost legal information to anyone who wants or needs it. However, it’s Vital that You Understand that most of our Forms are ONLY General, Generic Examples of possible formats & contents. Legal Requirements for various Business Entity related documents Can and Do Vary Greatly from State to State and can Change Often. To be Valid - and Not Create More Problems than it Solves - it MUST be Properly Drafted and Modified to fit Your Specific Location and Circumstances!

This example was obtained from the “Complete Toolkit for Trustees” at http://www.managementhelp.org/boards/boards.htm accessed on 27 May 2002
JOB DESCRIPTION FOR NEVADA PUBLIC LIBRARY TRUSTEES

Legal responsibility for all operations of the library:
Participate in all library board meetings and serve on related committees.
Hire, evaluate, and, if necessary, dismiss the library director.
Manage all library property, real and personal, in the public trust.
Review and adopt written policies and establish bylaws and regulations for management of
library and board.

Fiscal responsibility for providing quality library services:
Participate in local government and serve on selected committees.
Negotiate with appropriate authorities to secure adequate funding for library services.
Provide facilities, resources and trained staff to meet the library needs of all residents.
Review and approve budget annually, submit quarterly reports to governing entities, and provide
additional information upon request.*

Leadership responsibility for securing future library services:
Lead a strategic planning process to update library master plan every two years.
Evaluate progress in relation to stated objectives.
Be proactive in exceeding Minimum Public Library Standards for Nevada.
Be aware and knowledgeable of community demographics, needs and interests.
Speak on behalf of the local library at meetings of community organizations.
Advocate for the library at all times and play an active role in state, regional and national
committees, workshops and conferences.

A public library trustee is responsible for the legal governance of public libraries in Nevada as
stated in NRS 379. *District library trustees must comply with all fiscal regulations as stated in
NRS 354.470-354.626.
JOB DESCRIPTION

JOB TITLE: Library Director  
DEPARTMENT: Library  
REPORTS TO: Board of Trustees

FLSA: Exempt  
GRADE:  
DATE: July 1, 2013

SUMMARY OF JOB PURPOSE:
Under direction of the Library Board of Trustees provides leadership for the full scope of services provided by the Community Library; provides advice and counsel and develops strategy to enhance organizational effectiveness and the sustainability of the Library.

ESSENTIAL FUNCTIONS:
This class specification lists the major duties and requirements of the job and is not all-inclusive. Incumbent(s) may be expected to perform job-related duties other than those contained in this document and may be required to have specific job-related knowledge and skills.

- Develops and directs the implementation of goals, objectives, policies, procedures and work standards for the Carson City Library; directs the preparation and administration of the Carson City Library's budget.
- Plans, organizes, administers, reviews and evaluates the activities of professional, technical, maintenance and office support staff through subordinate managers and supervisors.
- Contributes to the overall quality of the Carson City Library's service provision by developing and coordinating work teams and by reviewing, recommending and implementing improved policies and procedures.
- Works with Friends of the Library, Library Foundation, various advisory boards and commissions, citizen groups and City management to formulate policies and plans.
- Prioritizes and allocates available resources; reviews and evaluates program and service delivery, makes recommendations for improvements and ensures maximum effective service delivery.
- Acquires outside funding sources from public and private grants and donations.
- Confers and works closely with subordinate managers to provide direction and leadership, problem solve, and make policy exceptions and changes as required for effective service delivery.
- Represents the Carson City Library in local and state-wide forums; makes presentations before various advisory committees, legislative, regulatory and community groups; oversees the best interests of the Library in negotiations with others to provide services or take action supportive to the Library.
- Directs the selection of staff and provides for their training and professional development; interprets regulations and City policies and procedures to employees; ensures effective morale, productivity and discipline of department staff.
- Directs the conduct of analytical studies; develops and reviews reports of findings, alternatives and recommendations; directs the maintenance of accurate records and files.

This job description indicates, in general, the nature and levels of work, knowledge, skills, abilities and other essential functions (as covered under the Americans with Disabilities Act) expected of the incumbent. It is not designed to cover or contain a comprehensive listing of activities, duties or responsibilities required of the incumbent. Incumbent may be asked to perform other duties as required.
JOB DESCRIPTION

ESSENTIAL FUNCTIONS:

• Monitors and interprets changes in laws and regulations; evaluates their impact upon Library activities, and develops and implements policy and procedural changes as required; drafts changes to laws and ordinances and lobbies the legislature and provides supporting testimony as required.
• Uses standard office equipment, including a computer, in the course of the work; drives a personal or City motor vehicle or arranges for appropriate transportation in order to attend off-site meetings and visit off-site Library locations.
• Demonstrates courteous and cooperative behavior when interacting with elected officials, public, and staff; acts in a manner that promotes a harmonious and effective workplace environment.
• At times may be required to work outside normal business hours and work extended hours to accomplish requirements of the position.

QUALIFICATIONS:

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required.

Education and Experience:
Master’s Degree in Library and Information Science from an ALA accredited program; AND five (5) years of executive management experience in a public library environment; OR an equivalent combination of education, training and experience as determined by Human Resources.

Required Knowledge and Skills

Knowledge of:
• Operational characteristics, services and activities of a comprehensive library services program.
• Principles and practices of library services program development and administration.
• Administrative principles and practices, including goal setting, program development, implementation and evaluation, and the management of employees through multiple levels of supervision.
• Principles and practices of developing teams, motivating employees and managing in a team environment.
• Trends and community needs assessment in the library field.
• Applicable laws, codes and regulations; principles and practices of developing teams, motivating employees and managing in a team environment.
• Computer applications related to the work.
• Record management principles and practices.
• Techniques for dealing with a variety of individuals, at all levels of responsibility, in person and over the telephone.
• Techniques for making effective public presentations.

This job description indicates, in general, the nature and levels of work, knowledge, skills, abilities and other essential functions (as covered under the Americans with Disabilities Act) expected of the incumbent. It is not designed to cover or contain a comprehensive listing of activities, duties or responsibilities required of the incumbent. Incumbent may be asked to perform other duties as required.
QUALIFICATIONS:

Skill in:
- Planning, organizing and administering a comprehensive library services program.
- Training others in policies and procedures related to the work.
- Developing and implementing goals, objectives, policies, procedures and work standards.
- Developing effective work teams and motivating individuals to meet goals and objectives and provide customer services in the most cost effective and efficient manner.
- Interpreting, applying and explaining complex federal, state and local laws related to the areas of responsibility.
- Preparing clear and concise reports, correspondence and other written materials.
- Using initiative and independent judgment within general policy guidelines.
- Using tact, discretion and prudence in dealing with those contacted in the course of the work.
- Evaluating workflow and effectively prioritizing multiple tasks, projects and demands.
- Making effective oral presentations to large and small groups.
- Establishing and maintaining effective work relationships with staff, coworkers, elected officials and the public.

SUPERVISION RECEIVED AND EXERCISED:
Under General Direction from the Library Board of Trustees - Incumbents at this level are responsible for unusual, technical, complex, highly sensitive, political, and far reaching work related issues and for policy recommendations to political oversight groups. They plan, organize, and determine work methods, implementation mechanisms, and operating procedures used to achieve goals and objectives set forth by general plans, broad policies, budgetary limitations, and legal and professional standards. The incumbents have responsibility for planning and organizing work, as well as considerable latitude interpreting and applying broad policies, rules, and regulations. Work performance is usually measured by total results and a governing body usually provides supervision.

REQUIRED CERTIFICATES, LICENSES, AND REGISTRATIONS:
- Nevada Driver’s License.
PHYSICAL DEMANDS & WORKING ENVIRONMENT:
The physical demands described herein are representative of those that must be met by an employee to successfully perform the essential functions of the job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Mobility to work in a typical office setting, use standard office equipment and stamina to sit for extended periods of time; strength to lift and carry up to 20 pounds; vision to read printed materials; and hearing and speech to communicate in person or over the telephone; exposure to traffic conditions and external environment when traveling from one office to another.

CONDITIONS OF EMPLOYMENT:

1. Continued employment is contingent upon all required licenses and certificates being maintained in active status without suspension or revocation.

2. Any City employee may be required to stay at or return to work during emergencies to perform duties specific to this classification or to perform other duties as requested in an assigned response position. This may require working a non-traditional work schedule or working outside normal assigned duties during the incident and/or emergency.

3. Employees may be required to complete incident Command System training as a condition of continuing employment.

4. New employees are required to submit to a fingerprint based background investigation which cost the new employee $53.50 and a drug/alcohol screen which costs $20.00. Employment is contingent upon passing the background and the drug/alcohol screen.

I have read and understand the contents of this Job Description, and I have received a copy of this Job Description for my records.

PRINT NAME: __________________________________________

SIGNATURE: ___________________________________________ DATE: ____________________

This job description indicates, in general, the nature and levels of work, knowledge, skills, abilities and other essential functions (as covered under the Americans with Disabilities Act) expected of the incumbent. It is not designed to cover or contain a comprehensive listing of activities, duties or responsibilities required of the incumbent. Incumbent may be asked to perform other duties as required.
Library Director

Class Code: 00337

Bargaining Unit: UNCLASSIFIED

CONSOLIDATED MUNICIPALITY OF CARSON CITY
Revision Date: Feb 12, 2010

SALARY RANGE
$34.38 - $48.14 Hourly
$71,515.13 - $100,122.37 Annually

DESCRIPTION:
DEFINITION:
To plan, direct, manage and oversee the activities and operations of the City Library including both general Library administration and public services; to coordinate assigned activities with other City departments and outside agencies; and to provide highly responsible and complex administrative support to the Library Board of Trustees.

CLASS CHARACTERISTICS:
This is a single position classification in which an incumbent is responsible for the City's Library programs and staff in direct support of the Library Board of Trustees.

PHYSICAL DEMANDS:
In addition to the minimum requirements and the job duties listed for this position, the following are required: Duties require sufficient mobility to work in a typical office setting and use standard office equipment, (including a computer), vision to read printed materials and a VDT screen and hearing and speech to communicate in person or over the telephone. Some accommodation may be made for some of these physical demands for otherwise qualified individuals who require and request such accommodation.

EXAMPLES OF DUTIES:

EXAMPLES OF DUTIES: (The following is used as a partial description and is not restrictive as to duties required).
- Assume full management responsibility for all Library services and activities including program development, materials acquisition and general administration; recommend and administer policies and procedures.
- Manage the development and implementation of the Library goals, objective, policies and priorities for each assigned service area; establish within City policy, appropriate service and staffing levels; allocate resources accordingly.
- Continuously monitor and evaluate the efficiency and effectiveness of service delivery methods and procedures; assess and monitor work load, administrative and support systems, and internal reporting relationships; identify opportunities for improvement; direct the implementation of changes.
- Represent the Library to other City departments, elected officials and outside agencies; explain, justify and defend Library programs, policies and activities; negotiate and resolve sensitive, significant and controversial issues.
- Select, train, motivate and evaluate Library personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline and termination
procedures.
  - Manage and participate in the development and administration of the Library budget; direct the forecast of additional funds needed for staffing, equipment, materials and supplies; direct the monitoring of and approve expenditures; direct the preparation of and implement budgetary adjustments as necessary.
  - Coordinate Library activities with those of other departments and outside agencies and organizations; provide staff assistance to the Library Foundation Board of directors and Board of Supervisors; prepare and present staff reports and other necessary correspondence.
  - Participate on a variety of boards and commissions; attend and participate in professional group meetings; stay abreast of new trend and innovations in the field of Library Science.
  - Respond to and resolve difficult and sensitive citizen inquiries and complaints.
  - Perform related duties as required.

TYPICAL QUALIFICATIONS:
MINIMUM QUALIFICATIONS:
Any combination equivalent to experience and education that could likely provide the required knowledge and abilities. Graduation from high school, equivalent to a Master of Library Science degree from an American Library Association accredited college or university and six years of increasingly responsible library experience as a Director, Reference Librarian or Children's' Librarian.

KNOWLEDGE, SKILLS AND ABILITIES:
Knowledge of:
  - Operational characteristics, services and activities of a comprehensive library services program.
  - Organizational and management practices as applied to the analysis and evaluation of program.
  - Modern and complex principles and practices of library program development and administration.
  - Advanced principles and practices of municipal budget preparation and administration; principles of supervision, training and performance evaluation.
  - Pertinent Federal, State and local laws, codes and regulations.
Ability to:
  - Plan, organize, direct and coordinate the work of management, supervisory, professional and technical personnel; delegate authority and responsibility.
  - Select, supervise, train and evaluate staff.
  - Provide administrative and professional leadership and direction for the library.
  - Identify and respond to community and Board of Supervisor issues, concerns and needs.
  - Develop, implement and administer goals, objectives, and procedures for providing effective and efficient library services.
  - Prepare and administer large and complex budgets.
  - Allocate limited resources in a cost effective manner.
  - Analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals.
  - Research, analyze and evaluate new service delivery methods, procedures and techniques.
  - Prepare clear and concise reports.
  - Interpret and apply Federal, State and local policies, procedures, laws and regulations.
  - Communicate clearly and concisely, both orally and in writing.
  - Establish and maintain cooperative working relationships with those contacted in the course of work including City and other government officials, community groups, the general public, and media representatives.
SUPPLEMENTAL INFORMATION:
SPECIAL CONDITIONS:
CANDIDATES WILL BE REQUIRED TO SUBMIT TO AN EXTENSIVE BACKGROUND INVESTIGATION. FAILURE TO PASS BACKGROUND WILL RESULT IN REMOVAL FROM THE POSITION. Employees must be willing to work overtime, shifts, weekends and holidays. This position is exempt from overtime pay and is an "at will" employee.
Nevada State Library, Archives & Public Records  
Public Library Standards  
Calendar year 2018

<table>
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<tr>
<th>Check</th>
<th>MINIMUM PUBLIC LIBRARY STANDARDS FOR NEVADA</th>
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<tbody>
<tr>
<td>1.</td>
<td>The library must be legally established and operated in compliance with NRS 379, NAC 379, NRS 380.153 and NAC 380.010 including having written by-laws and policies for the management of the library board of trustees and the library.</td>
</tr>
<tr>
<td>2.</td>
<td>The library board of trustees shall have a written master plan designed to extend five years into the future and which must be made current at least every two years. The plan and its updates are filed with the Nevada State Library, Archives &amp; Public Records by January 31 of the year following their adoption by the library board (NRS 379.003).</td>
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<td>3.</td>
<td>The library collects, provides, and coordinates access to library materials that are organized according to a nationally accepted classification system; the library ensures access to legal materials (NRS 380.153, NAC 380.010) through collections, online resources, or collaborative agreements with other agencies.</td>
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<tr>
<td>4.</td>
<td>The library must have a completed annual statistical report for the preceding fiscal year accepted by, and on file with, the Nevada State Library, Archives &amp; Public Records by December 31 to be made available in a timely manner for national reporting.</td>
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<tr>
<td>5.</td>
<td>The library has regular and published hours of operation with a “system” wide average of twenty hours per identified branch/outlet per week including some night and/or weekend hours.</td>
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<tr>
<td>6.</td>
<td>The library consists of a specific space designated for providing library services with the facilities, equipment, and staff necessary to enable public access to information.</td>
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<td>7.</td>
<td>The Library Board of Trustees shall select from one of the three listed options as a means by which to validate and document the library’s efforts to maintain a collection appropriate to community needs. The option selected by a jurisdiction may be revised each year. a. Option I: Meet or exceed at 90% - The five-year average of amounts spent on collections. b. Option II: Meet or exceed at 30% - Amount spent on collections divided by Total Services and Supplies budget. c. Option III: Meet or exceed at 10% - Adjusted total operating budget divided by collection budget. Exclude from TOB rent for facility(s), motor pool/vehicle charges, technology = Adjusted TOB</td>
</tr>
<tr>
<td>8.</td>
<td>Librarian certification for staff: a. Population (legal service area) of 1,000 – 14,999. Public library jurisdictions shall have a library director who holds the credential of certified librarian from the State of Nevada (NAC 379.010). b. Population (legal service area) of 15,000 – 49,999. Public library jurisdictions shall have a library director who holds the credential of certified librarian from the State of Nevada (NAC 379.010). Any additional staff holding a full-time library position performing the duties of reference and/or children’s services shall hold the credential of certified librarian from the State of Nevada (NAC 379.010). c. Population (legal service area) of 50,000 or more. Public library jurisdictions shall have a library director who holds a master’s degree in library or information science from a college or university accredited by the American Library Association. Any additional staff in the position of librarian or other full-time professional library position performing the duties of reference and/or children’s services shall hold the credential of certified librarian from the State of Nevada (NAC 379.010). d. Any public Library Board of Trustees that has declined to adopt NAC 379.010, Section 1 and whose librarians are not exempted under NAC 379.010, Section 2 may bring their library into compliance with this standard by adopting a good faith effort to meet the standards for public library employees delineated in NAC 379.020.</td>
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<tr>
<td>9.</td>
<td>Public libraries shall agree to lend circulating materials in accordance with the state-wide interlibrary loan program Information Nevada. Postage charges for interlibrary loans are assumed by the library, not the user.</td>
</tr>
<tr>
<td>10.</td>
<td>Public libraries shall extend to Nevada library card holders the same lending privileges received by their card holders. Nevada card holders will not be charged a non-resident fee when borrowing from any Nevada public library.</td>
</tr>
<tr>
<td>11.</td>
<td>Public libraries not meeting one or more of the above standards shall submit a “Request for Waiver of Minimum Standards” form to NSLAPR which includes the reason for the waiver, the action taken to comply with the standard, and the projected date for compliance with the standard. (Amended 11/03/2017)</td>
</tr>
</tbody>
</table>

Certification: I certify to the best of my knowledge and belief that the information above is correct.

______________________________
Signature of Authorized Official

______________________________
Typed (printed) Name and Title

Date Submitted
Interlibrary Loan Policy Agreement

Information Nevada is a statewide agreement among Nevada libraries and related institutions to provide access to their resources for all Nevadans. Nevada residents request such access to meet their informational needs through their local public libraries.

By signing this agreement the named institution agrees:

1. To answer all formal interlibrary loan requests and/or requests sent via an automated library network.

2. To loan basic materials such as books, and to provide photocopies of articles free or at cost. To loan other materials and/or provide information requested that does not conflict with the institution's own stated policies.

3. To loan materials purchased through LSTA funding.

This policy agreement may be reviewed at any time by the named institution. A copy of the agreement will be filed with the Office of the State Librarian, Nevada State Library, Archives & Public Records.

Library/Institution:

Date Approved:

Approved By:

Authorized Signature:

Send completed forms electronically, in PDF format, to:

Norma Fowler at nfowler@admin.nv.gov
Open Meeting Law Training

Sarah Bradley, Senior Deputy Attorney General
sbradley@ag.nv.gov
Representing the State of Nevada

“Our government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. . . . If the government becomes the law-breaker, it breeds contempt for law; it invites every man to become a law unto himself.” Olmstead v. United States, 277 U.S. 438, 485 (1928) (Brandeis, L., dissenting).

We owe a fiduciary duty to the public. U.S. v. deVegter, 198 F.3d 1324, 1328 (11th Cir. 1999) (public officials inherently owe a fiduciary duty to public to make governmental decisions in the public’s best interest); see also NRS 281A.020(1)(a) (public office is public trust held for the sole benefit of the people).
Open Meeting Law (NRS Chapter 241)

“In enacting this chapter, the Legislature finds and declares that all public bodies exist to aid in the conduct of the people’s business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.” NRS 241.010(1).

Open meetings are essential to democracy.

“The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.” NRS 241.016(4).

The spirit and policy behind the OML favors open meetings and any exceptions thereto should be strictly construed. McKay v. Board of Supervisors, 102 Nev. 644, 730 P.2d 438 (1986).
Open Meeting Law (NRS Chapter 241)

Public bodies working on behalf of Nevada citizens must conform to statutory requirements in open meetings under an agenda that provides full notice and disclosure of discussion topics and any possible action. *Sandoval v. Board of Regents*, 119 Nev. 148, 67 P.3d 902 (2003).

Deliberation and action must be properly noticed and taken openly. NRS 241.010.

Action is only taken by the body as a whole; members have no individual decision-making powers and may only speak on behalf of the body if authorized to do so during an open meeting.

To the extent a multimember group is appointed by a public body and given the task of making recommendations to that public body, that group is also a “public body” subject to the OML. NRS 241.015(4).
What is a Meeting?

NRS 241.015 says:

**Quorum** of members of a public body *gathering* together with:

**Deliberation** toward a decision; and/or

**Action**: which means making a decision, commitment or promise over a matter within the public body’s supervision, jurisdiction, control or advisory power.

A quorum is a simple majority of the total body (NRS 241.015(5)); action requires majority vote of members present (NRS 241.015(1)).

A gathering of a quorum at a social function is **not** a meeting **as long as** there is no deliberation or action.

An attorney-client conference on potential and existing litigation is **not** a meeting **as long as** there is no action.
Meeting Notice and Agenda - NRS 241.020

• Time, place and location of meeting
• List of locations posted
• Agenda consisting of a clear and complete statement of the topics scheduled to be considered
• Action items clearly denoted as “for possible action”
• Public comment at beginning/end or before any action item
• Posted at office of the public body or location of meeting and 3 other separate, prominent places within Nevada
• Posted at public body website and at www.notice.nv.gov
• Posted no later than 9AM of the third working day before the meeting
Critical Definitions

- **Deliberation** means "collectively to examine, weigh and reflect upon the reasons for or against the action. The term includes, without limitation, the collective discussion, or exchange of facts preliminary to the ultimate decision."

- **Action** means making a decision by vote, includes promise or commitment;
  - But no secret ballots or secret promises
  - Action is an affirmative vote by a majority of the members during a public meeting; there is a difference between elected body and appointed body requirements for action.
"Deliberation" / "Discussion," are they Synonymous?

• In NRS 241.020(2)(d)(3)(II), it states that public comment must come after the public body "discusses" the action item, but before it takes action.

• Deliberation is the collective discussion or exchange of facts, prior to ultimate decision that constitutes "deliberation."
“Working Day” means M - F

• “Working day” includes Monday through Friday excluding holidays. NRS 241.015(6).

• “[E]very day of the week, except Saturday and Sunday and any day declared to be a legal holiday pursuant to NRS 236.015.”
What is “Clear and Complete?”

Agenda items must be clear and complete. NRS 241.020(2)(d)(1).

A higher degree of specificity is necessary for topics of substantial public interest. Sandoval, 119 Nev. at 154-55, 67 P.3d at 906. Factors to consider include:

• Does topic generate public comment?
• Does topic generate debate among members of body?
• Does topic generate media interest/coverage?

Agenda items such as “member comments” and “reports” are problematic in that these invite discussion and possible deliberation on topics that are not set forth on the agenda. Any topic that is raised should be included on a future agenda before any discussion can ensue.
If a public body intends to take administrative action regarding a person ... the name of that person must appear on the agenda.

- An agenda must contain the name of the person if a public body will consider whether to take administrative action regarding that person during any portion of the meeting.
- OAG interprets "person" to mean a natural person. See NRS 241.034. (Contains notice requirement in addition to agenda requirement.)
Meeting Notice and Agenda

- Name and contact information for person the public may request supporting materials from and locations where the supporting material is available.
- If any portion of the meeting will be closed to consider the character, alleged misconduct or professional competence of a person, the name of the person.
- If the public body will consider whether to take administrative action regarding a person, the name of the person.
- Notification that items on the agenda may be taken out of order, may be combined for consideration, and may be removed from the agenda or delayed for discussion at any time.
- Any restrictions on comments by the general public.
Additional Requirements

Public bodies shall make reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend. NRS 241.020(1).

Notice to persons who have requested notice of meetings pursuant to NRS 241.020(3)(c).

Additional notice requirements for consideration of character, misconduct, competence, or physical or mental health: 5 days personal service or 21 days certified mail. NRS 241.033. This would not apply to passing remarks.

An emergency meeting may only be called where the need to act upon a matter is truly unforeseen and circumstances dictate that immediate action is required. NRS 241.020(9).
Additional Requirements

One copy of the agenda, any supporting materials, and the recording of a public meeting be provided at no cost to a member of the public requesting them and at least one copy made available at the meeting. NRS 241.020(6); NRS 241.035(2). Meeting minutes must be available upon request 30 working days after adjournment of the meeting.

Supporting materials must be available to the public when provided to public body members. NRS 241.020(7).

Meeting must be recorded or transcribed. NRS 241.035(4).

If the meeting is transcribed by a court reporter, the court reporter gets his or her per page fee according to the contract with the public body. See NRS 241.035(5) and NRS 239.053.
Additional Requirements

Meeting minutes must be approved within 45 days or at the next meeting, whichever is later.

Recording of meeting must be kept at least one year. NRS 241.035(4)(a).

Minutes must be kept in conformance with NRS 241.035 and include:
• Date, time and place of meeting;
• Members in attendance;
• Substance of all matters proposed, discussed or decided; and
• Substance of remarks made by any member of public or their written remarks if requested.

• What about stacks of documents?
  • It depends. This is generally not a summary. But—
  • If a member of the public body asks that the material be included in the minutes, it should be included. NRS 241.035(1)(e).
Governing Bodies of Cities and Counties with a Population Greater Than 45,000 Must Upload Supporting Materials to its Website.

Material provided to the governing body during its meeting must be uploaded to its website within 24 hours of adjournment of the meeting.

The right of the public to request a copy of the material pursuant to NRS 241.020(5) & (7) is not eliminated.

Technical problems with the upload does not constitute a violation of the OML.
To Mail or not to Mail?

If a requester of supporting documents has agreed to receive supporting materials by email the public body shall, if feasible, provide it electronically, but this service is only supplementary to the right of the public to request materials over the counter.
State Notice Website

- As of July 1, 2014, this is a requirement for local governments.
- All meetings must be noticed on the State's official website, which is run by the Department of Administration.
- https://notice/nv.gov/ or see Nevada's home page for the one-link click for access. Be sure to log in or contact Department of Administration for assistance with the upload of your URL where the public may find your agenda.
Nevada Public Notice Website

Government
- State
- City
- County
- K-12
- Higher Education
- Special Districts

Entity
- Residential Design
- Board of Athletic Trainers
- Board of Cosmetology
- Board of Dental Examiners
- Board of Dispensing Opticians
- Board of Examiners for Alcohol, Drug and Gambling Counselors

Public Body
- Advisory Commission on the Administration of Justice's Subcommittee on Victims of Crime
- Advisory Committee to Study Laws Concerning Sex Offender Registration
- Advisory Council for Prosecuting Attorneys
- Attorney General

Results for Attorney General

Results are limited to the last 7 days and for all dates in the future.

<table>
<thead>
<tr>
<th>Notice</th>
<th>Date</th>
<th>Time</th>
<th>Status</th>
<th>Type</th>
</tr>
</thead>
</table>

Today's Meetings

Subscribe to Today's Meetings RSS Feed

12:00 AM
- Workforce Innovation Opportunity Act
  Governance Team Workgroup
Each public body must make and keep a record of compliance with the statutory requirement for posting notice and agenda before 9a.m. of the third working day before a public meeting. The record is to be made by the person who posted a copy of the public notice and it must include: (1) date and time of posting, (2) address of location of posting, (3) name, title, and signature of person who posted the public notice.
Exceptions

Closed sessions may be held by any public body to consider character, alleged misconduct, professional competence, or the physical or mental health of a person, with some exceptions, or to prepare, revise, administer, or grade examinations administered on behalf of the public body, or to consider an appeal by a person of the results of an examination administered on behalf of the public body. NRS 241.030.

Applicable NRS provision authorizing closed session must be included on the agenda.

Closed sessions may not be held:

- To discuss the appointment of any person to public office or as a member of a public body. NRS 241.030(4)(d); see also City Council of City of Reno v. Reno Newspapers, Inc., 105 Nev. 886, 784 P.2d 974 (1989).

- To consider the character, alleged misconduct, or professional competence of an elected member of a public body, or a person who is an appointed public officer or who serves at the pleasure of a public body as a chief executive or administrative officer or in a comparable position. NRS 241.031(1).
Public Comment Pitfalls

Restrictions must be reasonable “time, place, and manner” restrictions. NRS 241.020(2)(d)(7). NO-

- Halting comment based on viewpoint of speaker;
- Halting comment upon belief defamation is occurring; or
- Halting comment critical of public official.

But presiding officer may halt comments that become unduly repetitive or that stray from the scope of a specific agenda topic for which comment is offered, or halt conduct that is willfully disruptive. See Kindt v. Santa Monica Rent Control Bd., 67 F.3d 266 (9th Cir. 1995); White v. City of Norwalk, 900 F.2d 1421, 1425-26 (9th Cir. 1990).

The OML does not “[p]revent the removal of any person who willfully disrupts a meeting to the extent that its orderly conduct is made impractical.” NRS 241.030(4)(a).
Violations

Actions taken in violation of law are void. NRS 241.036.
The OAG has statutory enforcement powers under the OML and the authority to investigate and prosecute violations of the OML. NRS 241.037; NRS 241.039; NRS 2141.040.

When a violation of the OML occurs or is alleged, the OAG recommends that the public body make every effort to promptly correct the apparent violation. NRS 241.0365.

Although it may not completely eliminate a violation, corrective action can mitigate the severity of the violation and further ensure that the business of government is accomplished in the open.
Corrective action is prospective only. NRS 241.0365(4).

A public body must clearly denote that corrective action may be taken at a meeting by placing the term “for possible corrective action” next to the appropriate agenda item. NRS 241.020(2)(d)(2).
Using Technology for a Meeting

Quorum of a public body using serial electronic communication to deliberate toward or make a decision violates law. NRS 241.016(4); Del Papa v. Board of Regents, 114 Nev. 388, 956 P.2d 770 (1998).

If technology is used to convene a quorum for a public meeting:

- There must always be a physical location for members of the public to attend the meeting. NRS 241.020(1).
- All the members of the public body and the members of the public who are present at the meeting must be able to hear or observe and participate in the meeting. NRS 241.010(2).
- That technology must not be used to circumvent the spirit or letter of the OML. NRS 241.016(4).
Additional Points


Disclosure and abstention prior to consideration of a topic in conformance with Ethics in Government Law (NRS Chapter 281A). Abstain only in a clear case where the independence of judgment of a reasonable person in your situation would be materially affected by the conflict of interest disclosed. See NRS 281A.420; see also Carrigan v. Commission on Ethics, __ Nev. __ 313 P.3d 880 (2013).
The Impact of Social Media

- Use of Social Media by Government Agencies
- Personal Use of Social Media by Public Officials and Employees
Many government agencies use several social media tools, including Facebook, Twitter and YouTube, to educate and inform the public about the latest news and initiatives of their offices and about trends and issues affecting their jurisdictions, in addition to working with the media.

Facebook, Twitter and YouTube are governed by separate Privacy Policies and Terms of Service. These policies apply to anyone’s use of an agency’s Facebook, Twitter or YouTube.

Any submission, including any deleted comment, may be deemed a “public record” for purposes of the NPRA. Agencies should promulgate and enforce restrictions on the posting of inappropriate content to their social media.
“[Defendant’s] legitimate expectation of privacy ended when he disseminated posts to his “friends” because those “friends” were free to use the information however they wanted—including sharing it with the Government.” *United States v. Meregildo*, 883 F. Supp. 2d. 523, 525-526 (S.D.N.Y. 2012).

“If you post a tweet, just like if you scream it out the window, there is no reasonable expectation of privacy. There is no proprietary interest in your tweets, which you have now gifted to the world.” *People v. Harris*, 949 N.Y.S.2d 590, 597 (N.Y. Crim. Ct. 2012).

Teen's Facebook Post Costs Father $80K Legal Settlement (Associate Press/NBC Miami, March 3, 2014).

Upon advice of counsel, Plaintiff deletes and then reactives and "cleans up" his Facebook account for discovery; both are sanctioned for spoliation of evidence. *Allied Concrete v. Lester*, 736 S.E.2d 699 (Vir. 2013).
Integrate Social Media into Policies


Develop a social media policy that covers use of Board social media accounts and covers appropriate use of personal social media accounts by Board members and staff; restrictions on:

- Photos or videos of the Board or staff
- Employment, job assignment, work hours, or other related information
- Profanity or unprofessional language and harmful images
- Derogatory comments or images about agency, superiors or coworkers
- Work-related matters or confidential info in posts, blogs, or microblogs
Attorney General Opinions

The Board may request written opinions on questions of Nevada law from the OAG pursuant to NRS 228.150. When relying on an Attorney General Opinion in good faith, the Board is protected from liability for damages against the governmental body it serves if the Opinion is later found to be incorrect. See Cannon v. Taylor, 88 Nev. 89, 91, 493 P.2d 1313 (1972).
Additional Resources

Nevada Board and Commission Manual –

Nevada Open Meeting Law Manual –
http://ag.nv.gov/uploadedFiles/agnvgov/Content/About/Governmental_Affairs/OML_Portal/2016-01-25_OML_12TH_AGOMANUAL.pdf
FOREWORD

The Nevada Legislature enacted significant amendments to the Open Meeting Law (OML) in 2013 and 2015. This newly revised 2016 Open Meeting Law Manual incorporates those new amendments. Comments and suggestions are welcome regarding this revision or future revisions.

The full Nevada Revised Statutes (NRS) Chapter 241—Meetings of State and Local Agencies—can be found at: https://www.leg.state.nv.us/nrs/NRS-241.html.

We encourage the reader to visit the Attorney General’s web page at http://ag.nv.gov. There, you will find links to Open Meeting Law Opinions beginning in 1993, this Manual, the OML compliance checklist, and the OML complaint form.

Open Meeting Law Opinions are annotated in NRS Chapter 241 by the Legislative Counsel Bureau. Other opinions are labeled “AG File No.” and also are published on our webpage, which is searchable by the reader. Together, these opinions provide the reader with a multitude of factual scenarios and are a useful guide to this office’s interpretation and application of the OML.
Reference is made throughout the manual to Open Meeting Law Opinions (OMLO), which are opinions rendered by the Office of the Attorney General as a guideline for enforcing the Open Meeting Law and not as a written opinion requested pursuant to NRS 228.150. OMLO Opinions can be found at: ag.nv.gov/open government. Additional references may be found at Attorney General Opinions (Op. Nev. Att'y Gen.), which are opinions rendered pursuant to NRS 228.150.

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SAMPLE FORM 2: MINUTES

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PROOF OF SERVICE

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Part 1  COMPLIANCE CHECKLIST

This is a checklist to reference when applying the Open Meeting Law. References in brackets are to the NRS and to sections of this manual.

______ Does the Open Meeting Law apply?

______ Is the entity a public body?  [NRS 241.015(4), §§ 3.01-3.10]

______ Is there an exemption or exception from the Open Meeting Law?  [§§ 4.01-4.07]

______ Is a meeting going to occur?  [NRS 241.015(3), §§ 5.01-5.13]

______ Will a quorum of the members of the public body be present?  [§ 5.01]

______ Will a quorum deliberate toward a decision or take action on any matter over which the public body has supervision, control, jurisdiction, or advisory power?  [§ 5.01]

Agenda (see Sample Form 1)

______ Has a clear and complete agenda of all topics to be considered been prepared?  
NRS 241.020(2)(d)(1) §§ 6.02, 7.02]

______ Does the agenda list all topics scheduled to be considered during the meeting?  
[§§ 6.02, 7.02]

______ Have all the topics been described clearly in the agenda in order to give the public adequate notice?  [§§ 6.02, 7.02]

______ Does the agenda include designated periods for public comment?  
Does the agenda state that action may not be taken on the matters discussed during this period until specifically included on an agenda as an action item?  
[§§ 6.02, 7.04, 8.04]

______ Does the notice inform the public that (1) items may be taken out of the order listed on the agenda, and (2) agenda items may be combined for consideration, and (3) items may be delayed or removed at any time?  [§ 6.02]

______ Does the agenda (1) describe the items on which action may be taken and (2) clearly denote that these items are for possible action?  [§§ 6.02, 7.01, 7.02]
Has each closed session been denoted, including the name of the person being considered in the closed session, and if action is to be taken in an open session after the closed session, was it indicated on the agenda? [§§ 7.02, 9.06, NRS 241.020(2)(d)(4)]

**Notice, posting, and mailing (see Sample Form 1)**

Has written notice of the meeting been prepared? [NRS 241.020(2), § 6.01]

Does the notice include:

- The time, place, and location of the meeting? [§ 6.02]
- An agenda of topics for discussion or possible action; for further information, see Sample Form 1, this manual, or Index under “Agenda.”
- A list of places where the notice was posted? [§ 6.03]
- A statement regarding assistance and accommodations for physically handicapped people? [§ 6.02]

Was the written notice [NRS 241.020(3)(a), § 6.03]:

- Posted at the principal office of the public body (or if there is no principal office, at the building in which the meeting is to be held)? [§ 6.03]
- Posted at not less than three other separate, prominent places within the jurisdiction of the public body? [§ 6.03]
- Posted on the official website of the State, https://notice.nv.gov? [§ 6.03]
- Posted on the public body’s website if the public body maintains a website? [§ 6.03]
- Posted no later than 9 a.m. of the third working day before the meeting? (Do not count day of meeting) [§§ 6.03, 6.05]
- In compliance with minimum public notice, is there written documentation for the public body’s record of meeting? [NRS 241.020(4)]

Was the written notice mailed at no charge to those who requested a copy? [§§ 6.04, 6.07]

Was it mailed in the same manner in which the notice is required to be mailed to a member of the body? [§ 6.04]
Was it delivered to the postal service used by the body no later than 9 a.m. of the third working day before the meeting?  [§ 6.04]

Have persons who requested notices of the meeting been informed with the first notice sent to them that their request lapses after six months? [NRS 241.020(3)(c), § 6.04]

If a person’s character, alleged misconduct, professional competence, or physical or mental health is going to be considered at the meeting, has that person been given written notice of the time and place of the meeting? [NRS 241.033(1), § 6.09]

Does the notice contain a list of the general topics concerning the person, inform the person that he/she may attend the closed session, bring a representative, present evidence, provide testimony, and present witnesses? [NRS §241.033(4)]

Does the notice inform the person that the public body may take administrative action against the person? If so, then the requirements of NRS 241.034 have been met. [NRS §241.033(2)(b)]

Was the notice personally delivered to the person at least five working days before the meeting or sent by certified mail to the last known address of that person at least 21 working days before the meeting? (Nevada Athletic Commission is exempt from these timing requirements.) [NRS 241.033(1)-(2)]

Did the public body receive proof of service of the notice before holding the meeting? (Nevada Athletic Commission not exempt from this requirement.) [NRS 241.033(1) (a) and (b)]

**Agenda support material made available to public**

Has at least one copy of an agenda, a proposed ordinance or regulation that will be discussed at the meeting, and any other supporting material (except confidential material as detailed in the statute) been provided at no charge to each person who so requests copies? [NRS 241.020(6) and (7) §§ 6.06, 6.07]

Has the governing body of a city or county whose population is greater than 45,000 posted its supporting materials to its website no later than the time the material is provided to members of the governing body? Material provided to the governing body during its meeting must be uploaded to its website within 24 hours after conclusion of the meeting. [NRS 241.020(8)]

Does each agenda list the contact information for the person(s) from whom a requester may obtain a copy of meeting supporting materials or the place where a copy may be obtained?
Emergency Meeting

Is this an emergency meeting? [NRS 241.020(2) and (10), § 6.08]

Were the circumstances giving rise to the meeting unforeseen?

Is immediate action required?

Has the entity documented the emergency?

Has an agenda been prepared limiting the meeting to the emergency item?

Has an attempt been made to give public notice?

While the notice and agenda requirements may be relaxed in an emergency, are other provisions of the Open Meeting Law complied with (e.g., meeting open and public, minutes kept, etc.)?

Closed Session (see Sample Form 3)

Is a closed session specifically authorized by statute? [NRS 241.020(1); NRS 241.030(1), §§ 9.01-9.07]

Have all the requirements of that statute been met?

If a closed session is being conducted to consider character, misconduct, competence, or physical or mental health of a person or to consider an appeal by a person of the results of an examination, see NRS 241.033:

Is the subject person an elected member of a public body? If so, a closed session is not authorized. [NRS 241.031, § 9.04]

Is the closed session to consider the character, alleged misconduct, or professional competence of an appointed public officer or a chief executive or administrative officer in a comparable position of a public body (i.e., president of a university, state college or community college within NSHE system, county school superintendent, or city or county manager)? If so, a closed meeting is prohibited. [NRS 241.031(1)(b)]

Is the closed session to discuss the appointment of any person to public office or as a member of a public body? If so, a closed session is not authorized. [NRS 241.030(4)(d), § 9.03]

Has the subject been notified as provided above? Has proof of service been returned to the public body? NRS 241.033(1), [§ 6.09]
If a recording was made of the open session, was a recording also made of the closed session? [NRS 241.035(4), § 9.06]

Was the subject person given a copy of the recording of the closed session if requested? [NRS 241.035(6), NRS 241.033(6), § 9.06]

Have minutes been kept of the closed session? [NRS 241.035(2) § 10.02]

Have minutes and recordings of the closed session been retained and disposed of in accordance with NRS 241.035(2)? [§ 10.03]

Was a motion made to go into closed session which specifies the nature of the business to be considered and the statutory authority pursuant to which the public body is authorized to close the meeting? [NRS 241.030(3), § 9.06]

Was the discussion limited to specific matters specified in the motion? [§ 9.06]

Did the public body go back into open session to take action on the subject discussed? (This must be done unless otherwise provided in a specific statute) [§ 9.06]

Has the subject requested the meeting be open? If so, the public body must open the meeting unless another person appearing before the public body requests that the meeting remains closed. [NRS 241.030(2)(a) and (b)]

Meeting open to public; accommodations

Have all persons been permitted to attend? [NRS 241.020, § 8.01]

Was exclusion of witnesses at hearings during the testimony of other witnesses handled properly? [NRS 241.030(4)(b), 241.033(5), § 8.07]

Was exclusion of persons who willfully disrupted a meeting to the extent that its orderly conduct is made impractical handled properly? [NRS 241.030(4)(a), § 8.06]

Have members of the public been given an opportunity to speak during the public comment period? [NRS 241.020(2)(d)(3), § 8.04]

Are facilities adequate and open? [§ 8.02]

Have reasonable efforts been made to assist and accommodate physically handicapped persons desiring to attend? [NRS 241.020(1), § 8.03]
If the meeting is by telephone or video conference, can the public hear each member of the body? [§ 5.05]

Have members of the general public been allowed to record public meetings on audiotape or other means of sound reproduction as long as it in no way interferes with the conduct of the meeting? [NRS 241.035(3), § 8.08]

**Stick to agenda; emergency agenda items**

Have actual discussions and actions at the meeting been limited to only those items on the agenda? [§ 7.03]

If an item has been added to the agenda as an emergency item:
[NRS 241.020(2) and (10), § 6.08]

Was it due to an unforeseen circumstance?

Was immediate action required?

Has the emergency been documented in the minutes?

Did the body refrain from taking action on discussion items or public comment items? [NRS 241.020(2)(d)(3), § 7.04]

**Recordings**

The public body shall record its public meeting [NRS 241.035(4), § 10.04]:

Have recordings been made of the closed session as well as open sessions? [NRS 241.035(4), § 9.06]

Recordings of public meetings must be made available to the public within 30 workings days after adjournment of the meeting. [NRS 241.035(2)]

Recordings must be retained for at least one year after the adjournment of the meeting. [NRS 241.035(4)(a)]

Recordings of public meetings must be treated as public records in accordance with public records statutes. [NRS 241.035(4)(b)]

Have recordings of closed sessions been made available to the subjects of those sessions, if requested? [NRS 241.033(6)]
Minutes (see Sample Form 2)

Have minutes or an audio recording been made available for both open and closed sessions? [NRS 241.035(2), (4) and (6), § 10.02]

Do they include at a minimum the material required by NRS 241.035(1)? [§ 10.02]

Are minutes of open sessions kept as public records under the public record statutes and NRS 241.035(2)?

Have minutes of open sessions been made available for inspection by the public within 30 working days after the adjournment of the meeting, retained for at least five years, and otherwise treated as provided in NRS 241.035(2)?

Have minutes of closed sessions been made available to the subjects of those sessions if requested? [NRS 241.033(6)]

Non-compliance

Have any areas of noncompliance been corrected? [§§ 11.01, 11.02, 11.03, 11.04]

If litigation is brought to void an action or seek injunctive or declaratory relief, was it brought within the time periods in NRS 241.037(3)? [§ 11.07]
Part 2 WHAT IS A “PUBLIC BODY” THAT MUST CONDUCT ITS MEETINGS IN COMPLIANCE WITH THE OPEN MEETING LAW?

§ 2.01 General: discussion of statutory definition of public body.

The definition of “public body” was clarified and its scope expanded by the 2011 Legislature. A public body’s manner of creation rather than its function is the new touchstone of the definition.

NRS 241.015(4)(b) ensures that the actions and deliberations of certain multimember groups appointed by the Governor or a public officer and/or a public entity under his direction and control are subject to the OML, as long as at least two members of the appointed body are not employees of the Executive Department of State Government. The Legislature deemed this expansion of the scope of the OML appropriate given the growing role such groups play in the formulation of public policy.

NRS 241.015(4)(a) requires a public body to be connected to state or local government in order to be subject to the OML. Set out below is the definition of “public body.”

NRS 241.015(4) defines a public body as:

4. Except as otherwise provided NRS 241.016, “public body” means:
   (a) Any administrative, advisory, executive or legislative body of the state or a local government which expends or disburses or is supported in whole or in part by tax revenue or which advises or makes recommendations to any entity which expends or disburses or is supported in whole or in part by tax revenue, including, but not limited to, any board, commission, committee, subcommittee or other subsidiary thereof and includes an educational foundation as defined in subsection 3 of NRS 388.750 and a university foundation as defined in subsection 3 of NRS 396.405, if the administrative, advisory, executive, or legislative body is created by:
      (1) The Constitution of this State;
      (2) Any statute of this State;
      (3) A city charter and any city ordinance which has been filed or recorded as required by the applicable law;
      (4) The Nevada Administrative Code;
      (5) A resolution or other formal designation by such a body created by a statute of this State or an ordinance of a local government;
      (6) An executive order issued by the Governor; or
      (7) A resolution or an action by the governing body political subdivision of this State;
(b) Any board, commission or committee consisting of at least two persons appointed by:

(1) The Governor or a public officer who is under the direction of the Governor, if the board, commission or committee has at least two members who are not employees of the Executive Department of the State Government;

(2) An entity in the Executive Department of the State government consisting of members appointed by the Governor, if the board, commission or committee otherwise meets the definition of a public body pursuant to this subsection; or

(3) A public officer who is under the direction of an agency or other entity in the Executive Department of the State Government consisting of members appointed by the Governor, if the board, commission or committee has at least two members who are not employed by the public officer or entity; and

(c) A limited-purpose association that is created for a rural agricultural residential common-interest community as defined in subsection 6 of NRS 116.1201.

5. “Quorum” means a simple majority of the membership of a public body or another proportion established bylaw.

The definition of “public body” is not a drastic change; rather it codifies prior Attorney General Opinions, so that the definition of public body is dependent explicitly on its manner of creation rather than its function. It always has been true that a public body must be collegial, that is, it must consist of more than two persons. NRS 241.015(4) requires at least two persons to comprise a public body. The Open Meeting Law concerns itself with meetings, gatherings, decisions, and actions obtained through the collective consensus of a quorum of the public body membership. See also Dewey v. Redevelopment Agency, 119 Nev. 87, 64 P.3d 1070 (2003) (collective process of decision making must be accomplished in public). The Court emphasized that public bodies may only act collectively. Similarly, in Del Papa v. Board of Regents, 114 Nev. 388, 400, 956 P.2d 770, 778–779 (1988) the Court said: “the constraints of the Open Meeting Law apply only where a quorum of a public body, in its official capacity as a body, deliberates toward a decision or makes a decision.”

In a letter opinion, the Office of the Attorney General opined that when determining if a body is supported by tax revenues, the term “tax revenues” should be construed in its broadest possible sense to include not only those items traditionally thought of as taxes but also the license fees paid to various professional licensing boards pursuant to state law. See Attorney General letter opinion addressed to Mr. Arne R. Purhonen, Nevada State Board of Architecture, dated September 1, 1977.

§ 2.02 Blue ribbon commissions; Governor appointed committees; executive agency boards, committees

Following the principle that a “public body” must be a multi-member entity, the Office of the Attorney General opined that the Open Meeting Law does not apply to the Governor when

As explained in § 3.01 above, any commission, committee, or board appointed by the Governor with at least two members who are not employees of the State Executive Department are now defined as a public body and subject to the Open Meeting Law. But all other bodies, regardless of composition, which are appointed by executive heads of local governments or agencies including, but not limited to, mayors and city and county managers, continue to be exempt from the Open Meeting Law.

An executive officer of a board or commission who carries out the directives, orders, and policies of a board or commission in day-to-day administration of an agency of government is not considered the alter ego of the board or commission so as to require him to comply with the Open Meeting Law. Bennett v. Warden, 333 So. 2d 97 (Fla. Dist. Ct. App. 1976) (meetings between college president and his advisors or staff personnel are not covered).

Along this line, the Office of the Attorney General held that staff meetings to advise a city manager who, in turn, arrives at his own decision and recommendation on an insurance claim were not within the ambit of the Open Meeting Law. See Op. Nev. Att'y Gen. No. 79-5 (February 23, 1979).

OMLO 2010-02 (April 7, 2010) (“committee, subcommittee or subsidiary thereof,” is not defined in statute, but the OML Manual interprets the statute to mean that to the extent a group is appointed by a public body and is given the task of making decisions for or recommendations to the public body, the group would be governed by the OML). For further treatment of this issue, see § 3.04 NEVADA OPEN MEETING LAW MANUAL (11th ed. 2011); OMLO 2002-017 (April 18, 2002) and OMLO 2002-27 (June 11, 2002). See also OMLO 2007-03 (July 17, 2007) (Walker Basin Project Stakeholder’s Group found not to be public body: it was created by UNR Vice-Chancellor’s steering committee, it was not advisory to any other body, and it was not created by statute). See also OMLO 2007-04 (September 10, 2007) (OML does not apply to Douglas Selby, Las Vegas City Manager, when acting in his official capacity, he appointed a citizens advisory body).

The Open Meeting Law applies only to public bodies; the Fernley City Council is a public body, but the citizens’ recruitment committee formed by the Mayor was not a public body. Council played no role in the initial interviews and screening of applications for appointment to City Manager position. Council did not deny a request for access to the initial candidate’s resumes. Once initial screening was accomplished by the Mayor and his citizen’s recruitment committee, and names were forwarded to the Council, then the OML applied. The Council complied with the OML; the finalists’ applications and resumes were made public before the meeting. AG File No. 09-026 (June 14, 2009)

§ 2.03 Agency staff

The Open Meeting Law usually does not apply to the typical internal agency staff meetings where staff members make individual reports and recommendations to a superior,
where the technical requirements of a quorum do not apply, and where decisions are not reached by a vote or consensus. See OMLO 2004-02 (January 20, 2004) for a further discussion and analysis on this topic.

However, when a public body delegates de facto authority to a staff committee to act on its behalf in the formulation, preparation, and promulgation of plans or policies, the staff committee stands in the shoes of the public body and the Open Meeting Law may apply to the staff meetings. See News-Press Publishing Co., Inc. v. Carlson, 410 So.2d 546 (Fla. Dist. Ct. App. 1982) (When the governing authority of a hospital district delegated responsibility of preparation of a proposed budget to an internal budget committee, the open meeting law applied to the committee, even though it consisted of staff personnel.).

Following the above principles, the Office of the Attorney General opined that the Open Meeting Law did not apply to internal staff meetings of an executive agency or interagency staff meetings except where a public body delegates policy formulation or planning functions to a staff committee and these policies or plans are the subject of foreseeable action by the public body. See Letter Opinion to Mr. William A. Molini dated February 11, 1985.

§ 2.04 Committees; subcommittees; advisory bodies

NRS 241.015(4) specifically includes committees, subcommittees, or subsidiaries thereof within the definition of a "public body." A committee or subcommittee is covered by the law whenever a quorum of the committee or subcommittee gathers to deliberate or make a decision including taking action to make a recommendation to the parent body. NRS 241.015; Lewiston Daily Sun, Inc. v. City of Auburn, 544 A.2d 335 (Me. 1988); Arkansas Gazette Co. v. Pickens, 522 S.W.2d 350 (Ar. 1975).

Legislative committees are exempt from the OML. In 1994, the Nevada Constitution was amended to exempt legislative committees from the OML. Nevada Constitution article 4, § 15.

The Open Meeting Law does not define "committee, subcommittee or subsidiary thereof," so counsel for the public body should be consulted for a determination of whether the Open Meeting Law extends to a particular group of persons. Review of §§ 3.01–3.02 above, is recommended. Following the principles of the cases cited above and in § 3.03, to the extent that a group is appointed by a public body and is given the task of making decisions for or recommendations to the public body, the group would be governed by the Open Meeting Law. See OMLO 2002-017 (April 18, 2002) and OMLO 2002-27 (June 11, 2002). But see AG File No. 07-030 (September 10, 2007) (OML does not apply to the appointment of a citizen advisory panel to advise Las Vegas City Manager when acting in his official capacity (see infra at § 3.03).

If a subcommittee recommendation to a parent body is more than mere fact-finding because the subcommittee has to choose or accept options, or decide to accept certain facts while rejecting others, or if it has to make any type of choice in order to create a recommendation, then it has participated in the decision-making process and is subject to the OML. Negotiations with unions, private contractors, and others conducted by a subcommittee of a public body, which
result in a recommendation to the parent body, are subject to the OML, unless specifically exempted by statute.

Failure to notice on its agenda the break-up of an advisory body into study groups, and failure to provide the study groups with recorders or designate someone to keep minutes of the meeting was a violation of NRS 241.015(4)(a). The facilitator’s strategy for dividing the committee into study groups coupled with that group’s assignment should have been noticed on the agenda and real minutes should have been kept along with a tape recording. AG File No. 07-027 (August 15, 2007).

NRS 241.015(4) specifically includes within the definition of public body an “advisory body of the state or a local government which expends or disburses or is supported in whole or in part by tax revenue or which advises or makes recommendations to any entity which expends or disburses or is supported in whole or in part by tax revenue. . . .”

For additional guidance, see the following: § 3.07, infra; OMLO 98-03 (July 7, 1998), where the Office of the Attorney General opined that a subcommittee informally appointed by the president of a school board was a public body as defined in NRS 241.015(4) where, even though the subcommittee was not formally appointed, its members shared equal voting power, formed a consensus to speak to the school board with one voice, and the school board knew of its existence and treated it as a board subcommittee; and OMLO 98-04 (July 7, 1998) where the Office of the Attorney General opined that two school board members, while self-appointed and initially acting as individuals, became a public body as defined in NRS 241.015(4) when the school board began recognizing them as a subcommittee and encouraging them to meet with staff to formulate a school safety proposal to be presented to the board, after which they met as a collegial body with staff to form a proposal which was formally presented to the board in the name of the “School Safety Subcommittee.” The Office of the Attorney General opined that formality in appointment is not the sole dispositive factor in determining what constitutes a public body under the Open Meeting Law, and informality in appointment should not be an escape from it; to hold otherwise would encourage circumvention of the Open Meeting Law through the use of unofficial committees.

An elected Public Body, subject to NRS 241.0355, which statute forbids action by the body unless a majority of all the members of the elected body vote affirmatively for the action, asserted that NRS 241.0355 does not apply to its committees because its bylaws do not require any committee to be composed of elected officials only. Bylaws do not rise to the level of statute and bylaws do not have the force and effect of law. Standing and Special committees of this public body were elected public bodies for purposes of the OML. AG File No. 09-017 (May 29, 2009); see also OMLO 2001-57 and AGO 2001-25 for further discussion of the two-tiered voting requirement found in NRS 241.0355.

The Legislature intended that “committee, subcommittee, or any subsidiary there­of” be applied to any gathering that makes a decision or recommendation to a parent body. The label given to the sub-group is immaterial and will not prevent the application of the OML to groups with other labels besides “committee” or “sub-committee.” Even in the absence of a formal appointment process (see NRS 241.015(4)(a)(7)), the Open Meeting Law applies to a
staff committee with *de facto* authority from the parent public body to act on its behalf. The staff committee stands in the shoes of the public body. Legislative intent and explicit language mean the OML applies *whenever a quorum of committee, subcommittee, or any subsidiary thereof*, meets to deliberate or take action. AG File No. 08-014 (July 2, 2008).

§ 2.05 Commissions or committees appointed by the Legislature

NRS 241.016(2)(a) exempts the Legislature from the requirements of the OML. Since the Legislature is not a public body, none of its various committees or subcommittees had been considered to be subject to the OML.

However, the Nevada Constitution was amended in 1994 after a vote by the people to ensure that meetings of all legislative committees must be open to the public, except meetings held to consider the character, alleged misconduct, professional competence, or physical or mental health of a person. NEV. CONST. ART. 4, §15.

§ 2.06 Members-elect of public bodies

Although the literal language of the Open Meeting Law appears to limit its application to actual members of a public body, the Office of the Attorney General believes the better view is set forth in *Hough v. Stembridge*, 278 So. 2d 288 (Fla. Dist. Ct. App. 1973), where the court held that members-elect of boards and commissions are within the scope of an open meeting law. Otherwise, members-elect could gather with impunity behind closed doors and make decisions on matters soon to come before them, in clear violation of the purpose, intent, and spirit of our Open Meeting Law. Application of the provisions of the statute to members-elect of public bodies is consistent with the liberal interpretation mandated for the Open Meeting Law. See OMLO 99-06 (March 19, 1999) and AG File Nos. 01-003, 01-008 (April 12, 2001).

§ 2.07 Appointment of designee to public body

Under the Open Meeting Law, a member of a public body is prohibited from designating a person to attend a meeting of the public body in the place of the member unless the designation is expressly authorized by the legal authority pursuant to which the public body was created. See NRS 241.025.

Designation may occur only if the public body’s creating authority specifically allows for designation. If there is no express authority authorizing a designee, then one cannot be appointed. However, if the legal authority creating the public body expressly authorizes a designee, then the process of designation of a person may occur either in a written document or on the record at a meeting of the public body.

Once a person is designated to attend a meeting in place of the member, that person is: (1) deemed to be a member of the body for the purpose of determining a quorum at the meeting; and (2) may exercise the same powers as the regular member of the body at that meeting.
There is nothing in NRS 241.025 which forbids designation of a person for multiple meetings as long as the process is followed and the term of the designation explicitly is set forth so there can be no confusion about the designee’s term.

§ 2.08 Specific examples of entities which have been deemed to be public bodies

If a group or body was a public body under interpretation of the definition of “public body” prior to the 2011 legislative session, it only had to be connected to state or local government and it must expend or disburse tax. The 2011 Legislature clarified the scope of the definition of public body so that our prior interpretation of the definition still is true if the body was created by statute, constitution, ordinance, the NAC, resolution or other formal designation by a parent public body, Governor’s executive order, and resolution or action by the governing body of a political subdivision of this State.

- Nevada Interscholastic Activities Association
- Non-profit corporation authorized by NRS 386.420

- Nevada Board of Architecture
- Created by NRS 623.050: see Attorney General Letter Opinion dated September 1, 1977

- Community Development Corporation and the Eureka County Economic Development Council
- OMLO 2001-17 (April 12, 2001)

- Storey County Cemetery Board
- See OMLO 2002-27 (June 11, 2002)

§ 2.09 Specific examples of entities which have been deemed not to be public bodies

The following entities specifically have been deemed not to be public bodies under interpretation of “public body” prior to the 2011 legislative session. These bodies carefully should review the definition of “public body” to ensure continuing compliance:

- Committee to prepare arguments advocacy and opposing approval of ballot for a city.

- A private, not-for-profit electric utility company.
- See AG File No. 00-055 (March 12, 2001).

- Non-profit community senior citizen’s center.

- Economic Development Authority of Western Nevada
- See OMLO 99-05 (January 12, 1999).
Faculty Senate at the Community College of Southern Nevada

Clark County Civil Bench/Bar Committee: Eighth Judicial District Court.

Nevada Department of Corrections Psychological Review Panel

Nevada Discovery Museum

Head Start of Northeastern Nevada

Nevada State Board of Parole Commissioners

Elko County Juvenile Probation Committee

Nevada Humane Society (a non-profit corporation not created by ordinance or statute).

Nevada Sheriffs and Chiefs Association: Domestic non-profit corporation. Its creation has no statutory connection to state or local government.


See AG File No. 10-011 (April 12, 2010).


See OMLO 2008-01 (January 30, 2008).


See 2011: NRS 241.030(4) (not a public body when acting to grant, deny, continue, or revoke parole of a prisoner).

See OMLO 2004-25 (June 29, 2004).

See AG File No. 10-051 (January 4, 2011).

See AG File No. 09-038 (September 23, 2009).

§ 2.10 Private, nonprofit organizations

Where a government body or agency itself establishes a civic organization, even though it is composed of private citizens, it may well constitute a “public body” under the law. See OMLO 2001-17, citing Palm Beach v. Gradison, 296 So.2d 473 (Fla. 1974). In Nevada, this would be true if the civic organization is intended to perform any administrative, advisory, executive, or legislative function of state or local government and it expends or disburses or is supported in whole or in part by tax revenue, or if it is intended to advise or make recommendations to any other Nevada governmental entity which expends or disburses or is supported in whole or in part by tax revenue. See, e.g., Seghers v. Community Advancement, Inc., 357 So. 2d 626 (La. Ct. App. 1978); Raton Public Service Co. v. Hobbes, 417 P.2d 32 (N.M. 1966).

The mere receipt of a grant of public money does not by itself transform a private, nonprofit civic organization into a “public body” for purposes of the Open Meeting Law, nor
does the membership of a few government officials on the organization's board of directors, *per se*, make the organization a "public body." *See* OMLO 2004-03 (February 10, 2004) and OMLO 2004-20 (May 18, 2004). A private, non-profit corporation is a public body if it is formed by a public body; acts in an administrative, advisory, and executive capacity in performing local governmental functions; and is supported in part by tax revenue from the public body. *See* OMLO 2001-17 (April 12, 2001); *but see* AG File No. 10-051 (January 4, 2011) (non-profit corporation did not act in administrative, advisory, or executive capacity nor was it supported in part by tax revenue).

§ 2.11 Quasi-judicial proceedings

The 2011 Legislature subjected all public body meetings of a quasi-judicial nature to the OML. *See* NRS 241.016(1). Only meetings of the Parole Board of Commissioners are exempt, but only when acting to grant, deny, continue, or revoke parole of a prisoner, or when modifying the terms of the parole of a prisoner. *See* NRS 241.016(2)(c).

"Quasi-judicial proceedings are those proceedings having a judicial character that are performed by administrative agencies." *Stockmeier v Nevada Dep't of Corr. Psychological Review Panel*, 122 Nev. 385, 390, 135 P.3d 200, 224-25 (2006), *abrogated by*, *Buzz Stew, LLC v. City of North Las Vegas*, 124 Nev. 224, 228 n.6, 181 P.3d 670, 672 n.6 (2008). The Court in *Stockmeier* stated that an administrative body acts in a quasi-judicial manner when it refers to a proceeding as a trial, takes evidence, weighs evidence, and makes findings of fact and conclusions of law from which a party may appeal an adverse decision to a higher authority. *Id.* at 391-92, 135 P.3d 224-25. The *Stockmeier* Court stated that "'the taking of evidence only upon oath or affirmation, the calling and examining of witnesses on any relevant matter, impeachment of any witness, and the opportunity to rebut evidence presented against the employee' was 'consistent with quasi-judicial administrative proceedings.'" *Id.* at 390, 135 P.3d at 223 (citing *Knox v. Dick*, 99 Nev. 514, 518, 665 P.2d 267, 270 (1983)).
Part 3 WHAT ACTIVITIES ARE EXEMPT FROM THE OPEN MEETING LAW?

§ 3.01 General

The opening clause in NRS 241.020(1) provides that the Open Meeting Law applies “except as otherwise provided by specific statute.” The word “specific” is an important one. The Nevada Supreme Court is reluctant to imply exceptions to the rule of open meetings. See McKay v. Board of County Comm’rs, 103 Nev. 490, 746 P.2d 124 (1987). See also Op. Nev. Att’y Gen. No. 150 (November 8, 1973).

Some public body proceedings or hearings are exempt from the Open Meeting Law by specific statute, or it may have a limited statutory exception from the OML. A non-exclusive list of exempt entities is set out below in § 4.02.

Exemption means that certain public business may be conducted without regard to any requirement of the Open Meeting Law because the Legislature has weighed the benefits of secrecy with the OML’s policy of openness, while other statutes merely allow certain activities to be closed to the public. These statutes create exceptions to the OML, but a public body still must record and keep minutes of closed meetings under statutes allowing for exceptions. The distinction is important because openness still is the norm; openness strictly will be enforced, so a public body must ensure that its statute either creates an exemption or an exception, because the OML still applies to exceptions. Any action taken in violation of the Open Meeting Law is void. But even though some statutes permit or require “deliberations” of certain matters to be closed to the public, that statutory authority does not imply necessarily that action taken after deliberations is exempt from the Open Meeting Law.

The distinction sometimes is obfuscated by statutory language that is not as specific as contemplated by NRS 241.020(1). In those cases, interpretation of the statutes should be employed using the standards discussed in Part 12 of this manual.

Because the OML still applies to all public body activities outside its statutory exception, a government body advising the public body may not be estopped from performing its governmental function even where the public body wrongly had interpreted the exception for several years. The Nevada Supreme Court in Chanos v Nevada Tax Comm’n, 124 Nev. 232, 238, 181 P.3d 675, 679 (2008), after review of legislative intent, decided that the Nevada Tax Commission’s statutory exception had not been applied correctly to taxpayer refund applications, despite earlier advice from the Attorney General’s office that its hearing procedure was in violation of the OML. The Attorney General brought suit against the Tax Commission. The Supreme Court held that the statutory exception (NRS 360.247) allowed the Tax Commission to close only the portion of its hearing at which it received confidential evidence, questioned parties, and heard argument concerning confidential information. The Court found an OML violation even after a lengthy period of misinterpretation resulting in closed meetings upon only a request by an affected taxpayer. The Court also held that estoppel does not apply to estop the Attorney General from enforcing an interpretation of the OML, which may have been
contradictory with past practices at the Nevada Tax Commission for two reasons: firstly, the Tax Commission and Edison (defendants) failed to prove that they were ignorant of the true state of the facts, and, secondly, a government body may not be estopped from performing its governmental function.

Below is a discussion of some governmental body proceedings, meetings, and other activities that are statutorily exempt from the Open Meeting Law, and some that are not.

§ 3.02 Statutory exemptions

The following public body proceedings, meetings, and hearings either are exempt from the Open Meeting Law or the public body has an exception under the statutes cited. Because the statutes may change after the printing of this manual, be sure to check the statutes and make sure all the conditions or requirements of the statutes are followed.

Should a body choose to conduct any of these proceedings as part of an open meeting, the Office of the Attorney General recommends the proceedings be included on the agenda as an exempt proceeding, citing the provision that provides the exemption; but the exemption from the open meeting requirements still applies to the proceeding whether or not the exemption was placed on the agenda.

Judicial Proceedings

See NRS 241.016(2)(b) and Goldberg v. Eighth Judicial District Court, 93 Nev. 614, 572 P.2d 521 (1977). The Open Meeting Law does not apply to proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

Legislature

NRS 241.016(2)(a) excludes the Legislature from the definition of public body. See Article 4 § 15 of the Nevada Constitution. See discussion in § 3.05.

State Ethics Commission

Meetings or hearings to receive information or evidence concerning the propriety of the conduct of any public officer or employee under NRS Chapter 281 are exempt under NRS 281A.440(15).

Local Ethics

NRS 281A.350 provides a specific statutory exception to the Open Meeting Law that allows a local ethics committee to render a confidential opinion to an elected city councilperson. See Op. Nev. Att'y Gen. No. 94-10 (May 24, 1994).
Hearings by public school boards to consider expulsion of pupils; hearings by charter school boards to consider expulsion of pupils

Certain labor negotiations proceedings

Nevada Commission on Homeland Security

A local ethics board may not meet in closed session to discuss the past conduct of a public official due to lack of a statutory exception to the open meeting requirements. See Op. Nev. Att'y Gen. No. 94-21 (July 29, 1994).

See NRS 392.467(3), Davis v. Churchill County Sch. Bd., 616 F. Supp. 1310 (D. Nev. 1985), remanded, 823 F.2d 554 (9th Cir. 1987), and OMLO 99-04 (January 11, 1998); see NRS 386.585(2).

The following proceedings conducted under NRS Chapter 288 are exempt: (1) any negotiation or informal discussion between a local government employer and an employee organization or individual employees whether conducted by the governing body or through a representative or representatives; (2) any meeting of a mediator with either party or both parties to a negotiation; (3) any meeting or investigation conducted by a fact finder; (4) any meeting of the governing body of a local government employer with its management representative or representatives, and (5) deliberations of the board toward a decision on a complaint, appeal, or petition for declaratory relief. See NRS 288.220, but see AG File No. 10-020 (June 22, 2010). Even exempt meetings should be limited by statutory authority. The legislative intent underlying an exemption is to allow these meetings as long as the meetings confine discussion to negotiations between a local government employer and an employee organization and/or the defined exceptions in NRS 288.220.

Exempt meetings cannot be used to circumvent the legislative intent expressed in NRS 241. Exempt meetings under NRS 288.220 cannot be used as a shield to improperly discuss persons or any other issue not within the scope of the exemption.

NRS 239C.140(2) states:

The Commission may hold a closed meeting to:
Committee on Catastrophic Leave

Committees formed to present arguments on ballot questions.

Board of Medical Examiners

Nevada Tax

(a) Receive security briefings;
(b) Discuss procedures for responding to acts of terrorism and related emergencies; or
(c) Discuss deficiencies in security with respect to public services, public facilities and infrastructure,
if the Commission determines, upon a majority vote of its members, that the public disclosure of such matters would be likely to compromise, jeopardize or otherwise threaten the safety of the public.

A meeting or hearing held by the Committee to carry out the provisions of this section (an appeal of the appointing authority) and the Committee’s deliberations on the information or evidence received are not subject to any provision of chapter 241 of NRS. See NRS 284.3629(7).

Committees created pursuant to NRS 295.121 to present the arguments on a ballot question are exempt from the Open Meeting Law. See NRS 295.121(12) and Op. Nev. Att’y Gen. 2000-18 (June 2, 2000).

Any deliberations conducted or vote taken by the Board or any investigative committee of the Board regarding its ordering of a physician, physician assistant or practitioner of respiratory care to undergo a physical or mental examination or any other examination designated to assist the Board or committee in determining the fitness of a physician, physician assistant or practitioner of respiratory care are not subject to the requirements of NRS 241.020. See NRS 630.336(1).

NRS 360.247 states:
1. Except as otherwise provided in this
Commission

section, any appeal to the Nevada Tax Commission which is taken by a taxpayer concerning his/her liability for tax must be heard during a session of the Commission which is open to the public. Upon request by the taxpayer, a hearing on such an appeal must be closed to the public to receive proprietary or confidential information.

Occupational Licensing Boards

NRS 622.320 states:
1. The provisions of NRS 241.020 do not apply to proceedings relating to an investigation conducted to determine whether to proceed with disciplinary action against a licensee, unless the licensee requests that the proceedings be conducted pursuant to those provisions.
2. If the regulatory body decides to proceed with disciplinary action against the licensee, all proceedings that are conducted after that decision and are related to that disciplinary action are subject to the provisions of NRS 241.020.

§ 3.03 Certain confidential investigative proceedings of the Gaming Control Board and Commission

NRS 463.110(2) holds that all meetings of the Gaming Control Board are open to the public except for investigative hearings that may be conducted in private at the discretion of the board or hearing examiner. NRS 463.110(4) holds that investigative hearings of the board or hearing officer may be conducted without notice.


§ 3.04 Quasi-judicial proceedings no longer exempt from OML

The 2011 Legislature made all meetings of a public body that are quasi-judicial in nature subject to the OML. NRS 241.016(1). The Nevada Board of Parole Commissioners is exempt, but only when acting to grant, deny, continue, or revoke parole for a prisoner or to establish or modify the terms of the parole of a prisoner. NRS 241.016(2)(c).
§ 3.05 Attorney-client conference exception

NRS 241.015(3)(b)(2) excepts from the definition of “Meeting,” for purposes of the Open Meeting Law, a meeting of a quorum of a public body “[t]o receive information from the attorney employed or retained by the public body regarding potential or existing litigation involving a matter over which the public body has supervision, control, jurisdiction or advisory power and to deliberate toward a decision on the matter, or both.”

A meeting held for the purpose of having an attorney-client discussion of potential and existing litigation pursuant to NRS 241.015(3)(b)(2) is not a meeting for purposes of the Open Meeting Law and does not have to be open to the public. In fact, no agenda is required to be posted and no notice is required to be provided to any member of the public. See OMLO 2002-21 (May 20, 2002). However, the Office of the Attorney General advises that if the public body interrupts its meeting to confer with its legal counsel pursuant to NRS 241.015(3)(b)(2), the public body should place this interruption of the open meeting on the agenda to avoid any confusion. See § 5.11 of this manual for more information regarding meetings to confer with counsel.

It is important to note that a public body may deliberate “collectively to examine, weigh and reflect upon the reasons for or against the action,” which connotes collective discussion in an attorney-client conference. See NRS 241.015(2); Dewey v. Redevelopment Agency, 119 Nev. 87, 97, 64 P.3d 1070, 1077 (2003), OMLO 2001-09 (March 28, 2001) and OMLO 2002-13 (March 22, 2003). However, NRS 241.015(3)(b)(2) does not permit a public body to take action in an attorney-client conference.

§ 3.06 Student governments

NRS 241.017 requires the Board of Regents of the University of Nevada to establish requirements equivalent to the Open Meeting Law for student governments in the Nevada System of Higher Education and to provide for their enforcement. See OMLO 2004-09 (March 19, 2004) where the Office of the Attorney General opined that pursuant to NRS 241.038, it did not have jurisdiction to investigate or enforce an alleged violation by the UNLV Rebel Yell Advisory Board.

§ 3.07 Pre-meeting discussion to remove or delay discussion of items from agenda

The Nevada Supreme Court decided that pre-meeting discussions by a public body to remove an item from its agenda did not violate the OML because a public body may remove or refuse to consider an agenda item at any time, therefore, pre-meeting discussions regarding whether to remove an agenda item do not implicate the OML. Schmidt v. Washoe County, 123 Nev. 128, 135, 159 P.3d 1099, 1104 (2007), abrogated by, Buzz Stew, LLC v. City of North Las Vegas, 124 Nev. 224, 228 n.6, 181 P.3d 670, 672 n.6 (2008).

See NRS 241.020(2)(c)(6)(III)(public body may remove an item from its agenda at any time.)
§ 4.01 General; statutory definitions

NRS 241.015(3)(a)(1) and (2) define “meeting” as:

(1) The gathering of members of a public body at which a quorum is present, whether in person or by means of electronic communication, to deliberate toward a decision or to take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(2) Any series of gatherings of members of a public body at which:
   (I) Less than a quorum, whether in person or by means of electronic communication, is present at any individual gathering;
   (II) The members of the public body attending one or more of the gatherings collectively constitute a quorum; and
   (III) The series of gatherings was held with the specific intent to avoid the provisions of this chapter.

As discussed in §4.05, NRS 241.015(3)(b) excludes from the definition of meeting:

A gathering or series of gatherings of members of a public body, as described in paragraph (a), at which a quorum is actually or collectively present, whether in person or by means of electronic communication:

(1) Which occurs at a social function if the members do not deliberate toward a decision or take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(2) To receive information from the attorney employed or retained by the public body regarding potential or existing litigation involving a matter over which the public body has supervision, control, jurisdiction or advisory power and to deliberate toward a decision on the matter, or both.

Some of the key words in that definition are:

“Gathering” In Op. Nev. Att’y Gen. No. 85-19 (December 17, 1985), the Office of the Attorney General defined “gathering” to mean to bring together, collect, or accumulate and to place in readiness. Accordingly, a “gathering” of members of a public body within the conception of an open meeting would include any method of collecting or accumulating the deliberations, or decisions of a
quorum of these members.

"Quorum"  A “quorum” of a public body is defined in NRS 241.015(5) as “a simple majority of the membership of a public body or another proportion established by law.”

"Present"  NRS 241.010(2) states “[I]f any member of a public body is present by means of teleconference or videoconference at any meeting of the public body, the public body shall ensure that all the members of the public body and the members of the public who are present at the meeting can hear or observe and participate in the meeting.” A member of a public body may be present through video conference or teleconference, but not through social media, such as a chat room, or email. The public must be able to view and/or hear the public body and be able to participate in the public meeting.

"Deliberate"  Under NRS 241.015(2), “deliberate” means “collectively to examine, weigh and reflect upon the reasons for or against the action. The term includes, without limitation, the collective discussion or exchange of facts preliminary to the ultimate decision.” See Dewey v. Redevelopment Agency, 119 Nev. 87, 97, 64 P.3d 1070, 1077 (2003) and Sacramento Newspaper Guild v. Sacramento County Bd. of Supervisors, 69 Cal.Rptr. 480 (Cal. Ct. App. 1968) discussed in § 5.02 below. See OMLO 2010-06 (September 10, 2010) (collective deliberation is required to constitute a meeting of Board of school trustees).

"Action"  Under NRS 241.015(1), “action” means: “(a) a decision made by a majority of the members present, whether in person or by means of electronic communication, during a meeting of a public body; (b) a commitment or promise made by a majority of the members present, whether in person or by means of electronic communication, during a meeting of a public body; (c) if a public body may have a member who is not an elected official, an affirmative vote taken by a majority of the members present, whether in person or by means of electronic communication, during a meeting of the public body; or (d) if all the members of a public body must be elected officials, an affirmative vote taken by a majority of all the members of the public body.

Application of the definitions to common circumstances follows.

§ 4.02 Informal gatherings and discussions that constitute deliberation

The Nevada Supreme Court cited Sacramento Newspaper Guild v. Sacramento County Board of Supervisors (see § 5.01 above, for citation) for clarification of the meaning of
“deliberation.” All five members of the Sacramento County Board of Supervisors went to a luncheon gathering with the county counsel, a county executive, the county director of welfare, and some AFL-CIO labor leaders to discuss a strike of the Social Workers Union against the county. Newspaper reporters were not allowed to sit in on the luncheon, and litigation resulted. The board of supervisors contended that the luncheon was informal and merely involved discussions that were neither deliberations nor actions in violation of California’s open meeting law.

The California Court of Appeals disagreed and upheld an injunction against the board, ruling that California’s open meeting law extended to informal sessions or conferences designed for discussion of public business. Among other things, the Court observed:

“Recognition of deliberation and action as dual components of the collective decision-making process brings awareness that the meeting concept cannot be split off and confined to one component only, rather it comprehends both and either.”

“To deliberate is to examine, weigh and reflect upon the reasons for or against the choice. . . . Deliberation thus connotes not only collective discussion, but the collective acquisition or the exchange of facts preliminary to the ultimate decision.”

“An informal conference or caucus permits crystallization of secret decisions to a point just short of ceremonial acceptance. There is rarely any purpose to a nonpublic, pre-meeting conference except to conduct some part of the decisional process behind closed doors. Only by embracing the collective inquiry in discussion stages, as well as the ultimate step of official action, can an open meeting regulation frustrate these evasive devices. As operative criteria, formality and informality are alien to the law’s design, disposing it to the very evasions it was designed to prevent. Construed in light of the Brown Act’s objectives, the term “meeting” extends to informal sessions or conferences of board members designed for the discussion of public business. The Elks Club luncheon . . . was such a meeting.”

69 Cal.Rptr. at 485.

There are important objectives to be achieved from requiring the deliberations and actions of public agencies to be open and public. As stated in the article, Access to Government Information in California:

“The goal in requiring that deliberations take place at meetings that are open and public is that committee members make a conscientious effort to hear viewpoints on each issue so that the
community can understand on what their premises are based, add to those premises when necessary, and intelligently evaluate and participate in the process of government.”


The Office of the Attorney General agrees with the foregoing and believes that if a majority of the members of a public body should gather, even informally, to discuss any matter over which the public body has supervision, control, jurisdiction, or advisory power, it must comply with the Open Meeting Law. Cf. Op. Nev. Att’y Gen. No. 241 (August 24, 1961) and Op. Nev. Att’y Gen. No. 380 (January 1, 1967), certain aspects of which were written before the statutory definition of “meeting” was established.

For an example of the foregoing discussion of informal meeting:

A quorum of the City Council discussed public business with a volunteer firefighter. Two members constituted a quorum of the City Council and these two were employed by the same employer. However, after an interview with the witness firefighter, no evidence was uncovered which indicated that a commitment or promise about a matter within the City Council’s supervision, control, jurisdiction, or advisory power had been made. Warning was issued to the Council. AG File No. 08-003 (April 7, 2008).

Under some city charters, the mayor is not a member of the city council, and the mayor’s powers usually are limited to a veto or casting a tie-breaking vote. In such cases, the presence of the mayor is not counted in determining the presence of a quorum of the council. See Op. Nev. Att’y Gen. No. 2001-13 (June 1, 2001).

§ 4.03 Social gatherings

Nothing in the Open Meeting Law purports to regulate or restrict the attendance of members of public bodies at purely social functions. A social function only would be reached under the law if it is scheduled or designed, at least in part, for the purpose of having a majority of the members of the public body deliberate toward a decision or take action on any matter over which the public body has supervision, control, jurisdiction, or advisory power. As described by the California Court of Appeals in Sacramento Newspaper Guild, 69 Cal.Rptr. at 487 n.8, supra at § 5.02:

There is a spectrum of gatherings of public agencies that can be called a meeting, ranging from formal convocations to transact business to chance encounters where business is discussed. However, neither of these two extremes is an acceptable definition of the statutory word “meeting.” Requiring all discussions between members to be open and public would preclude normal living and working by officials. On the other hand, permitting secrecy, unless there is a formal convocation of a body, invites evasion. Although one might hypothesize quasi-social occasions whose characterization as a meeting would be debatable, the difference between a
social occasion and one arranged for pursuit of the public’s business usually will be quite apparent.

The definition of meeting now explicitly excludes a gathering or series of gatherings of members of a public body at which a quorum is actually or collectively present which occurs at a social function, if the members do not deliberate toward a decision or take action on any matter over which the public body has supervision, control, jurisdiction, or advisory power. See NRS 241.015(3)(b)(1).

§ 4.04 Seminars, conferences, conventions

When a majority of the members of a public body attend a state or national seminar, conference, or convention to hear speakers on general subjects of interest to public officials or to participate in workshops with their counterparts from around the state or nation, it usually may be assumed they are there for the purpose of general education and social interaction and not to conduct meetings to deliberate toward a decision or to take action on any matter over which their public body has supervision, control, jurisdiction, or advisory power, even if presentations at the seminar touch on subjects within the ambit of the public body’s jurisdiction or advisory power. Thus, such seminars, conferences and conventions do not fall under the definition of “meeting” found in NRS 241.015(3). However, should the gathering have the purpose of or in fact exhibit the characteristics of a “meeting” as defined in NRS 241.015(3), then the provisions of the Open Meeting Law apply. See Op. Nev. Att’y Gen. 2001-05 (March 14, 2001).

§ 4.05 Telephone conferences/video conferences

Nothing in the Open Meeting Law prohibits a quorum of the members of a public body from deliberating toward a decision or taking action on public business via a telephone conference call or video conference in which they simultaneously are linked to one another telephonically. However, since this is a “meeting,” the notice requirements of the Open Meeting Law must be complied with, and the public must have an opportunity to listen to the discussions and votes by all the members through a speaker phone or video conference equipment. This may be accomplished by including in the meeting notice the location and address of a place where members of the public may appear and listen to the meeting discussion over a telephone speaker device or other electronic media. See Del Papa v. Board of Regents, 114 Nev. 388, 956 P.2d 770 (1998) for a discussion regarding the applicability of the Open Meeting Law to a public body’s use of telephones, fax machines, and other electronic devices to deliberate and/or take action.

Although a telephone conference may be a lawful method of conducting the public’s business, it never should be used as a subterfuge to avoid compliance with the Open Meeting Law and its stated intent that the actions of public bodies are to be taken openly and their deliberations conducted openly. NRS 241.016(4).
§ 4.06 Electronic polling

NRS 241.016(4) specifically provides that electronic communications must not be used to circumvent the spirit or letter of the Open Meeting Law in order to discuss or act upon a matter over which the public body has supervision, control, jurisdiction, or advisory powers.

This statute applies to telephone polls (unless done as a part of an open meeting as discussed above) and to polls by facsimile or e-mail.

In Del Papa v. Board of Regents, 114 Nev. 388, 956 P.2d 770 (1998), the Chairman of the Board of Regents of the University of Nevada sent by facsimile a draft advisory to all but one regent rebutting public statements made by that regent to the press. The draft advisory was accompanied by a memo requesting feedback on the advisory and sought advice from the other regents on whether to release the advisory to the press. The memo stated that no press release would occur without Board approval. Of the ten regents who received the fax, five responded in favor of releasing the advisory, one wanted it released under the chairman’s name only, one was opposed, two had no opinion, and one did not respond. The regents who responded did so by telephone calls either to the chairman or the interim director of public information for the University. In finding that the Board violated the Open Meeting Law by deciding whether to release the draft advisory privately by “facsimile” and telephone rather than by public meeting, the Nevada Supreme Court stated:

[A] quorum of a public body using serial electronic communication to deliberate toward a decision or to make a decision on any matter over which the public body has supervision, control, jurisdiction or advisory power violates the Open Meeting Law. That is not to say that in the absence of a quorum, members of a public body cannot privately discuss public issues or even lobby for votes. However, if a quorum is present, or is gathered by serial electronic communications, the body must deliberate and actually vote on the matter in a public meeting.

Id. at 400, 956 P.2d at 778.

Where two county commissioners (three were a quorum) discussed the termination of the County Manager between themselves, the OML was not offended because no other commissioner acknowledged discussion about termination with them. The failure to create a constructive quorum barred application of the OML. AG File No. 07-011 (June 11, 2007); NRS 241.015(3) sets the serial communication bar at “collective deliberations or actions” (exchange of facts that reflect upon reasons for or against the choice) involving a quorum of members of a public body. Dewey, 119 Nev. at 87, 64 P.3d at 1070. See also AG File No. 07-015 (September 10, 2007) (allegation that Board of School Trustees created constructive quorum through emails and private meetings).
§ 4.07 Mail polls

In view of the legislative declaration of intent that all actions of public bodies are to be taken openly, the making of a decision by a mail poll that is not subject to public attendance appears inconsistent with both the spirit and intent of the law. See Op. Nev. Att’y Gen. No. 85-19 (December 17, 1985).

§ 4.08 Serial communications, or “walking quorums”

The Open Meeting Law forbids “walking quorums” or constructive quorums. Serial communication invites abuse if it is used to accumulate a secret consensus or vote of the members of a public body. Any method of meeting where a quorum of a public body discusses public business, whether gathered physically or electronically, is a violation of the OML.

Nevada is a “quorum state,” which means that the gathering of less than a quorum of the members of a public body is not within the definition of a meeting under NRS 241.015(3). Where less than a quorum of a public body participates in a private briefing with counsel or staff prior to a public meeting, it may do so without violating the Open Meeting Law. Dewey, 119 Nev. at 99, 64 P.3d at 1078.

While the Nevada Supreme Court ruled that meetings between a quorum of a public body and its attorney are not exempt from the Open Meeting Law, it observed in McKay v. Board of County Commissioners, 103 Nev. 490, 746 P.2d 124 (1987) that:

Nothing whatever precludes an attorney for a public body from conveying sensitive information to the members of a public body by confidential memorandum; nor does anything prevent the attorney from discussing sensitive information in private with members of the body, singly or in groups less than a quorum. Any detriment suffered by the public body in this regard must be assumed to have been weighed by the Legislature in adopting this legislation. The Legislature has made a legitimate policy choice—one in which this court cannot and will not interfere.

McKay, 103 Nev. at 495–96, 746 P.2d at 127.

In another case, the Nevada Supreme Court observed that the OML did not forbid all discussion among public body members even when discussing public business:

[A] quorum of a public body using serial electronic communication to deliberate toward a decision or to make a decision on any matter over which the public body has supervision, control, jurisdiction or advisory power violates the Open Meeting Law. That is not to say that in the absence of a quorum, members
of a public body cannot privately discuss public issues or even lobby for votes. (Emphasis added.)

*Del Papa*, 114 Nev. at 400, 956 P.2d at 778.

Serial communication invites abuse of the Open Meeting Law if it is used to accumulate a secret consensus or vote of the members of a public body. In *McKay v. Board of County Commissioners*, 103 Nev. 490, 746 P.2d 124 (1987), the Court stated that sensitive information may be discussed in serial meetings where no quorum is present in any gathering. But there can be no deliberation, action, commitment, or promise made regarding a public matter in such a serial meeting.

In *Dewey v. Redevelopment Agency*, 119 Nev. 87, 64 P.3d 1070 (2003), the Court reaffirmed its position in *McKay* and provided a substantial discussion regarding "serial communications" and non-quorum private briefings by staff. Please note that NRS 241.015(3)(a)(2), which defines "serial communications" as a "meeting" for purposes of the Open Meeting Law, was enacted after the *Dewey* case was decided. However, the Office of the Attorney General believes the Court's analysis in *Dewey* provides substantial insight into the facts the Supreme Court will analyze to determine if "serial communications" occurred.

In *Dewey*, the Redevelopment Agency for the City of Reno (Agency) owned the Mapes Hotel, an historic landmark listed on the National Trust for Historic Preservation. In 1999, the Agency adopted a resolution in which it would accept bids to rehabilitate the Mapes Hotel. The Agency's staff put together a request for proposals (RFP), which was sent to more than 580 developers. In response to the RFP, the Agency received six proposals to rehabilitate the Mapes Hotel.

On August 31, 1999, the Agency's staff conducted two private back-to-back briefings with a non-quorum of the Agency attending each briefing; three members attended one briefing and two members attended the other briefing. For the purposes of an Agency meeting, a quorum was four or more members.

The purpose of these meetings was to inform the Agency members of potential issues with the RFP responses. The testimony at trial was clear that the Agency members neither provided their opinions, voted on the issue, nor were they polled by staff as to their opinions or votes at the briefings. The purpose of the briefings was to provide Agency members with information regarding a complex public policy issue.

*Dewey*, as well as other plaintiffs, filed a lawsuit against the Agency alleging a violation of the Open Meeting Law. The trial court held that there was a violation of the Open Meeting Law because the meetings constituted a constructive quorum for purposes of the Open Meeting Law. However, the Court only issued an injunction and refused to void the Agency's actions. In response, *Dewey* appealed the court's final order in hopes of voiding the Agency's actions, and the Agency cross-appealed alleging that the Court erred in finding an Open Meeting Law violation.
On appeal, the Nevada Supreme Court stated, “[W]e have . . . acknowledged that the Open Meeting Law is not intended to prohibit every private discussion of a public issue. Instead, the Open Meeting Law only prohibits collective deliberations or actions where a quorum is present.” (Emphasis added.) Dewey, 119 Nev. at 94–95, 64 P.3d at 1075. The Court stated, in part, that deliberations meant the collective discussion by a quorum. (See §5.01, infra for the full definition of deliberations.) Since a quorum of the Agency did not attend the back-to-back briefings, a collective discussion equaling deliberations could not have occurred. In order for a constructive quorum to exist, the Agency members or staff would have to participate in serial communications. The trial court shifted the burden to the Agency to prove that the Agency did not participate in serial communications. The Supreme Court held that shifting the burden was inappropriate because a quorum of the public body did not attend the briefings. Thus, the burden was on Dewey to provide substantial evidence that the Agency conducted serial communications.

The Court then reviewed the record to determine whether substantial evidence existed to prove serial communications occurred. The Court stated that the record did not provide substantial evidence that the Agency member’s thoughts, questions, or opinions from one briefing were shared with the members of the other briefing. There also was no evidence of polling by the Agency’s staff to determine the opinions or votes of the Agency’s members. Further, there was no evidence in the record that the briefings resulted in the Agency taking action or deliberating on the issue. Finally, the record indicated that the Agency’s staff intended to comply with the Open Meeting Law in conducting the briefings in the non-quorum back-to-back fashion. As a result, the Court held that substantial evidence did not exist to prove the briefings resulted in serial communications creating a constructive quorum, and that the Agency’s back-to-back briefings were not “meetings” for purposes of the Open Meeting Law.

Further citations illustrating the discussion above:

- The Office of the Attorney General accepts affidavits or written statements from members of a public body as evidence whether “serial communications” occurred. See OMLO 2004-16 (May 65, 2004).

- See OMLO 2004-26 (July 21, 2004) for an example of “serial communications” in violation of the Open Meeting Law, and see OMLO 2003-11 (March 6, 2003) for an analysis finding no “serial communication” consistent with Dewey.

- See OMLO 2008-010: A public body quorum met to discuss District business immediately following adjournment of a noticed meeting. The meeting had been arranged without notification to the public that a quorum would remain after adjournment of the regularly scheduled meeting. The fact that the meeting only concerned discussion of matters not appearing on a public body’s agenda did not exempt the discussion from the application of the OML. OML is applicable whenever a quorum of a public body deliberates or takes action on any matter over which the public body has supervision, control, jurisdiction, or advisory power. AG File No. 08-010 (July 23, 2008); AG File No. 08-035 (November 17, 2008) (two members of public body were mistaken in their belief that a quorum
can only be achieved by a physical gathering of a quorum at the same time and place.)

§ 4.09 “Private Briefings” among staff of public body and non-quorum of members

In Dewey, 119 Nev. at 94, 64 P.3d at 1075, the Nevada Supreme Court stated that private briefings among staff of a public body and a non-quorum of members of a public body are not meetings for purposes of the Open Meeting Law, and such a meeting is not prohibited by law. See §5.08 supra for a further discussion of Dewey.

§ 4.10 Meetings held out-of-state or out of local jurisdiction

The Open Meeting Law applies even if the meeting occurs outside of Nevada. For example, minutes must be kept, and a clear and complete agenda must be noticed properly.

Nothing in the Open Meeting Law limits its application only to meetings in Nevada, and any such interpretation would only invite evasion of the law by meeting across state lines. A county-based public body may lawfully meet outside the county. See AG File No. 00-040 (January 5, 2001).

See also § 4.05, Attorney-Client conferences.

While the Open Meeting Law does not prohibit out-of-jurisdiction meetings, other statutes might. See, for example, the limitations on county commission meetings in NRS 244.085.

§ 4.11 Exception for conferring with counsel

“Meeting” has been redefined to exclude a gathering or series of gatherings of members of a public body at which a quorum is present (1) to receive information from the attorney for the public body regarding potential or existing litigation involving a matter over which the public body has supervision, control, jurisdiction, or advisory power and (2) to deliberate toward a decision on the matter.

The law specifically allows the members of a public body to deliberate, but not act, information obtained from its counsel in an attorney-client conference. See § 4.05 supra. However, any action must be taken in an open meeting. The agenda should note that the public body may interrupt the open meeting and exclude the public for the purpose of having an attorney-client discussion of potential and existing litigation, pursuant to NRS 241.015(3)(b)(2).

Alternatively, the public body may gather to confer with legal counsel at times other than the time noticed for a normal meeting. In such instances, there is no notice or agenda required. However, the usual notice and agenda will be required in order to later convene an open meeting in order to take any action based on the attorney-client conference. A decision on whether to
settle a case or to make or accept an offer of judgment must be made in an open meeting. See OMLO 2002-21 (May 20, 2002).

However, a conference between counsel and a quorum of a public body that does not involve potential or existing litigation on a matter over which the public body has supervision, control, jurisdiction or advisory power, is not exempt from the OML. (See § 4.02 for examples of other statutory exemptions from the OML.) The Open Meeting Law bans closed meetings in all cases not specifically excepted by statute. McKay, 103 Nev. at 495–96, 746 P.2d at 127–28; NRS 241.020(1). “Any detriment suffered by the public body in this regard [limitations on the ability to meet privately with legal counsel] must be assumed to have been weighed by the Legislature in adopting this legislation. The Legislature has made a legitimate policy choice – one in which this court cannot and will not interfere.” Id., 103 Nev. at 496, 746 P.2d at 127.

§ 4.12 Meetings held with another public body

Whenever a quorum of a public body gathers and collectively discusses, deliberates, or takes action on matters over which the body has supervision, control, jurisdiction, or advisory power, a meeting of that body takes place within the meaning of NRS 241.015(3) even if the public body is meeting with another public body at the same time and place. A meeting of two or more public bodies must be conducted in accordance with the Open Meeting Law and each public body must give notice of its meeting even if the meeting is also publicly noticed as a meeting of another public body. See Op. Nev. Att’y Gen. No. 2001-05 (March 14, 2001). Notice of a meeting of each public body may utilize one agenda, combined to indicate to the public that two or more public bodies are meeting and may take action separately.

However, even if a quorum of a parent public body attends a meeting of its own standing subcommittee, where the quorum of the parent body merely listens, does not participate, does not ask questions, does not deliberate, and does not take action or collectively discuss any matter within the parent’s jurisdiction or control, no meeting within the meaning of NRS 241.015(3) has occurred and no violation of the OML has occurred. OMLO 2010-06 (September 10, 2010).

§ 4.13 Appointment of public officer

NRS 241.031 prohibits a closed meeting for the purpose of appointing a public officer or a person to a position for which the person serves at the pleasure of a public body as a chief executive or administrative officer or in a comparable position. Public officer is defined in NRS 281.005 to mean a person elected or appointed to a position which: “(a) is established by the Constitution or a statute of this State, or by a charter or ordinance of a political subdivision of this State; and (b) involves the continuous exercise, as part of the regular and permanent administration of the government, of a public power, trust or duty.” University and Community College System v. DR Partners, 117 Nev. 195, 201, 18 P.3d 1042, 1046 (2001) (NRS 281.005 is in harmony with judicial definition of “public officer”). For further treatment of this issue, see § 9.05, infra: Appointment to public office; closed meeting prohibition. See NRS 281A.160, Ethics in Government, for a similar definition of public officer which also clarifies the scope of the phrase, “public power, trust or duty.”
The OML prohibits holding a closed meeting for the discussion of the appointment of any person to public office, or appointment as a member of a public body. If a public body participates in any part of the selection process for the position of public officer or for a person who serves at the pleasure of the public officer, or for the appointment of a person to a public body, then all discussion of the appointment process must occur in a public meeting. NRS 241.030(4)(d). In City Council of City of Reno v. Reno Newspapers, Inc., 105 Nev. 886, 891, 784 P.2d 974, 977 (1989) the Court stated that the phrase “discussion of appointment” in NRS 241.030(4)(d) [formerly NRS 241.030(3)(e)] means “all consideration, discussion, deliberation, and selection” of a public officer or one who serves at the pleasure of a public body.

The Nevada Supreme Court explicitly stated that the OML applies only to an appointment process conducted by a public body. The Fernley City Council is a public body, but the citizen recruitment committee formed by the Mayor was not a public body. The Open Meeting Law did not apply to it and consequently, complainant’s demand for access to all the original candidates’ applications and resumes is not supported by the OML. AG File No. 09-026 (June 14, 2009).

Where the remaining members of a public body selected the new member to fill a vacancy following the resignation of one member, no OML violation occurred where there was no discussion among the members of the public body before it voted on appointment of the new member. NRS 241.015 does not require verbal discussion, assessment, or verbal deliberation among the members of a public body before it takes action. NRS 241.015 states that a meeting occurs where a public body deliberates or takes action. The Legislature intended that deliberations be conducted openly, but it did go so far as to void action in the absence of verbal discussion or deliberation by members prior to action. AG File No. 09-029 (November 4, 2009).
§ 5.01 General

The right of citizens to attend open public meetings is diminished greatly if they are not provided with an opportunity to know when the meeting will take place and what subject or subjects will be considered. One of the primary objectives of the Open Meeting Law is to allow members of the public to make their views known to their representatives on issues of general importance to the community. This type of communication would be impossible if the public were denied the opportunity to appear at the meeting through lack of knowledge that a meeting would be held.

Except in an emergency, written notice of all meetings of all public bodies must be posted in at least four places within the jurisdiction of the public body and mailed at least three working days before the meeting is to occur, as specified below.

Details about how the notice is to be prepared, posted, and mailed are discussed below. A sample form of a notice is included as Sample Form 1. This sample is intended only as a sample, and public bodies may use whatever form or format they wish.

In Sandoval v. Board of Regents, 119 Nev. 148, 150, 67 P.3d 902, 903 (2003), the Supreme Court of Nevada stated that Nevada’s Open Meeting Law “clearly includes stringent agenda requirements.” See § 7.02.

Additionally, NRS 241.033 requires personal notice be given to individuals whose character, alleged misconduct, professional competence, or physical or mental health are to be considered at a meeting. See § 6.09.

NRS 241.034 requires personal notice must also be given to individuals against whom the public agency is going to take certain administrative actions or from whom real property will be taken by eminent domain. See § 6.10.

§ 5.02 Contents of notice (see Sample Form 1)

NRS 241.020 sets forth specific notice requirements that are mandatory and must appear on every agenda.

I. Certain disclosures on how the meeting will be conducted

NRS 241.020(2)(d)(6) and (7) require the following disclosures on the agenda:

Notice that:

(1) Items may be taken out of order;
(2) Items may be combined for consideration by the public body; and
(3) Items may be pulled or removed from the agenda at any time.

Notice must be made to the public of reasonable restrictions on the time, place, and manner of public comment. Restriction must be reasonable and cannot restrict comment based on viewpoint.

II. Minimum requirements for public comment

NRS 241.020(2)(d)(3) requires that public bodies adopt one of two alternative public comment agenda plans.

First, a public body may comply by agendizing one public comment period before any action items are heard by the public body and then provide for another period of public comment before adjournment.

The second alternative also involves multiple periods of public comment but only after discussion of each agenda action item and before the public body takes action on the item.

Finally, regardless of which alternative is selected, the public body must allow the public time to comment on any matter not specifically included on the agenda as an action item some time before adjournment.

A public body may combine these two public comment alternatives, or take portions of one to add to the requirements of the other. NRS 241.020(2)(d)(3) represents the minimum Legislative requirements regarding public comment.

III. Items the meeting notice must include

The time, place, and location of the meeting. NRS 241.020(2)(a). See OMLO 2004-27 (July 13, 2004) where the Office of the Attorney General opined that starting a meeting late after staff took extraordinary measures to ensure that the public received notice that the meeting would start late was not a violation of the Open Meeting Law.

A list of locations where the notice has been posted. NRS 241.020(2)(b). See, e.g., OMLO 99-06 (March 19, 1999).

The name and contact information for the person designated by the public body from whom a member of the public may request the supporting material for the meeting and a list of the locations where the supporting material is available to the public. NRS 241.020(2)(c).

An agenda consisting of:

a) A clear and complete statement of the topics scheduled to be considered during the meeting. NRS.241.020(2)(d)(1) See § 7.02.
b) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items, by placing next to the agenda item, the phrase "for possible action". It is not sufficient to place "action" next to the item or to place an asterisk next to the item to signify an action item. The phrase "for possible action" must be used. NRS 241.020(2)(d)(2), see e.g., OMLO 2003-13 (March 21, 2003).

c) Multiple periods of public comment: one before any action item and one before adjournment, and discussion of those comments, if any. NRS 241.020(2)(d)(3) alternatively allows the public body to hear comment prior to taking action on each and every agenda action item. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action will be taken. NRS 241.020(2)(d)(3). See, e.g. OMLO 2003-13 (March 21, 2003).

d) If any portion of the meeting will be closed to consider the character, alleged misconduct or professional competence of a person, the name of the person whose character, alleged misconduct or professional competence will be considered. NRS 241.020(2)(d)(4).

e) If, during any portion of the meeting, the public body will consider whether to take administrative action regarding a person, the name of that person. NRS 241.020(2)(d)(5).

IV. Accommodation for members of the public with physical disabilities

In addition, an agenda must inform the public that the public body and employees responsible for the meeting shall make reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend a meeting. See NRS 241.020(1). The notice should include the name and telephone number of a person who may be contacted so arrangements can be made in advance to avoid last minute problems. See § 7.02 of this manual for guidance in preparing the agenda.

§ 5.03 Posting the notice

NRS 241.020(3)(a) and (b) requires that a copy of the notice must be posted in at least four places not later than 9 a.m. of the third working day before the meeting.

The notice must be posted at the principal office of the public body, or if there is no such office, then at the building in which the meeting is to be held.

The notice must be posted on the official website of the State [https://notice.nv.gov] pursuant to NRS 232.2175.

The notice must be posted at a minimum of three other separate, prominent places within the jurisdiction of the public body. Thus, a state agency must post in at least three prominent
places within the state, and a local government must post in at least three prominent places within the jurisdiction of the local government (e.g., county, city, town, etc.).

The notice must be posted in "prominent" places. The statute does not define "prominent," and whether a notice is properly posted must be judged on the individual circumstances existing at the time of the posting. As a general proposition, the Office of the Attorney General offers the following suggestions:

- Try to post the notices in places where they can be read or obtained by members of the public and media who seek them out.
- Unless required by the statute, avoid posting the notices in buildings that will be closed during the notice period.
- If the meeting concerns a regulated industry or profession, post additional notices at trade or professional associations for the industry.
- Community bulletin boards at city halls and county administration buildings may be used.

If the public body maintains an Internet website, posting on that website is also required. NRS 241.020(5). A public body is not required to create a website if it already does not have one. Inability to post notice of a meeting on its website as a result of a technical problem is not a violation of the law. Website notice is not a substitute for the minimum notice required by NRS 241.020(3). See OMLO 2004-16 (May 6, 2004) in which this office opined that a public body, which usually posted its agenda on the website of another government agency or public body, did not violate the Open Meeting Law when it failed to post its agenda on that website because it did not "maintain" the website.

Each public body must make and keep a record of compliance with the statutory requirement for posting the notice and agenda before 9 a.m. of the third working day before a public meeting. The record is to be made by the person who posted a copy of the public notice and it must include: (1) date and time of posting, (2) address of location of posting, and (3) name, title, and signature of person who posted the public notice. NRS 241.020(4).

§ 5.04 Mailing the written notice; mailing list

In addition to posting the notice, a public body must mail a copy of the notice to any person who has requested notice of meetings. NRS 241.020(3)(c). A public body should implement internal record keeping procedures to keep track of those who have requested notice.

The mailing requirement of the law does not require actual receipt of the notice by the person to whom the notice must be mailed; it only requires that the notice be postmarked before 9 a.m. on the third working day before the meeting. See AG File No. 00-015 (April 7, 2000).
The written notices must be mailed to the requestors “in the same manner in which notice is required to be mailed to a member of the body” and must be “delivered to the postal service used by the body not later than 9 a.m. of the third working day before the meeting.” NRS 241.020(3)(c)(1). A public body does not satisfy the requirements of the Open Meeting Law by sending an e-mail to an individual who has requested personal notice of public meetings, unless the individual waived his or her statutory right to personal notice by regular mail and instead elected to receive notice by e-mail. See NRS 241.020(3)(c)(2) and Op. Nev. Att’y Gen. No. 2001-01 (February 9, 2001).

NRS 241.020(3)(c) states that a request for mailed notice of meetings automatically lapses six months after it is made to the public body and that the public body must inform the requestor of this fact by enclosure or notation upon the first notice sent. (Emphasis added.) Members of the public do not have to make separate written request for notice of each meeting, but a request for both written and electronic notice lapses after six months unless the requestor renews the request.

§ 5.05 Calculating “three working days”

“Working day” means every day of the week except Saturday, Sunday, and any day declared to be a legal holiday, pursuant to NRS 236.015. NRS 241.015(6). The actual day of a meeting is not to be considered as one of the three working days referenced in the statute. See OMLO 99-06 (March 19, 1999).

For example, a Thursday meeting should be noticed by 9 a.m. on Monday of the same week, while a Tuesday meeting must be noticed no later than 9 a.m. Thursday of the preceding week; if the Monday before a Tuesday meeting were a legal holiday, notice would be posted no later than 9 a.m. on Wednesday of the prior week.

§ 5.06 Providing copies of agenda and supporting material upon request

NRS 241.020(6) states:

6. Upon any request, a public body shall provide, at no charge, at least one copy of:
   (a) An agenda for a public meeting;
   (b) A proposed ordinance or regulation which will be discussed at the public meeting; and
   (c) Subject to the provisions of subsection 7 or 8, as applicable, any other supporting material provided to the members of the body, except materials:
      (1) Submitted to the public body pursuant to a nondisclosure or confidentiality agreement which relates to proprietary information;
      (2) Pertaining to the closed portion of such a meeting of the public body; or
(3) Declared confidential by law, unless otherwise agreed to by each person whose interest is being protected under the order of confidentiality.

As used in this subsection, "proprietary information" has the meaning ascribed to it in NRS 332.025.

NRS 241.020(7) states:

7. A copy of supporting material required to be provided upon request pursuant to paragraph (c) of subsection 6 must be:
   (a) If the supporting material is provided to the members of the public body before the meeting, made available to the requester at the time the material is provided to the members of the public body; or
   (b) If the supporting material is provided to the members of the public body at the meeting, made available at the meeting to the members of the public body.

If the requester has agreed to receive the information and material set forth in subsection 6 by electronic mail, the public body shall, if feasible, provide the information and material by electronic mail.

NRS 241.020(8) states:

8. The governing body of a county of city whose population is 45,000 or more shall post the supporting material described in paragraph (c) of subsection 6 to its website not later than the time the material is provided to the members of the governing body or, if the supporting material is provided to the members of the governing body at a meeting, not later than 24 hours after the conclusion of the meeting. Such posting is supplemental to the right of the public to request the supporting material pursuant to subsection 6. The inability of the governing body, as a result of technical problems with its website, to post supporting material pursuant to this subsection shall not be deemed to be a violation of the provisions of this chapter.

NRS 241.020(9) states:

9. A public body may provide the public notice, information or supporting material required by this section by electronic mail. Except as otherwise provided in this subsection, if a public body makes such notice, information or supporting material available by electronic mail, the public body shall inquire of a person who requests the notice, information or supporting material if the
person will accept receipt by electronic mail. If a public body is
required to post the public notice, information or supporting
material on its website pursuant to this section, the public body
shall inquire of a person who requests the notice, information or
supporting material if the person will accept by electronic mail
a link to the posting on the website when the documents are made
available. The inability of a public body, as a result of technical
problems with its electronic mail system, to provide a public
notice, information or supporting material or a link to a website
required by this section to a person who has agreed to receive such
notice, information, supporting material or link by electronic mail
shall not be deemed to be a violation of the provisions of this
chapter.

Note that while these provisions authorize a public body to provide the notice, agenda,
and/or supporting material by electronic mail, if the requester agrees to accept receipt by
electronic mail, these provisions do not mandate that a public body provide these documents
by electronic mail. Electronic delivery is supplemental to the right of the public to obtain hard
copies of materials under NRS 241.020(6) and (7).

Other examples of how the requirement to make supporting materials available to
the public has been applied:

(1) In AG File No. 08-040 (May 8, 2009) an e-mail communication from a
Superintendent to his staff and to the public body, the Board of School Trustees, was not
included in supporting materials for the meeting nor was it released to a reporter prior to the
meeting, even though it was relevant to a pending agenda item. The e-mail communication was
determined to be privileged and shielded by “executive privilege” as it was both predecisional
and deliberative under a common law doctrine recognized by the Nevada Supreme Court in DR
Partners v. Board of County Commissioners, 116 Nev. 616, 621, 6 P.3d 465, 468 (2000).

(2) The Office of the Attorney General has opined that drafts of proposed orders of the
Public Utilities Commission are agenda supporting material under NRS 241.020(6), formerly
NRS 241.020(4), and copies must be furnished upon request at the time that they are made
available to commission members. See OMLO 98-02 (March 16, 1998). Drafts of minutes of
previous meeting to be approved at upcoming meeting are agenda supporting material under
NRS 241.020(5) and must be provided upon request. See OMLO 98-06 (October 19, 1998); AG
File No. 10-047 (November 8, 2010).

(3) Member of a public body independently distributed a proposed budget document to
other members shortly before meeting. It should have been included in supporting material, but
once distributed to the public body, members discovered it was not included in the agenda
packet; it was treated as a fugitive document; the board did not consider it during the meeting.
AG File No. 10-027 (July 20, 2010).
(4) Where the Chair of the public body independently obtains a document and discusses it during a public meeting, although it was not provided to any other member of the public body, or the public, the independent action of the Chair does not entangle the Commission with NRS 241.020. Unless the document had been provided to the Commission as support material, pursuant to NRS 241.020(6) and (7), complainant’s request for its disclosure must be under NRS 239. AG File No. 10-028 (July 8, 2010).

(5) Inability to provide supporting material to the public because the public body’s clerk, staff, or other custodian of materials does not have a copy, because the clerk, staff, or other custodian was not provided a copy, is a violation of NRS 241.020(6) and (7). It does not matter that the source of supporting material is a private person, the city manager, or any other person. If all members of the public body receive supporting material for a future agenda item, that material must be available to the public upon request. AG File No. 09-021 (August 21, 2009).

(6) Requests to provide agenda supporting material under NRS 241.020(7) are treated separately from standing requests to mail notices of meetings under NRS 241.020(3)(c). See OMLO 99-06 (March 19, 1999). Agenda supporting material need not be mailed but must be made available over the counter when the material is ready and has been distributed to members of the public body and at the meeting. See OMLO 98-01 (January 21, 1998) and OMLO 2003-06 (February 27, 2003).

(7) The OML does not require supporting materials, such as a settlement agreement, to be appended to or attached to the publication of the public body’s meeting Notice and Agenda. Members of the public must request copies of supporting materials before or during the meeting; the public body has no duty to provide copies of supporting materials except when requested. AG File No. 10-008 (May 3, 2010).

(8) When a public body is interviewing candidates for a vacant position in an open session, a request for a copy of candidate resumes may not be refused by the public body because the resume of the chosen applicant would become part of the personnel file if hired, or on the grounds that refusal was necessary to accommodate an applicant’s concern that he/she might suffer an adverse employment reaction from his/her current employer if the applicant’s interest in the position became known to his/her current employer. See AG File No. 00-035 (August 31, 2000). See also Opinion in AG File No. 08-005 (March 7, 2008) (beginning with a presumption in favor of open government and public access, disclosure of applicants’ names, application for employment, and proposed contracts of employment should be deemed public unless there is sufficient justification, such as an identifiable privacy or law enforcement interest, or other exigent circumstances, for keeping the record confidential).

(9) Agenda supporting materials are not required to be provided until after the appointment of a person if a separate statute or regulation declares the materials to be confidential during the selection and appointment process. See AG File No. 00-036 (September 25, 2000).

(10) In situations where a request for agenda supporting materials is made at the meeting, a public body does not have to stop or delay its meeting to provide the materials if the
supporting material requested had been available at the time the agenda was posted. In this circumstance, a public body can satisfy the Open Meeting Law requirement of providing supporting materials "upon any request" by having one "public" copy of the supporting materials available for review at the meeting. NRS 241.020(6).

(11) As to materials that were not available on the agenda posting date, a member of the public is justified in asking for such materials at the meeting, and the public body must interrupt its meeting to provide the requested copies. See NRS 241.020(7)(b) and AG File No. 00-025 (October 3, 2000).

(12) Unapproved draft minutes that are on the agenda for approval are agenda support material which must be provided upon request.

(13) A public body was advised that proposed revised bylaws were supporting materials for the meeting and a public copy should have been made available at the meeting and upon any request. AG File No. 09-010 (June 10, 2009).

(14) The Open Meeting Law does not require a public body to honor a blanket request for supporting materials for multiple meetings. See OMLO 2003-12 (March 11, 2003). The Legislature intended to treat requests for support material differently than requests for notice and agenda under NRS 241.020(6).

(15) When all subsections of NRS 241.020 are read together, it is clear that the legislative purpose behind the phrase "[U]pon any request" refers only to the period of time before or during a public meeting. Subsection 7 provides direct evidence of legislative purpose. Part (a) and (b) explicitly state when the public body’s duty to provide a "no-charge" copy is applicable. Part (a) states that the public may request a copy before the meeting and part (b) states the circumstances under which the public body must provide it during the meeting. There is no subsection authorizing a "no-charge" copy after adjournment of a public meeting. It also is clear that in order to harmonize the OML and the public records act, the Legislature intended that supporting materials become a public record following adjournment of the public meeting. Supporting materials pass to the legal custodian (in this case the County Clerk) when it becomes subject to public record law—NRS Chapter 239. AG File No. 2011-01 (April 4, 2011); AG File No. 09-046 (February 11, 2010).

§ 5.07 Fees for providing notice of copies of supporting material

Under NRS 241.020(6), a requested public notice, agenda, a proposed ordinance or regulation must be provided at no cost to the requester prior to the meeting for which the notice, agenda, and supporting material were prepared. See §6.06 above. Other requested supporting materials which are not confidential, or subject to a non-disclosure agreement, or which do not pertain to a closed portion of a meeting must be made available to the public at the time the materials are provided to the members of the public body.

No charge may be made for sending copies of a notice and agenda required by NRS 241.020(3)(c). See OMLO 99-07 (February 4, 1999). Generally, governmental bodies may
exercise only those powers that are conferred upon them by the Legislature. There is no grant of power to public bodies in the Open Meeting Law which authorizes them to legislate or charge a fee to a person who has requested individual notice of the meetings. Further, charging a fee under such circumstances could have the effect of chilling the right of all Nevada citizens to receive notice of public meetings. We note that mailing a copy of the meeting notice to anyone who requests such notices is deemed by the law to be a part of the “minimum public notice” requirements, which all public bodies must meet. The only restriction contemplated by the law is a six-month limitation on the request, unless it is renewed by the requestor.

Minutes and audio recordings of public meetings become public records once prepared following public meetings. All public bodies must make available, free of charge, a copy of the minutes or an audio recording to a member of the public upon request. Minutes or an audio recording of a meeting must be made available for inspection by the public within 30 working days after the adjournment of the meeting. NRS 241.035(2).

§ 5.08 Emergencies

When emergencies occur, a public body may not be able to wait three days to call a meeting and post a notice and agenda in order to act, or the public body already may have sent out a notice and agenda and cannot amend the agenda and give three days’ notice of the emergency item before the meeting.

NRS 241.020(2) provides that except in an emergency, written notice of all meetings must be given at least three working days before the meeting. NRS 241.020(10) defines an emergency as: “an unforeseen circumstance which requires immediate action and includes, but is not limited to: (a) Disasters caused by fire, flood, earthquake or other natural causes; or (b) Any impairment of the health and safety of the public.”

An emergency meeting may be called or an item may be taken up on an emergency basis only:

- Where the need to discuss or act upon an item truly is unforeseen at the time the meeting agenda is posted and mailed, or before the meeting is called; and

- Where an item is truly of such a nature that immediate action is required at the meeting.

In an emergency:

- A meeting may be scheduled with less than three days’ notice if the meeting is limited only to the matter which qualifies as an emergency. The minutes of the meeting should reflect the nature of the emergency and why notice could not be timely given.

- If a meeting already has been scheduled, notice already has been posted and mailed, and less than three working days remain before the meeting, the emergency item may be added to the agenda at the meeting. The minutes should reflect the nature of the emergency and why notice could not be timely given.
• If a meeting has been scheduled, and it is possible to amend the notice and agenda and to post and mail the amended notice (or a notice of an emergency item to be added to the agenda) more than three working days before the meeting, the notice and agenda should be so amended.

In all cases, whenever a matter is taken up as an emergency, the Office of the Attorney General recommends that the public body provide as much supplementary notice to the public and the news media as is reasonably possible under the circumstances. Further, all other requirements of the Open Meeting Law must be observed.

The Office of the Attorney General cautions, however, that a true emergency must exist and the rule must not be invoked as a subterfuge by a public body to avoid giving notice of that agenda item to the public. Op. Nev. Att’y Gen. No. 81-A (February 23, 1981) gives an example of when an emergency did not exist. This opinion discusses a situation where, in a regularly-scheduled meeting of a public body, dissention quickly arose between the members so much so that the meeting became acutely tense and emotional. In an attempt to relieve the pressure, the board went into an unscheduled executive session to “discuss the professional competence and character of a person” (including some its members). Noting that the dissention on the board had been known for months, the Office of the Attorney General determined that a sufficient emergency did not exist to go into the unscheduled executive session because there was ample time to provide written public notice of the need for an executive session during a regularly scheduled meeting to discuss the matters.

See OMLO 99-10 (August 24, 1999), where the Office of the Attorney General opined that administrative error did not establish grounds to hold an emergency meeting without giving proper notice. A statutory deadline for action by a county commission to submit a ballot question is not an unforeseen circumstance. See AG File No. 00-029 (August 9, 2000). The need to seize records of a development authority is foreseeable and, therefore, not an emergency. See AG File No. 01-039 (August 20, 2001). See OMLO 2004-22 (June 15, 2004) where the unforeseen resignation of the General Manager of the sewer treatment plant created an emergency because, in order to protect public health, safety, and welfare, the public body needed to keep the plant operating, and thus, an emergency meeting to employ a new manager was appropriate.

Where the financial health of the School District was at stake and where there was threatened loss of revenue and apparent loss of revenue, the District’s characterization of the emergency as an “unforeseen” event was appropriate. The Board’s decision to hire a licensed administrator after a public meeting during which the Superintendent had been unexpectedly fired was an unforeseen event. AG File No. 07-028 (September 18, 2007).
§ 5.09 Providing individual notice to persons whose character, alleged misconduct, professional competence, physical or mental health are to be considered; waivers of notice (See Sample Form 3); exemption from OML for meetings held to consider individual applications for employment (NRS 241.034)

NRS 241.033 prohibits a public body from holding a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of any person unless it provided written notice to the person of the time and place of the meeting and received proof of service of the notice. See NRS 241.033(1)(a) and (b). This applies whether the meeting will be open or closed.

NRS 41.033(2)(c) requires a properly drafted notice to include a list of the general topics concerning the person who will be considered by the public body during the closed meeting; and a statement of the provisions of subsection 4, if applicable. Subsection 4 states:

That the person being considered by the public body must be permitted to attend the closed meeting;

That the person being considered may have an attorney or other representative of his/her choosing present during the closed meeting; and

That the person being considered may present written evidence, provide testimony, and present witnesses relating to his character, alleged misconduct, professional competence, or physical or mental health to the public body during the closed meeting.

NRS 241.033(2)(b) states that a public body may include an informational statement in the notice that administrative action may be taken against the person after the public body considers his/her character, alleged misconduct, professional competence, or physical or mental health. If the notice pursuant to NRS 241.033 includes this informational statement, no further notice is required pursuant to NRS 241.034.

The notice must be delivered either personally to that person at least five working days before the meeting or must be sent by certified mail to the last known address of that person at least 21 working days before the meeting. A similar notice is required by NRS 241.034 to persons against whom administrative action will be taken or whose real property will be acquired by eminent domain unless the public body includes an informational statement that administrative action may be taken against the person in the notice under NRS 241.033. See discussion above.

The public body must receive proof of service of the notice before the meeting may be held.
Notice provisions of NRS 241.033 do not apply to applicants for employment with a public body. NRS 241.033(7) exempted public meetings held to consider applicants for employment with the public body from the provisions of NRS 241.033.

OML complainant alleged that the public body member made comments during the public meeting to consider his appointment to an advisory body. It was alleged that the comments impugned complainant’s character, effectively calling him a person “of less than truthful character.” A public body member made comments about complainant not being a team player, which caused the public body to focus the discussion on the complainant’s character. This was a violation of NRS 241.033. Public bodies must carefully consider the ramifications of a discussion of any person’s character, even if it is unintentional and even if it suddenly arises during any agenda item. Remember to stick to the agenda. AG File No. 10-061 (March 29, 2011).

The Nevada Athletic Commission is exempt from the timing requirements (e.g., five working days for personal service or 21 days for certified mail) but still must give written notice of the time and place of the meeting and must receive proof of service before conducting the meeting. NRS 241.033(3).

“Casual or tangential references to a person or the name of a person during a closed meeting do not constitute consideration of the character, alleged misconduct, professional competence, or physical or mental health of the person.” NRS 241.033(7)(b); See also OMLO 2004-14 (April 20, 2004); OMLO 2003-18 (April 21, 2003); and OMLO 2003-28 (November 14, 2005) where the public body violated the Open Meeting Law by considering an employee’s character or alleged misconduct without providing notice, but the mere mention of other employees did not require notice to the other employees.

Notice requirements of NRS 241.033 only apply to natural persons because non-natural persons cannot have “physical or mental health.” Thus, proper statutory construction dictates that the notice under NRS 241.033 only must be provided to natural persons. See OMLO 2004-13 (April 19, 2004).

If a public body discusses a pending lawsuit involving a particular person, a discussion of that lawsuit which mentions the name of that person does not require the public body to provide notice under NRS 241.033. See OMLO 2003-14 (March 21, 2003).

Notice requirements apply to applicants for professional licenses if their character, alleged misconduct, professional competence, or physical or mental health is to be considered at the meeting. See Attorney General Letter Opinion to Jerry Higgins, Nevada Board of Professional Engineers and Land Surveyors, dated October 28, 1993 (licensing board which will consider applicant’s character and professional competence must properly notice each applicant in accordance with NRS 241.033).

There is no prohibition against waivers of the notice, and the courts consistently recognize that an individual may, by express or implied waiver, relinquish a known statutory right. However, a waiver carries legal consequences, and therefore must be a valid waiver. A
waiver of a statutory right is deemed valid if it is clear and unambiguous, given voluntarily, and intended to relinquish a known statutory right. CBS, Inc. v. Merrick, 716 F.2d 1292 (9th Cir. 1983); State Board of Psychological Examiners v. Norman, 100 Nev. 241, 679 P.2d 1263 (1984).

It is recommended that the waiver be obtained in writing expressing: (1) the voluntary nature of the waiver; (2) the applicant’s knowledge about the statutory right; and (3) the applicant’s intention to relinquish that right. See Attorney General Letter Opinion to Jerry Higgins, Nevada Board of Professional Engineers and Land Surveyors, dated October 28, 1993.

Sample Form 3 satisfies NRS 241.033 notice requirement when a person’s character or professional competence or alleged misconduct or physical or mental health is to be discussed by the public body.

§ 5.10 Meeting to consider administrative action against a person or acquisition of real property by eminent domain (NRS 241.034)

Under NRS 241.034, a public body may not hold a meeting to take administrative actions against a person or to acquire real property by condemnation from a person unless the public body has given written notice to that person. The written notice either must be: (1) delivered personally to the person at least five working days before the meeting; or (2) sent by certified mail to the last known address of the person at least 21 working days before the meeting. Written notice to the person is required in addition to the notice of meeting required by NRS 241.020. See § 6.02.

A public body must receive proof of service of the written notice before the public body may consider the matter. Proof of receipt of the notice is not required.

The terms “take,” “administrative action,” and “person” are not defined by Chapter 241 or by NRS 241.034. With respect to the eminent domain provision, the terms “acquire,” “owned,” and “person” are not defined. The terms “administrative action” and “against a person,” if interpreted and defined broadly, would encompass a myriad of actions performed by local governments and state agencies, which were not all intended to be covered.

In Harris v. Washoe County Board of Equalization, Case No. 42951, 120 Nev. 1246, 131 P.3d 606 (Nov. 2, 2004), which was an unpublished order of the Supreme Court of Nevada and not an opinion, the Supreme Court agreed with the above interpretation of the Office of the Nevada Attorney General. In that case, the petitioners challenged the assessor’s valuation of their property. The County Board contacted the petitioners one working day before the meeting to consider their petition, but the County Board properly posted a public notice three working days before the meeting. The County Board did not provide a personal notice to the petitioners, pursuant to NRS 241.034. The petitioners filed for a preliminary injunction against the County Board for failing to provide notice pursuant to NRS 241.034. The District Court denied the injunction and the petitioners appealed to the Nevada Supreme Court.

The Court stated, “In this case, the language ‘administrative action against a person,’ which triggers the five-day personal notice requirement, is subject to more than one
interpretation." The property owners argued that the language should be read broadly to “include all administrative actions directed at specific individuals,” and thus, the County Board’s land valuation hearings. The County Board asserted that the phrase should be tailored more narrowly “to include only those actions involving an individual’s characteristics or qualifications, not those of real property.”

The Court stated that the rules of statutory construction compel the Court to adopt the County Board’s more narrow approach. The broad view advocated by the property owners would render the notice requirement for eminent domain “nugatory” because any action with regard to a person’s realty would require notice. The Court determined that such an interpretation was not the appropriate construction of the statute. The Court then defined the phrase “administrative action against a person” as “those actions involving an individual’s characteristics or qualifications, not those of real property.” Therefore, the Court held that the County Board did not violate the Open Meeting Law.

For purposes of enforcement actions under NRS 241.037(1), this office will follow these guidelines:

1) Except as noted below, “person” includes natural persons and inanimate entities such as partnerships, corporations, trusts, and limited liability companies. “Person” includes, essentially, anything legally capable of holding an interest in property or legally capable of receiving a permit or license.

2) “Administrative action against a person” does not occur unless the matter being acted on is uniquely personal to the individual or entity. “Administrative action against a person” does not occur when the legal basis of the action is consideration of the inanimate characteristics of a facility or property and no consideration of the characteristics or qualifications of the individual or entity (the person) that has sought the governmental approval. See the discussion of Harris above.

For example, a decision against an applicant for a barber’s license for the individual practitioner is subject to NRS 241.034, but a decision against an applicant for a barbershop license is not.

Certain business and occupational licenses issued by state and local governments may depend on an analysis of a blend of personal factors as well as real and personal property. Some statutes, regulations, and ordinances grant, condition, or deny a particular license solely on the adequacy of the premises (sanitation, fire codes, square footage, and zoning) without reference to the personal aspects of the business person seeking the license. These types of business licenses are not subject to NRS 241.034. But if a business license is granted or denied in part by reference to the personal aspects of the applicant, then NRS 241.034 applies.

(a) “Action against a person” within the meaning of NRS 241.034 does not include adoption of ordinances or regulations; the granting or denying of petitions for declaratory orders or advisory opinions; action on zoning requests, building permits, most variances, and other land use decisions that do not depend on the identity, status, personal qualifications, or characteristics
of the person. These decisions are "against" the entire population, whole neighborhoods, industries, and other interest groups. Notice to such large numbers of persons is not required by NRS 241.034.

(b) An act is not subject to the additional notice requirements of NRS 241.034 if the action depends on the application of either objective or discretionary standards and criteria to land, water, air, or other inanimate matters unrelated to the personal qualities and characteristics of the owner of the property that is subject to the authority of the public body.

(c) Note that other statutes and ordinances typically have extensive notice provisions for the special subject matter covered. Those laws must be complied with, but failure to do so will not be a violation of chapter 241.

(d) Imposing discipline on a person is an "action against a person." Most penalties (except for taxation) are uniquely personal because they are based on the misconduct of a person and, therefore, are "actions against a person."

3) Decisions to accept gifts and to purchase, sell, encumber, or lease any interest in real or personal property are examples of non-personal, inanimate-subject decisions that are not within the meaning of "administrative action against a person," even though each decision may be, in a very real sense, "against" someone, unless the purchase involves eminent domain, in which case the owner of the property must be notified.
§ 6.01 General

A public body’s failure to adhere to agenda requirements will result in an Open Meeting Law violation. *Sandoval v. Board of Regents*, 119 Nev. 148, 156, 67 P.3d 902, 906 (2003). If a matter is acted upon which was not described clearly and completely on the agenda, the action is void under NRS 241.036.

NRS 241.020(2)(c) requires public body agendas include the following at a minimum:

2. Except in an emergency, written notice of all meetings must be given at least three working days before the meeting. The notice must include:
   (a) The time, place and location of the meeting.
   (b) A list of the locations where the notice has been posted.
   (c) The name and contact information for the person designated by the public body from who a member of the public may request the supporting material for the meeting described in subsection 6 and a list of the locations where the supporting material is available to the public.
   (d) An agenda consisting of:
      (1) A clear and complete statement of the topics scheduled to be considered during the meeting.
      (2) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items by placing the term “for possible action” next to the appropriate item or, if the item is placed on the agenda pursuant to NRS 241.0365, by placing the term “for possible corrective action” next to the appropriate item.
      (3) Periods devoted to comments by the general public, if any, and discussion of those comments. Comments by the general public must be taken:
         (I) At the beginning of the meeting before any items on which action may be taken are heard by the public body and again before the adjournment of the meeting; or
         (II) After each item on the agenda on which action may be taken is discussed by the public body, but before the public body takes action on the item.

The provisions of this subparagraph do not prohibit a public body from taking comments by the general public in addition to what is required pursuant to sub-subparagraph (I) or (II). Regardless of whether a public body takes comments from the general public pursuant to sub-subparagraph (I) or (II), the public
body must allow the general public to comment on any matter that
is not specifically included on the agenda as an action item at some
time before adjournment of the meeting. No action may be taken
upon a matter raised during a period devoted to comments by the
general public until the matter itself has been specifically included
on an agenda as an item upon which action may be taken pursuant
to subparagraph (2).

(4) If any portion of the meeting will be closed to consider
the character, alleged misconduct or professional competence of
a person, the name of the person whose character, alleged
misconduct or professional competence will be considered.

(5) If, during any portion of the meeting, the public body will
consider whether to take administrative action regarding a person,
the name of that person.

(6) Notification that:
   (I) Items on the agenda may be taken out of order;
   (II) The public body may combine two or more agenda
       items for consideration; and
   (III) The public body may remove an item from the
       agenda or delay discussion relating to an item on the agenda at any
       time.

(7) Any restrictions on comments by the general public. Any
such restrictions must be reasonable and may restrict the time,
place and manner of the comments, but may not restrict comments
based upon viewpoint.

§ 6.02 Agenda must be clear and complete (See Sample Form 1)

In Sandoval v. Board of Regents, 119 Nev. 148, 67 P.3d 902 (2003), the Nevada Supreme
Court analyzed three related issues under Nevada’s Open Meeting Law: (1) the “clear and
complete” standard required for agenda statements by NRS 241.020(2)(d)(1), (2) discussion
which exceeds the scope of a properly noticed agenda statement, and (3) whether the Open
Meeting Law violates the First Amendment by improperly restricting members’ right to free
speech. The analysis of the “clear and complete” standard will be discussed in this section of
the manual, the analysis regarding exceeding the scope of the agenda statement will be discussed
in § 7.03 of this manual, and the analysis regarding the First Amendment will be discussed in
§ 13.03 of this manual.

In Sandoval, the Court considered the actions of two different public bodies related
to the University and Community College System of Southern Nevada, the Campus Environment
Committee (Committee) and the Board of Regents (Board). Since the analysis regarding the
Board discussed the “clear and complete” standard under NRS 241.020(2)(d)(1), this section of
the manual will discuss only the facts, circumstances, and analysis surrounding the Board. For a
discussion regarding the facts, circumstances, and analysis regarding the Committee exceeding
the agenda statement, see § 7.03 below.
In September of 2000, the Board held a public meeting and noticed an item that stated:

Committee Reports:
Campus Environment Committee
Chairman Tom Kilpatrick will present a report on the Campus Environment committee meeting held September 7, 2000 and requests Board action on the following recommendations of the committee:
Round Table Discussion of Actions and Schedule of Topics to be Discussed with Campus Representatives--The committee reviewed previous actions and unfinished business of the committee and compiled a schedule of topics for the remainder of the year.

119 Nev. at 152, 67 P.3d at 904.

Regent Kilpatrick properly reported the topics to be discussed for the remainder of the year, and he discussed the law governing the release of documents. He then informed the Board that a request was made for the University of Nevada, Las Vegas (UNLV), report regarding a dormitory raid, and a document regarding disarming the UNLV police department. After Regent Kilpatrick’s presentation, Regent Aldean suggested that the Board make available a redacted version of the NDI report regarding the raid, and the Board agreed with this suggestion. As a result, the Office of the Attorney General filed suit alleging a violation of the “clear and complete” standard in NRS 241.020(2)(d)(1). The district court granted summary judgment for the Board holding that the “germane standard” should apply to Nevada’s Open Meeting Law, and since the discussion by the Board of the NDI report was germane to the agenda statement, there was no violation of the Open Meeting Law. The Office of the Attorney General appealed this decision.

The Supreme Court’s analysis immediately rejected the “germane standard” as too lenient a standard in Nevada. The Court stated, “[T]he legislative history of NRS 241.020(2)(c)(1) [now NRS 241.020(2)(d)(1)] illustrates that the Legislature enacted the statute because ‘incomplete and poorly written agendas deprive citizens of their right to take part in government.’” 119 Nev. at 154, 67 P.3d at 905. The Court also stated, “Nevada’s Open Meeting Law seeks to give the public clear notice of the topics to be discussed at public meetings so that the public can attend a meeting when an issue of interest will be discussed.” 119 Nev. at 155, 67 P.3d at 906. As a result, the Court held that the Board violated the Open Meeting Law because the agenda statement was too broad to place the public on notice that the Board would take informal action to obtain a redacted NDI report and discuss an examination of disarming the UNLV police, both issues of public interest.

In 2007, following the Sandoval decision, the Nevada Supreme Court issued another decision impacting the “clear and complete” rule. In Schmidt v. Washoe County, 123 Nev. 128, 159 P.3d 1099 (2007), the Court decided an issue regarding whether an agenda item on the BOCC’s agenda was clear and complete. The agenda item stated: “Legislative Update—this item may be discussed at Monday’s Caucus Meeting and/or Tuesday’s Board Meeting and may involve discussion by [WCBC] and direction to staff on various bill
draft requests (BDRs).” The agenda also instructed the public that a list of specific bills which staff would seek direction from the WCBC would be posted online on the County’s website after 6:00 p.m. on Friday before the Monday caucus meeting. Hard copies would be placed in the County Manager’s office by 9 a.m. on Monday. The Schmidt Court stated that this factual issue was a close question. However it determined the WCBC’s agenda item met the “clear and complete” standard, because the item noticed the public that WCBC and staff planned to discuss certain BDRs at its Caucus meeting or the following day’s regular meeting and the Court found the WCBC had provided a list of specific BDR’s on the County’s website three days before the Caucus.

In an Attorney General opinion, this office reviewed the agenda item to determine whether it was clear and complete. The disputed agenda item stated: “5(C) Discussion regarding election of CEO to receive contractual bonus based upon FY 08 positive evaluation.” The issue was whether it was legally sufficient to impart notice to the CEO that his character and professional competence would be considered by the Board. This office opined that the Board exceeded the scope of the agenda item. Among the matters impermissibly discussed and beyond the scope of the item were the person’s “ongoing communication skills,” discussion of an earlier professional evaluation, and discussion of his character traits for honesty and integrity. The person’s general reputation was denigrated before the Board in a significant and substantive fashion so as to constitute a violation of both the OML’s notice requirement and its “clear and complete” rule. See AG File No. 10-014 (February 25, 2010).

In another Attorney General Opinion, we reviewed a public body agenda “action” item which stated in part: “Consideration to Approve Advertisement of Irrigation Water Shares and to Set Time for Said Auction.” After investigation, it was determined to be incomplete. This item was not clear and complete so as to indicate to the public that the advertisement was for the lease of irrigation water shares. Similarly, another agenda item from another meeting of the same public body did not disclose to the public body that a provision for the lease-back of water was a condition of sale. Because the issue of fair market value of water rights was of significant interest to the public body and the public, the absence of disclosure of a lease-back provision from the agenda item was a violation of the OML’s requirement that agenda topics be expressed clearly and completely. NRS 241.020(2)(d)(1). AG File No. 09-014 (June 30, 2009); see also AG File No. 09-032 (December 3, 2009).

In AG File No. 09-044 (December 17, 2009), Complainant’s allegation was that the text of agenda item 31 was not clear and complete because it did not inform the public that (in Complainant’s view) it committed taxpayers to contingent liabilities beyond current taxing authority. The OML does not provide oversight to the decision-making process of public bodies. It does not allow this office to second guess decisions or actions by public bodies even if the decision might have been improvident. AG File No. 09-044 (December 17, 2009).

The following guidelines are gleaned from these opinions regarding agenda items and the clear and complete rule:

a. Merely indicating “Licensing Board” on an agenda without listing the names of the licensees who will be considered is not proper.

b. An agenda item for consideration of business permits should include the name and, where appropriate, the address of the proposed business and/or applicants.

c. Agenda items must be described with clear and complete detail so that the public will receive notice in fact of what is to be discussed by the public body.

d. Use a standard of reasonableness in preparing the agenda and keep in mind the spirit and purpose of the Open Meeting Law.

e. Always keep in mind that the purpose of the agenda is to give the public notice of what its government is doing, has done, or may do.

f. The use of general or vague language as a mere subterfuge is to be avoided.

g. Use of broad or unspecified categories in an agenda should be restricted only to those items in which it cannot be anticipated what specific matters will be considered.

h. An agenda must never be drafted with the intent of creating confusion or uncertainty as to the items to be considered or for the purpose of concealing any matter from public notice.

i. Agendas should be written in a manner that actually gives notice to the public of the items anticipated to be brought up at the meeting.

j. Generic agenda items such as “President’s Report,” “Committee Reports,” “New Business,” and “Old Business” do not provide a clear and complete statement of the topics scheduled to be considered. Such items must not be listed as for possible action items as they do not adequately describe matters upon which action is to be taken. See OMLO 99-03 (January 11, 1999).

k. Agendas for retreats should identify the event as a retreat, give the objectives to be accomplished, and include the specific topics for discussion. See OMLO 99-02 (January 15, 1999). See § 6.02 for items that must be included in the notice and agenda if not covered in the notice for the meeting.

Additionally, based on some of the complaints received by the Office of the Attorney General, the following suggestions are offered:
a. Public bodies should not “approve” or take action on administrative reports by staff unless the agenda clearly denotes that the report is an item for possible action and specifically sets out the matter to be acted on from the report.

b. Generic items such as “reports” or “general comments by board members” invite trouble because discussions spawned under them may be of great public interest and may lead to deliberations or actions without the benefit of public scrutiny or input. Generic items should be used sparingly and carefully, and actual discussions should be controlled tightly. Matters of public interest should be rescheduled for further discussion at later meetings.

c. Agenda descriptions for resolutions, ordinances, regulations, statutes, rules, or other such items to be considered by public bodies, should describe to what the statute, ordinance, regulation, resolution, or rule relates, so that the public may determine if it is a subject in which they have an interest which might lead to their attendance at the public meeting. See OMLO 99-01 (January 5, 1999); OMLO 99-03 (January 11, 1999).

Below are synopses of three recent Attorney General Opinions which applied the “clear and complete” rule:

- Public body’s use of phrase “and all matters related thereto” was a violation of the OML because use of the phrase allows the public body to stray into discussion on matters not specifically listed in the item. Use of the phrase “and all matters related thereto” does not comply with the statute’s requirement that every agenda item contain a clear and complete statement of topics to be considered. AG File No. 10-049 (December 17, 2010); AG File No. 10-052 (December 21, 2010).

- Public body must recognize that a “‘higher degree of specificity [for agenda items] is needed when the subject to be debated is of special or significant interest to the public,’” Sandoval, 119 Nev. at 154-155, 67 P.3d at 906 (quoting Gardner v. Herring, 21 S.W.3d 767, 773 (Tex.App.2000)). Mandatory trash service and billing was and is an item of significance in the City of Fernley requiring greater agenda item specificity. A Council agenda item merely stated that “special provisions for inclusion of [sic] a new franchise agreement(s)” would be discussed at the meeting, but this generic description was too broad. The public was not alerted that mandatory billing and trash pickup was the special provision. AG File No. 09-003 (March 27, 2009).

- A public body rejected a staff recommendation for naming a new Las Vegas area Career and Technical Academy. Agenda item 7.01: “NAMING OF DISTRICT FACILITIES, VETERANS MEMORIAL CENTRAL CAREER AND TECHNICAL ACADEMY. Discussion and possible action on approval to name a school the Veterans Memorial Central Career and Technical Academy, is recommended.” Item 7.01 was not in violation of the “clear and complete” rule. Nothing in the OML prohibits a public body from rejecting or amending staff’s recommendation regarding a school name, or that requires the public body to vote up or down on exact wording of any proposal brought before it.
This is too narrow an interpretation of NRS 241.020(2)(d)(1)—the “clear and complete” rule. AG File No. 09-006 (February 2, 2009).

§ 6.03 Stick to the agenda

As discussed in § 7.02, supra, Sandoval v. Board of Regents, 119 Nev. 148, 67 P.3d 902 (2003) provided analysis of a public body’s failure to discuss only matters within the scope of its agenda. In that case, the Campus Environment Committee (Committee) held a meeting on September 7, 2000. The agenda item stated: “Review of UCCSN Policies on Reporting.” It further described the item’s scope as:

“Review UCCSN, state and federal statutes, regulations, case law, and policies that govern the release of materials, documents, and reports to the public.”

119 Nev. at 151, 67 P.3d at 903–904.

At this meeting, the Committee discussed a controversial NDI report regarding a dormitory raid by UNLV police. Regent Hill discussed the details of the raid, criticized the UNLV police department, and recommended that the police department be disarmed. This discussion occurred against the advice of legal counsel. The Office of the Attorney General sued the Regents for exceeding the scope of the agenda item. The district court granted summary judgment for the Committee after applying a “germane standard” to the discussion, concluding the discussion was germane to the agenda item. The Office of the Attorney General appealed.

The Supreme Court stated that the agenda statement was “clear and complete” under NRS 241.020(2)(d)(1), and, in the abstract, the Committee could have discussed the NDI report. However, the Court held, “[t]he plain language of NRS 241.020(2)(c)(1) [now NRS 241.020(2)(d)(1)] requires that discussion at a public meeting cannot exceed the scope of a clearly and completely stated agenda topic.” Id, 119 Nev. at 154, 67 P.3d at 905. Here, the Committee violated the Open Meeting Law by exceeding the scope of the agenda statement “when it discussed the details of the report, criticized the UNLV police department, and commented on the impact of drug use on the campus.” The Court said the Committee’s agenda statement did not inform the public that these matters would be a topic of discussion. Id., 119 Nev. at 155, 67 P.3d at 906.

Many other complaints received by the Office of the Attorney General have to do with public bodies wandering off their agendas. Discussions may start on an agenda item but then drift off into other matters. (See AG File No. 10-014 (February 25, 2010) for an example of a deliberate discussion of a person’s character without notice and beyond the scope of the agenda item.) The chair for a public meeting or its counsel should be vigilant to stop the discussion from drifting in order to prevent Open Meeting Law violations. See OMLO 98-03 (July 7, 1998) for an example of how a public body can violate the Open Meeting Law by wandering off its meeting agenda. See also OMLO 99-09 (July 28, 1999) for an example of how a budget workshop designated for discussion and review of a proposed budget resulted in several
violations of the Open Meeting Law, when members of the public body made decisions on various items within the proposed budget.

Deviating from the agenda by commencing a meeting prior to its noticed meeting time violates the spirit and intent of the Open Meeting Law and nullifies the purpose of the notice requirements set forth in NRS 241.020(2). See OMLO 99-13 (December 13, 1999).

In this Open Meeting law opinion, the public body’s Chairman brought up new subjects unrelated to agenda item. A Commissioner interjected a call for a parliamentary point-of-order. Even though the Chair’s remarks strayed beyond the agenda item, which was “review and discussion of written items sent or received by the Commission since the last regular meeting and to send correspondence copies for the exhibit file,” the Chair ignored the point of order. His refusal to acknowledge the point-of-order and return to the subject matter of the agenda was a violation of the OML. The OML does not permit a public body to discuss a matter not on the agenda as long as no action is taken. The OML clearly states that each agenda item must be “clearly and completely” set forth. It is not conditional on whether it is an informational item or an action item. AG File No. 09-031 (October 22, 2009)

§ 6.04 Matters brought up during public comment; meeting continued to another date

The Open Meeting law requires multiple periods of public comment on each public body agenda. No action may be taken upon a matter raised in public comment or anywhere else on the agenda, until the matter itself has been included specifically on a future agenda as an item upon which action may be taken.

Restrictions on public comment must be reasonable and must be noticed on the agenda, i.e., time limitations. NRS 241.020(2)(d)(7), see § 8.04, infra. Restrictions must be viewpoint neutral. At least one of the multiple periods of public comment must allow the public to speak about any matter within the public body’s jurisdiction, control, or advisory power. See § 8.04 for the requirements for conducting the public comment period. The Open Meeting Law does not limit a public body’s discretion to refuse to place on the agenda an item requested by a member of the public. Any limits are a matter of general administrative law. See AG File No. 00-047 (April 27, 2001).

Where a meeting is continued to a future date, the reconvened meeting must have the same agenda or portion thereof at the later date. The new date is a second, separate meeting for purposes of notice and public comment, and a member of the public is entitled to make public comment on the same subject at both meetings. [For explanation of the public comment requirement, see AG File No. 01-012 (May 21, 2001).]

§ 6.05 Meeting that must be continued to a future date

A meeting which is continued to a future date where the continuation date does not appear on the original agenda must be re-noticed as a new meeting. The agenda must be posted according to NRS 241.020(2) (three working days before the noticed meeting) whether the new agenda carries over items from the prior agenda or whether it adds new items. The new date is a
second, separate meeting for purposes of notice and public comment, and a member of the public is entitled to make public comment on the same subject at both meetings.

A meeting may be recessed and reconvened on the same date it was noticed without violation of the notice provisions of the OML.
WHAT ARE THE REQUIREMENTS FOR CONDUCTING AN OPEN MEETING?

§ 7.01 General

In conducting meetings, one always should remember the message in NRS 241.010: "In enacting this chapter, the Legislature finds and declares that all public bodies exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly." In interpreting a similar provision in California's open meeting law, the court of appeals delivered a humbling message when it said:

"The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over instruments they have created."


Accordingly, NRS 241.020 requires that, except as otherwise provided by statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these bodies; NRS 241.040 makes the wrongful exclusion of any person from a meeting a misdemeanor.

§ 7.02 Facilities

Public meetings should be held in facilities that are reasonably large enough to accommodate anticipated attendance by members of the public.

Sometimes controversial public issues generate a larger-than-expected crowd and a change of location or other methods (e.g., video transmission in adjoining rooms or areas) may have to be employed in order to accommodate those persons seeking to attend a particular meeting. But even if reasonable efforts like these prove inadequate to accommodate everyone, the meeting still would qualify as a public meeting for purposes of the Open Meeting Law. Gutierrez v. City of Albuquerque, 631 P.2d 304 (N.M. 1981).

Public bodies should avoid holding public meetings in places to which the general public does not feel free to enter, such as a restaurant, private home, or club. While perhaps not in violation of the letter of the Open Meeting Law, a meeting in such a location may be in violation of the law's spirit and intent. Cf. Crist v. True, 314 N.E.2d 186 (Ohio Ct. App. 1973). It is unlawful to start a meeting before the public is allowed into the room. The public body must wait until the public has been admitted to the meeting facility before commencing the meeting. See AG File No. 01-002 (April 5, 2001).
§ 7.03 Accommodations for physically handicapped persons

NRS 241.020(1) provides that public officers and employees must make “reasonable efforts to assist and accommodate physically handicapped persons desiring to attend” meetings of a public body. In order to comply with this statute, it is required that public meetings be held, whenever possible, only in buildings that are reasonably accessible to the physically handicapped, i.e., those having a wheelchair ramp, elevators, etc., as may be appropriate. See Fenton v. Randolph, 400 N.Y.S.2d 987 (N.Y. Sup. Ct. 1977).

§ 7.04 Public comment: multiple periods of public comment

NRS 241.020(2)(d)(3) requires that public bodies adopt one of two alternative public comment agenda procedures:

• **First**, a public body may comply by agendizing one public comment period before any action items are heard by the public body and later it must hear another period of public comment before adjournment.

• The **second** alternative also involves multiple periods of public comment which must be heard after discussion of each agenda action item, **but** before the public body takes action on the item.

• **Finally**, regardless of which alternative is selected, the public body must allow the public some time, before adjournment, to comment on any matter within the public body’s jurisdiction, control, or advisory power. This would include items not specifically included on the agenda as an action item.

Discussion of public comment is specifically allowed under NRS 241.020(2)(d)(3). This statute was amended in 1991. Now, it allows discussion of public comment with the public body.

NRS 241.020(2)(d)(3) provides that the public body must allow periods devoted to comments by the general public, if any, and **discussion of those comments**, if the public body chooses to engage the public in discussion. The statute does not mandate discussion with the public, but it does allow discussion.

A public body may not inform the public that it legally is prohibited from discussing public comments, either among themselves, or with speakers from the public. NRS 241.020(2)(d)(3) clearly allows discussion with members of the public. Of course, no matter raised in public comment may be the subject of either deliberation or action. AG File No. 10-037 (October 19, 2010); see § 5.01 for definition of “deliberation.”

§ 7.05 Reasonable time, place, and manner restrictions apply to public meetings

Except during the public comment period required by NRS 241.020(2)(d)(3), the Open Meeting Law does not mandate that members of the public be allowed to speak during meetings;
however, once the right to speak has been granted by the Legislature (NRS 241.020(2)(3)), the full panoply of First Amendment rights attaches to the public’s right to speak. The public’s freedom of speech during public meetings vigorously is protected by both the U.S. Constitution and the Nevada Constitution. Freedom of expression upon public questions is secured by the First Amendment. *New York Times Co. v. Sullivan*, 376 U.S. 254, 269 (1964). This constitutional safeguard was fashioned to assure an unfettered interchange of ideas for bringing about political and social changes desired by the people.

The *New York Times* Court said that: “[a] rule compelling the critic of official conduct to guarantee the truth of all his factual assertions and to do so on pain of libel judgment . . . leads to . . . self-censorship and would deter protected speech.” See AG File No. 11-024 (November 21, 2011) (chairman of public body may not forbid public comment based on his disagreement with the speaker about the truthfulness of his comment).

Both California and Nevada constitutional provisions (Nevada Constitution Article 1, section 9) regarding freedom of speech are identical. The California Supreme Court expressed the strength of these constitutional provisions, when in 1896, it observed that “Every person may freely speak, write and publish his or her sentiments on all subjects, being responsible for the abuse of this right . . . .” In *Dail y v. Superior Court*, 112 Cal. 94, 97, 44 P. 458 (1896), the court continued and said that “the wording of this section is terse and vigorous, and its meaning so plain that construction is not needed. It is patent that these rights to speak, write, and publish, cannot be abused until it is exercised, and before it is exercised there can be no responsibility.”

It also is settled law that reasonable rules and regulations during public meetings ensure orderly conduct of a public meeting and ensure orderly behavior on the part of those persons attending the meeting. Public bodies may adopt reasonable restrictions, including time limits on individual comment, but NRS 241.020(2)(d)(7) requires all restrictions on public comment to be expressed clearly on each agenda.

See AG File No. 10-021 (July 6, 2010). The OML allows considerable discretion to the public body as to length of time allowed to speakers. There is no statutory or constitutional requirement that each speaker’s time be correlated mathematically. However, any public comment limitation, including when public comment will be allowed and whether public comment will be allowed on current items on the agenda, clearly must be articulated on the public body’s agenda. See § 8.03 above. OMLO 99-08 (July 8, 1999); see also AG File No. 07-019 (July 17, 2007) (Board put an “as time allows” restriction on the public’s right to speak, this restriction was unreasonable); see also AG File No. 07-020 (October 25, 2007) (public body was advised that the absence of any statement of policy regarding public comment was a violation).

See OMLO 99-08 (July 8, 1999). Requiring prior approval of the use of electronic devices during public comment is reasonable and not in violation of the Open Meeting Law. See AG File No. 00-046 (December 11, 2000).

See OMLO 99-11 (August 26, 1999). The Office of the Attorney General believes that any practice or policy that discourages or prevents public comment, even if technically in compliance with the law, may violate the spirit of the Open Meeting Law, such as where a public body required members of the public to sign up three and one-half hours in advance to speak at a
public meeting. This practice can have the effect of unnecessarily restricting public comment and therefore does not comport with the spirit and intent of the Open Meeting Law.

A public body's restrictions must be neutral as to the viewpoint expressed, but the public body may prohibit comment if the content of the comments is a topic that is not relevant to, or within the authority of, the public body, or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational, or amounting to personal attacks or interfering with the rights of other speakers. See AG File No. 00-047 (April 27, 2001).

See AG File No 11-035 (December 23, 2011). In fact, the Ninth Circuit has long recognized that First Amendment rights of expression are more limited during a meeting than in a public forum, such as, for example, a street corner. See Norse v. City of Santa Cruz, 586 F.3d 697, 699 (9th Cir. 2009), rev’d on other grounds, 629 F.3d 966 (9th Cir. 2010), cert. denied, City of Santa Cruz, Cal. v. Norse, 132 S.Ct. 112 (2011). Moreover, government officials performing discretionary functions are entitled to qualified immunity where they reasonably believe their actions to be lawful. Id. (citing Saucier v. Katz, 533 U.S. 194, 202 (2001)). The interpretation and the enforcement of rules during public meetings are highly discretionary functions. Id. (citing White v. City of Norwalk, 900 F.2d 1421, 1426 (9th Cir. 1990) ("[T]he point at which speech becomes unduly repetitious or largely irrelevant is not mathematically determinable. The role of a moderator involves a great deal of discretion.").

There is no First Amendment right to remain in a public meeting. “Citizens are not entitled to exercise their First Amendment rights whenever and wherever they wish.” Kindt v. Santa Monica Rent Control Bd., 67 F.3d 266, 269 (9th Cir. 1995) (upholding a rent control board’s action in ejecting a speaker several times because his conduct disrupted the orderly processes of meetings). The Court of Appeals for the Ninth Circuit has held that “limitations on speech at [city council and city board] meetings must be reasonable and viewpoint neutral, but that is all they need to be.” Id. at 271. A public body may not, in effect, close an open meeting by declaring that the public has no First Amendment right whatsoever once the public comment period has closed. Norse v. City of Santa Cruz, 629 F.3d 966, 975 (9th Cir. 2010). As the court previously had explained in White v. City of Norwalk, 900 F.2d 1421, 1426 (9th Cir. 1990), the entire meeting held in public is a limited public forum, from beginning to the end, not just portions of it. The fact that a city may impose reasonable time, place, and manner limitations on speech does not mean that by doing so it can transform the nature of the forum, much less extinguish all First Amendment rights. In Santa Cruz, a provocative gesture that was made after the public comment period closed still was subject to a determination of whether it enjoyed First Amendment viewpoint protection.

Right to public comment was denied when the Chair made the individual choose between public comment at the meeting or possibly lose her promised chance to have a future agenda topic devoted to her issue. This choice meant the individual could speak only once about a matter within the body’s jurisdiction and control. Public comment during a public meeting has been bestowed by statute but once bestowed only may be restricted or limited in a constitutional manner. An individual’s right to comment is subject to reasonable time, place, and manner
restrictions, but the Chair’s offer of a choice to this speaker was not based on constitutionally valid time, place, or manner restrictions. See AG File No. 10-012 (May 18, 2010).

A member of the public may not be excluded from a tour taken by a public body during a meeting, for example, where a jail advisory committee scheduled a tour of the county jail. While the sheriff may have authority to exclude persons, if persons are excluded, the public body violates the Open Meeting Law if the tour is taken without the excluded member of the public. See AG File No. 00-013 (March 30, 2001).

When public comment is allowed during the consideration of a specific topic, the chairperson may require public comment to be relevant to the topic, provided the restriction is viewpoint neutral. When public comment is not allowed during the consideration of a specific topic on the agenda, the public body must allow at least one general period of public comment during that meeting where the public may speak on any subject within the jurisdiction, control, or advisory authority of the public body. See AG File No. 01-022 (May 31, 2001) and AG File No. 00-047 (April 27, 2001).

§ 7.06 Excluding people who are disruptive

If a person willfully disrupts a meeting, to the extent that its orderly conduct is made impractical, the person may be removed from the meeting. NRS 241.030(4)(a). See AG File No. 10-006 (April 13, 2010). Complainant’s removal from the room by security was justified based on an intentional disturbance generated by the volume of comments which were audible to the Board and which prevented orderly conduct of the meeting. The chair of the public body may, without a vote of the body, declare a recess to remove a person who is disrupting the meeting. See AG File No. 00-046 (December 11, 2000). See § 8.04 above, for further detailed discussion of reasonable restrictions during a public meeting.

§ 7.07 Excluding witnesses from testimony of other witnesses

Under NRS 241.030(4)(b), a witness may be removed from a public or private meeting during the testimony of other witnesses. This applies even if the witness is an employee of the state agency that is prosecuting the case. Unless otherwise stipulated, the witness may continue to be excluded after he/she testifies. See Op. Nev. Att’y Gen. No. 93 (November 21, 1963). The witness should be allowed entrance after all other witnesses have testified. Aside from these witness exclusion rules, remember that NRS 241.033(4) prohibits the public body from excluding the person being considered under NRS 241.030 at any time during the closed meeting, as well as his/her representative or attorney.

§ 7.08 Votes by secret ballot forbidden; voting requirements for elected public bodies voting requirements for appointed public bodies (NRS 241.0355)

Since a secret ballot defeats the accountability of public servants, vote by secret ballot is not permitted under the Open Meeting Law. Cf. News & Observer Publ’g Co. v. Interim Bd. of Educ., 223 S.E.2d 580 (N.C. Ct. App. 1976); Olathe Hosp. Found., Inc. v. Extendicare, Inc., 539

But that does not mean all votes must be by roll call. The Open Meeting Law is satisfied if a vote is by roll call, show of hands, or any other method so that the vote of a public official is made known to the public at the time the vote is cast. Esperance v. Chesterfield Twp. of Macomb County, 280 N.W.2d 559 (Mich. Ct. App. 1979).

A public body that is required to be composed only of elected officials may not take action by vote unless at least a majority of all members of the public body vote in favor of the action. A public body may not count an abstention as a vote in favor of an action. NRS 241.0355(1).

In a letter opinion construing public body voting requirements set out in NRS 241.0355, this office determined that the Regional Transportation Commission of Southern Nevada (RTC) was composed of elected officials from statutorily designated public bodies in Clark County; therefore, it is an elected public body subject to the voting requirements of NRS 241.0355. Before action can be taken by RTC, NRS 241.0355 requires a majority of the RTC members to vote affirmatively. There can be no reduction in quorum due to the absence of one or more commissioners where the public body is required to be composed of elected officials, even if they are appointed to the RTC by the membership of another elected public body. Letter opinion to Chairman Larry Brown, Regional Transportation Commission of Southern Nevada, July 8, 2011.

“Action” means:
(a) If a public body has a member who is not an elected official, an affirmative vote taken by a majority of the members present, whether in person or by means of electronic communication, during a meeting of the public body, but;
(b) If all the members of a public body must be elected officials, an affirmative vote taken by a majority of all the members of the public body. See NRS 241.015(1).

For example, if only three members of a five person county commission (elected body) are present at a meeting, the three cannot take action by a 2-to-1 vote; the vote must be 3 to 0, since a majority (3) must be in favor of the action.

The Open Meeting Law never can force a public body to take action on any agenda topic. See AG File No. 00-018 (June 8, 2000). NRS 241.020(2)(d)(6)(III) (public body may remove an item from the agenda at any time or delay its discussion at any time).

The Legislature encourages appointed or elected members of public bodies to vote—not abstain. NRS 281A.420(4)(b) states: “Because abstention by a public officer disrupts the normal course of representative government and deprives the public and the public officer's constituents of a voice in governmental affairs, the provisions of NRS 281A.420 are intended to require abstention only in clear cases where the independence of
judgment of a reasonable person in the public officer’s situation would be materially affected by the public officer’s acceptance of a gift or loan, significant pecuniary interest, or commitment in a private capacity to the interests of another person.”

§ 7.09 Audio and/or video recordings of public meetings by members of the public

Under NRS 241.035(3), members of the public may be allowed to record on audio tape or any other means of sound or video reproduction if it is a public meeting and the recording in no way interferes with the conduct of the meeting.

§ 7.10 Telephone conferences

See § 5.05 for a discussion of the proper way to conduct telephone conferences.
Part 8 WHEN ARE CLOSED MEETINGS AUTHORIZED AND HOW ARE THEY TO BE HANDLED?

§ 8.01 General

This part discusses when closed meetings (sometimes referred to as “executive sessions” or “personnel sessions”) may be held and how they should be conducted.

The opening clause in NRS 241.020(1) provides that all meetings must be open and public “except as otherwise provided by specific statute.” The words “specific statute” are important ones. The Nevada Supreme Court is reluctant to imply exceptions to the rule of open meetings and looks for a specific statute mandating the exception or exemption. See McKay v. Board of County Commissioners, 103 Nev. 490, 746 P.2d 124 (1987). See also Op. Nev. Att'y Gen. No. 150 (November 8, 1973). In 2015, the Legislature amended NRS 241.016(3). Any provision of law, including NRS 91.270, 239C.140, 281A.350, 281A.440, 281A.550, 284.3629, 286.150, 287.0415, 288.220, 289.387, 295.121, 360.247, 385.555, 386.585, 392.147, 392.467, 392.656, 392A.105, 394.1699, 396.3295, 433.534, 435.610, 463.110, 622.320, 622.340, 630.311, 630.336, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196, and 706.1725, which provides that any meeting, hearing, or other proceeding is not subject to the OML or otherwise authorizes or requires a closed meeting, hearing, or proceeding, prevails over the OML.

NRS 241.020(1) was amended in 2009 with additional clarifying language. The 2009 amendment not only emphasized the importance of statutory authority before a meeting may be closed, but it also requires strict adherence to the statutory limits imposed on scope of the meeting. The Open Meeting Law is entitled to a broad interpretation to promote openness in government and any exceptions thereto should be construed strictly. McKay v. Board of Supervisors, 102 Nev. 644, 730 P.2d 438 (1986). Thus, closed sessions should be allowed only when specifically authorized and their scope must be tightly controlled.

§ 8.02 When closed sessions may be held

Closed sessions may be held:

(1) By any public body to consider character, alleged misconduct, professional competence, or the physical or mental health of a person, with some exceptions, or to prepare, revise, administer, or grade examinations administered on behalf of the public body, or to consider an appeal by a person of the results of an examination administered on behalf of the public body. See NRS 241.030 and § 9.04.

(2) By the Public Employees Retirement Board: (1) to meet with investment counsel, provided the closed session is limited to planning future investments or the establishment of investment objectives and policies, and (2) to meet with legal counsel provided the closed session is limited to advice on claims or suits by or against the system. NRS 286.150(2).
(3) By the State Board of Pharmacy to deliberate on the decision in an administrative action (subsequent to a public evidentiary hearing) or to prepare, grade, or administer examinations. See NRS 639.050(3) and Op. Nev. Att’y Gen. No. 81-C (June 25, 1981).

(4) By any public body to take up matters or conduct activities that are exempt under the Open Meeting Law. See Part 4 of this manual. If the public body has other matters that must be considered in an open meeting, the Office of the Attorney General believes that a public body may take up an exempt matter during the open meeting if it desires. However, by virtue of the exemption, none of the open meeting requirements will apply to the exempt activity, although it is recommended that a motion or announcement be made identifying the activity as an exempt activity to avoid confusion between an exempt activity and a closed session to which certain open meeting requirements may otherwise apply.

(5) By public housing authorities when negotiating the sale and purchase of property, but the formal acceptance of the negotiated settlement should be made in an open meeting. See Op. Nev. Att’y Gen. No. 372 (December 29, 1966).

(6) As authorized by a specific statute. NRS 241.020(1).

§ 8.03 When closed sessions may not be held

Closed sessions may not be held:

(1) To discuss the appointment of any person to public office or as a member of a public body. NRS 241.030(4)(d). See discussion in § 9.04.

(2) To consider the character, alleged misconduct, or professional competence of an elected member of a public body, or a person who is an appointed public officer or who serves at the pleasure of a public body as a chief executive or administrative officer or in a comparable position, including, without limitation, a president of a university, state college, or community college within the Nevada System of Higher Education, a superintendent of a county school district, a county manager, and a city manager. See NRS 241.031(1)(a) and (1)(b) and cf. Op. Nev. Att’y Gen. 81-A (February 23, 1981), written before NRS 241.031 was enacted.

[Note: The above prohibition does not apply if the consideration of the character, alleged misconduct, or professional competence of the person does not pertain to his or her role as an elected member of a public body or an appointed public officer or other officer described above. NRS 241.031(2).]

(3) When a request to open the meeting is made by the person whose character, alleged misconduct or professional competence, or physical or mental health is being considered, the public body must open the meeting at that time unless the consideration of the character, alleged misconduct, professional competence, or physical or mental health of
the requester involves the appearance before the public body of another person who does not desire that the meeting or relevant portion thereof be open to the public. The request to open the meeting may be made at any time during the hearing. NRS 241.030(2). If a necessary witness requests that the meeting remain closed, the public body must close that portion of the meeting, and open subsequent portions at the request of the person being considered. NRS 241.030.

(4) To conduct attorney-client communications, unless the communications fall under the exemption in NRS 241.015(3)(b)(2). See discussion in § 4.05 of this manual.

(5) To select possible recipients for awards. To the extent that a public body is considering the character, alleged misconduct, professional competence, or physical or mental health of a person under consideration for receipt of a public award, a public body may meet in closed session to discuss such matters. However, any vote taken with respect to granting the award must be in a public meeting. NRS 241.030.

(6) To consider indebtedness of individuals to a hospital. The Office of the Attorney General has determined that county hospital board meetings that relate to indebtedness of individuals to the hospital are required to be open and public. See Op. Nev. Att’y Gen. No. 148 (October 2, 1973).


(8) Where not authorized by law.

§ 8.04 Closed meeting; definition of “character” and “competence”; employment interviews and performance evaluations; notice requirements

NRS 241.030(1) states: “Except as otherwise provided in this section and NRS 241.031 and 241.033, a public body may hold a closed meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of a person.” The Open Meeting Law does not require a public body to close a meeting to the public. See NRS 241.030(4)(c).

It is important to remember that NRS 241.033 requires personal notice be provided to the person being considered before closing a meeting, pursuant to NRS 241.030, and as a practical matter, a notice pursuant to NRS 241.033 should contain the informational statement regarding administrative action under NRS 241.033(2)(b). See § 6.09 and § 6.10 supra.

A public body must start its public meeting in the open and then it may close the meeting after passing a motion specifying the nature of the business to be considered in closed session and the statutory authority pursuant to which the public body is authorized to close the meeting. In 2009, the Legislature added an important emphasis to the scope of a closed meeting, putting parameters on the business that can be considered in closed session. NRS 241.020(1) was
amended emphasizing that a meeting must not exceed the scope of the statutory authorization for closure. A public body may not stray from the statutory authorization to close a meeting. A public body may not set the parameters of the meeting; it must follow and obey statutory parameters.

The exceptions to closed meetings under NRS 241.030 are discussed supra in § 9.03.

The word “character” was defined in Miglionico v. Birmingham News Co., 378 So. 2d 677 (Ala. 1979) to include one’s general reputation. It also might include such personal traits as honesty, loyalty, integrity, reliability, and such other characteristics, good or bad, which make up one’s individual personality.

In Op. Nev. Att’y Gen. No. 81-A (February 23, 1981), the Office of the Attorney General, citing Black’s Law Dictionary, opined that character encompassed “[t]hat moral predisposition or habit or aggregate of ethical qualities, which is believed to attach to a person on the strength of the common opinion and report concerning him. A person’s fixed disposition or tendency, as evidenced to others by his habits of life, through the manifestation of which his general reputation for the possession of a character, good or otherwise, is obtained.” Op. Nev. Att’y Gen No. 81-A further opined that the word competence included being “[d]uly qualified; answering all requirements; having sufficient ability or authority; possessing the natural or legal qualifications; able; adequate; suitable; sufficient; capable; legally fit.

Closed sessions may be held only to consider the character, alleged misconduct, professional competence, or physical or mental health of a person. The Open Meeting Law does not permit taking action in closed session on such matters. This distinction was drawn in McKay v. Bd. of Supervisors, 102 Nev. 644, 730 P.2d 438 (1986), where it was held the board did not violate the Open Meeting Law when it went into closed session to discuss the character, alleged misconduct, and professional competence of the city manager, but terminating the city manager in closed session violated the law. See also Op. Nev. Att’y Gen. No. 81-A (February 23, 1981) and Op. Nev. Att’y Gen. No. 81-C (June 25, 1981).

The McKay decision has important implications for employment interviews and performance evaluations. (See § 4.05, infra). While the delineated attributes of individual employment candidates may be discussed in closed session, the public body may not use the closed session to narrow down candidates or begin the selection process. See Brown v. East Baton Rouge Parish School Bd., 405 So. 2d 1148 (La. Ct. App. 1981). Similarly, while the delineated attributes of existing employees may be discussed in closed session, evaluation forms may not be filled out during the closed session, nor may the public body form recommendations or decisions about a rating or an action to take. Those tasks must be done in an open meeting or delegated to a member to handle. The closed session must be limited to specific discussions about the specific person. General discussions about general policies or practices may not be held during a closed session. See Hudson v. Sch. Dist. of Kansas City, 578 S.W.2d 301 (Mo. Ct. App. 1979).
While it can be difficult to properly describe an action item relating to a closed personnel session, because one cannot anticipate the outcome of the closed session, one can describe, on the agenda, the parameters of allowable action by stating “possible action including, but not limited to, termination, suspension, demotion, reduction in pay, reprimand, promotion, endorsement, engagement, retention, or ‘no action’.” See AG File No. 00-007 (June 1, 2000).

The statutes do not authorize closure for general “personnel sessions.” Closed sessions are authorized only for discussion of the matters specifically listed in NRS 241.030 or in another specific statute elsewhere in the NRS. See § 4.02, Statutory exemptions infra; see AG File No. 00-043 (January 24, 2001). It is not adequate to vaguely state that the closed session is regarding an individual (such as a manager). The agenda description must specifically state the nature of the business to be considered and the statutory authority authorizing the closed session. If a person’s character, professional competence, alleged misconduct, or physical or mental health is the topic of the discussion, the person’s name must appear on the agenda. NRS 241.020(2)(d)(4); see AG File No. 00-050 (March 28, 2001).

See AG File No. 08-037 (February 26, 2009). Board members and the public engaged in a discussion of a county employee’s character and professional competence without providing the employee notice as required under NRS 241.033.

See OMLO 2004-01 (January 13, 2004) where the Office of the Nevada Attorney General opined that deliberations as defined in §5.01 supra, are not allowed in a closed meeting pursuant to NRS 241.030.

§ 8.05 The appointment to “public office” closed meeting prohibition

Under NRS 241.030(4)(d), closed sessions may not be held “for the discussion of the appointment of any person to public office or as a member of a public body.” This prohibition was discussed in City Council of City of Reno v. Reno Newspapers, Inc., 105 Nev. 886, 784 P.2d 974 (1989). In that case, the city council conducted employment interviews for the city clerk position in the open and then held a brief, closed meeting to discuss the character and professional competence of candidates. The council went back into open session to make the selection, but it was held that the closed session was still a violation of the Open Meeting Law. The Nevada Supreme Court construed the prohibited “discussion of the appointment” to include “all consideration, discussion, deliberation and selection done by a public body in the appointment of a public officer.” The ruling seems to cover all aspects of the appointment process.

The Open Meeting Law does not define “public officer,” but the Nevada Supreme Court (see below) has approved the use of the definition of public officer found in NRS 281.005. NRS 281A.160 also provides a definition of public officer and it also construes the meaning of “the exercise of a public power, trust or duty.” In Op. Nev. Att’y Gen. No. 193 (September 3, 1975), the Office of the Attorney General opined that NRS 241.030(4)(d) [formerly NRS 241.030(3)(e)] encompasses: (1) all elected public officers, and (2) all persons appointed to positions created by law whose duties are specifically set forth in law and who are made responsible by law for the direction, supervision, and control of their agencies. See also OMLO
In City Council v. Reno Newspapers, Inc., 105 Nev. 886, 784 P.2d 974 (1989), NRS 281.005 was used by stipulation of the parties to define public officer.

§ 8.06 How to handle closed sessions to consider character, allegations of misconduct, professional competence, or physical and mental health of a person

For closed sessions under NRS 241.030(1), the following procedures are required or recommended:

Start with a duly noticed open meeting. Closed meetings are still “meetings” within the definition and ambit of the Open Meeting Law.

To assure compliance with the spirit of NRS 241.020(2)(d)(1), it is recommended the matter be indicated on the agenda as a closed session under NRS 241.030(1), and the person’s name being considered must be included on the agenda pursuant to NRS 241.020(c)(4). An agenda item of “Executive Session” does not adequately describe a closed session. See AG File No. 00-021 (September 7, 2000).

The closed session should not be listed as an “action” item on the agenda because action cannot be taken during the closed session. See discussion in § 9.04.

If action might be taken on the matter, be sure to include a separate item on the agenda for action to be taken during open session. See discussion in § 9.04.

Give notice to the subject person as required by NRS 241.033(1). See § 6.09.

At the meeting, a motion must be made to go into closed session, and the motion must specify the business to be considered during the closed session and the statutory authority pursuant to which the public body is authorized to close the meeting. NRS 241.030(3). See AG File No. 01-021 (May 14, 2001), which was drafted prior to the 2005 Legislative Session. Only the business identified in the motion may be discussed. As stated in Op. Nev. Att’y Gen. No. 81-A (February 23, 1981), the purpose of the motion is two-fold: (1) so members of the public body understand the parameters of what can be discussed in closed session so as not to deviate from the strict requirements of the law, and (2) to assure that notice is given to the person being discussed so he/she can obtain a copy of the minutes.

The public body must permit the person being considered and his/her representative to attend the closed meeting. NRS 241.033(4). It is up to the chairperson to decide who else shall be included in the closed session, or the chairperson can determine who may attend through a majority vote of the public body, which occurs in an open meeting. NRS 241.033(5).

Before proceeding with the discussion, make sure that proof of service of the notice to the person has been received. If not, the closed session may not proceed, absent waiver. See NRS 241.033(1) and § 6.09.
The closed session must be tape-recorded. NRS 241.035(4). As the recordings of closed sessions are treated differently than those of open sessions, NRS 241.035(2), it is recommended the closed session be recorded on a separate tape.

The person being considered must be permitted to present written evidence, testimony and present witnesses relating to his character, alleged misconduct, professional competence or physical or mental health to the public body. NRS 241.033(4).

If the subject desires to record the closed session, the Office of the Attorney General recommends that he or she be permitted to do so. NRS 241.035(3).

Minutes must be kept of the closed session, and they must be prepared with the same detail as minutes of the open session. NRS 241.035(2).

§ 9.01 General

This part discusses the requirements for preparing, preserving, and disclosing minutes of meetings.

§ 9.02 Requirement for and content of written minutes (See Sample Form 2)

NRS 241.035 requires that written minutes be kept by all public bodies of each meeting they hold regardless of whether the meeting was open or closed to the public. The minutes must include:

a. The date, time, and place of the meeting;

b. The names of the members of the public body who were present, whether in person or by means of electronic communication, and those who were absent;

c. The substance of all matters proposed, discussed, or decided and, at the request of any member, a record of each member’s vote on any matter decided by vote;

d. The substance of remarks made by any member of the general public who addresses the body if he/she requests that the minutes reflect his or her remarks, or if he/she has prepared written remarks, a copy of his/her written remarks if he/she submits a copy for inclusion; and

e. Any other information that any member of the body requests be included or reflected in the minutes.

See OMLO 98-03 (July 7, 1998) for an example of how a public body may violate the Open Meeting Law by failing to reflect, in its meeting minutes, the substance of the discussion by the members of the public body of certain relevant matters.

Verbatim minutes are not required by OML. There is no requirement in NRS 241.035(1) that verbatim remarks be included in the minutes at the request of any person. NRS 241.035(1) use of the phrase “any other information” does not include the right to have the public body insert verbatim remarks in the text of the minutes. Appending prepared written remarks to the minutes is an accommodation which serves the public interest just as efficiently as the insertion of verbatim remarks into the text of the public body’s minutes and it also furthers the goal of openness in government. OMLO 2008-03; see AG File No. 08-011 (June 9, 2008)
§ 9.03 Retention and disclosure of minutes

Minutes or audio recordings of public meetings are declared by the Open Meeting Law to be public records and must be available for inspection by the public within 30 working days after the meeting is adjourned. See NRS 241.035(2) and OMLO 99-06 (March 19, 1999).

In the case of a public body that meets infrequently, formal approval of the minutes of a previous meeting may be delayed several months. NRS 241.035(1) states that unless good cause is shown, a public body shall approve the minutes of a meeting within 45 days after the meeting or at the next meeting of the public body, whichever occurs later. The unapproved minutes must be made available within the time specified in NRS 241.035(2) to any person who requests them, together with a written statement that such minutes have not yet been approved and are subject to revision at the next meeting.

The minutes are deemed to have permanent value and must be retained by the public body for at least five years (NRS 241.035(2)), after which they may be transferred for archival preservation in accordance with NRS 239.080-239.125.

Minutes of meetings closed pursuant to NRS 241.030(1)(a) and (1)(c) become public records whenever the public body determines that the matters discussed no longer require confidentiality and the person whose character, conduct, competence, or health was discussed has consented to their disclosure. NRS 241.035(2)(a)-(c).

Under NRS 241.033(6), the subject person always is entitled to a copy of the minutes of the closed session upon request, whether or not they ever become public records. In Davis v. Churchill County Sch. Bd., 616 F. Supp. 1310, 1314 (D. Nev. 1985), remanded, 823 F.2d 554 (9th Cir. 1987), the court suggested that a student who was the subject of closed hearings may release “any information he or she chooses,” which presumably includes minutes or tapes of closed sessions.

§ 9.04 Making and retaining audiotapes or video recordings of meetings

It is a requirement of the Open Meeting Law that each public meeting is audio- or videotaped or transcribed by a reporter who is certified pursuant to Chapter 656 of NRS. NRS 241.035(4). A public body must make a good faith effort to comply with this provision, and if the public body makes a good faith effort to comply, but, for some reason beyond the control of the public body fails to comply, the public body's failure to comply with the provision does not result in a violation of the Open Meeting Law. NRS 241.035(7).

See OMLO 99-09 (July 28, 1999) for an example of the pitfalls associated with using a tape recorder as the sole source for the record of the meeting.

Recordings of closed sessions made by public bodies also must be retained for at least one year but are given the same protection from public disclosure as minutes of closed sessions set out in NRS 241.035(2). The tapes must be made available to the subject of the closed session,
and under NRS 241.035(6), also must be made available to the Office of the Attorney General upon request.

§ 9.05  Fees for inspecting or copying minutes and tapes

The Open Meeting Law requires that minutes and tapes be made available “for inspection” once prepared following a public meeting and does not authorize charging a fee for inspection, since fees for inspection are not authorized by statute. In 2013, the Legislature amended NRS 241.035 to require that a copy of the minutes or audio recording must be made available to a member of the public upon request at no charge. NRS 241.035(2). Court reporters, who report meetings or transcribe recordings of meetings, are exempt from the requirement to provide a copy of the transcription he/she prepares to a member of the public at no charge; court reporters also are not prohibited from charging a fee to the public body for any services relating to the transcription of a meeting. NRS 241.035(5).
Part 10 WHAT HAPPENS IF A VIOLATION OCCURS?

§ 10.01 General

When a violation of the Open Meeting Law occurs or is alleged, the Office of the Attorney General recommends that the public body make every effort to immediately correct the apparent violation. Although it may not completely eliminate a violation, corrective action can mitigate the severity of the violation and further ensure that the business of government is accomplished in the open.

The following sections discuss the possible remedies available to the public body for apparent violations of the Open Meeting Law, and a requirement that public bodies include any Attorney General opinion finding an OML violation by the public body on the public body’s next agenda. NRS 241.0395.

§ 10.02 Correcting a violation

Some examples of ways to stop, contain, and take corrective action for apparent violations follow. Of course, as circumstances vary, so may the remedies.

a. Improper notice given for meeting.

If proper notice has not been given for a meeting, the meeting must be stopped. See OMLO 99-06 (March 19, 1999). To remedy the violation, the Office of the Attorney General believes that the meeting may be convened or continued solely for the purpose of rescheduling a meeting and adjourning. To otherwise continue a meeting after it is discovered that the meeting was not properly noticed could be viewed as evidence of a willful violation of the Open Meeting Law. Discussions of any public significance which were held before the discovery of the improper notice should be repeated at a later meeting. All actions taken before adjournment are void, but may be taken again at a subsequent meeting as discussed below.

b. Discussion of items not stated clearly on agenda.

If a public body begins discussion on an item that is not stated clearly on the agenda, it is recommended that the public body stop the discussion and schedule it for a future meeting under a more comprehensive agenda. At the subsequent meeting, it would be advisable to summarize or repeat the conversations that occurred at the previous meeting.

c. Taking action on items listed as discussion items only.

Remembering the expanded definition of “action” in NRS 241.015(1), if a public body takes action on an item which has not been identified on the agenda as an action item, the action is void but may be taken up again at a future duly-noticed meeting.
where the former action may be rescinded to indicate that the public body understands that the prior action was void. At the subsequent meeting, the rationale for the action should be discussed again or at least the record of the previous meeting be made available.

d. No proof of service on the subject of a meeting to consider character, alleged misconduct, competence, or health.

If there is no proof of service of notice on a person whose misconduct, character, professional competence, or mental or physical health is being considered, and the person is not present, the item must be postponed to another meeting, and the subject must be notified again about the new meeting. If the person is present, he/she may be asked if he or she would be willing to waive the notice requirements. The right to notice must be explained thoroughly to the person, and the person should be given the opportunity, free of threat or pressure, to postpone consideration of the matter or to waive the right to notice. As explained in §6.09 of this manual, any waiver of the right to notice must be knowing and voluntary. A complete record should be made to resolve allegations that may arise later.

e. Public body voted to rescind earlier votes on items that had not been agendized. Multiple matters were rescinded in a public vote.

Since any action taken on an item that is not properly agendized is void as a matter of law, a public body may vote to rescind the prior vote on an illegal action during the same meeting or in another future public meeting. Otherwise, the public may be confused about the legal status of the prior illegal action. See §11.03 below. Following rescission items that were the subject of illegal action then may be placed on a future agenda for lawful consideration and possible action. AG File No. 08-002 (May 12, 2008).

f. Effective corrective action can be taken at a meeting even when a serious but inadvertent violation occurs.

Our opinion in OMLO 2008-02: AG File No. 07-051 (February 7, 2008) is an example of how a public body may correct even a serious violation. The Douglas County Board of County Commissioners quickly corrected a violation of the OML during its public meeting. A quorum of the Board had gathered in an unscheduled non-noticed meeting during the Board's recess while Counsel was absent researching a legal issue. A member of the public brought the violation to the attention of the Board at the end of the recess. There had been no recording or minutes taken of this gathering. Board Counsel immediately asked members to explain what had occurred during the recess. In response to questions from counsel, it became clear that the gathering of a quorum to discuss a matter on the agenda was inadvertent. No promises or decisions had been given or made during the recess. To the extent there was deliberation among the quorum, it was corrected by immediate disclosure of what had been discussed during the inadvertent meeting. When the Board reconvened
and disclosure had been made, the Chairman reopened public comment to allow anyone to comment about the violation or anything else. Public comment was not restricted. This prompt action satisfied the legislative mandate found in NRS 241.010. The Douglas County Planning Commission took effective remedial action to correct an acknowledged violation.

In 2013, the Nevada Legislature enacted NRS 241.0365 that allows corrective action by the public body when violations of the OML occur or are alleged. Voluntary corrective action may be taken prior to adjournment of the meeting at which the apparent violation occurs. Otherwise, corrective action of an apparent violation may be taken at a future meeting if the following steps are taken:

1. Notice of corrective action must be included as an agenda item for a subsequent meeting at which the public body intends to take correction action; and

2. The public body must take corrective action within 30 days of the apparent violation.

If the public body takes corrective action within 30 days after posting notice of the intent to take corrective action on its agenda, the Attorney General may forego prosecution of the alleged violation if it appears that forbearance is in the best interests of the public.

If the public body takes corrective action within 30 days of the alleged violation, the statutory limitations' period applicable to the time for bring suit by the Attorney General or a private party, pursuant to NRS 241.037, is tolled for 30 days.

Any corrective action taken by the public body to correct an alleged violation is effective only prospectively.

Efforts to correct a violation can mitigate the severity of the violation and may reduce the degree of culpability of the violators. However, even though a violation may have been mitigated by corrective action, the violation still may be the subject of the sanctions detailed below. See OMLO 2015-01: AG File No. 13897-141 (January 12, 2016) for an example of how a public body that voluntarily and unanimously takes prompt corrective action as soon as an alleged violation becomes apparent can effectively mitigate the severity of the earlier violation.

§ 10.03 Actions taken in violation are void

The action of any public body taken in violation of any provision of the Open Meeting Law is void, i.e., the action has no legal force or binding effect. NRS 241.036.

However, lawsuits to obtain a judicial declaration that an action is void must be commenced within 60 days after the offending action occurred. NRS 241.037(3).

It appears that only those actions defined in NRS 241.015(1) (decisions, commitments, or affirmative votes by a majority of the members) are voided by NRS 241.036.
§ 10.04 Reconsidering an action that is void


The following examples illustrate a few methods used by public bodies to correct OML violations:

- A public body corrected a violation almost two months following the violation. The trustee subcommittee had met in private without notice or agenda to summarize the superintendent’s evaluation and backup materials for formal presentation to the trustees at a later meeting. At the later meeting, trustees voted to approve the superintendent’s evaluation. Complainant said that the earlier private non-noticed meeting had constituted a subcommittee under the OML and should have been subject to public oversight. Corrective action (despite denial by the chair that a violation had occurred) was taken 55 days later when the subcommittee met for a special meeting prior to the trustee’s regular meeting, during which the subcommittee formally approved the evaluation materials and compilation process in a publicly noticed meeting, and it again voted on the superintendent’s evaluation, so as to remove any conflict with the OML. AG File No. 09-024 (October 13, 2009).

- A private attorney filed a petition on behalf of a public body. The petition had not been approved or voted on by the public body in open session before it was filed. The public body then agendized the petition for public meeting and voted to ratify the earlier filing of the petition. Even if the complainant’s charge that the filing of the petition was an illegal act on behalf of the public body, the OML does not forbid corrective action to either ratify the action complained of, or to reject the action. AG File No. 10-038 (August 24, 2010).

- A public body took immediate corrective action prior to an OML complaint when it redrafted and revised possibly defective agenda items and re-agendized them to a future meeting agenda. AG File No. 10-045 (November 2, 2010).

- An allegation was made that a city council’s process to fill a vacancy within its own membership kept the public in the dark as to its deliberations and assessments of the various candidates and that it violated the letter and spirit of the Open Meeting Law. The Henderson City Council took corrective action after this office contacted the city attorney. It released to the public recertified ballots cast by the Council members, each with the signature of the corresponding voting member. The Council’s selection process
had been defective because it failed to make known the identity of each member’s ballot at the time it was cast or at some time during the meeting. But, failure to verbally deliberate and/or assess the candidates before each ballot was cast was not a violation of the OML. AG File No. 09-029 (November 4, 2009).

§ 10.05 Any person denied a right under the law may bring a civil suit

Under NRS 241.037(2), any person denied a right conferred by the Open Meeting Law may bring a civil suit:

a. To have an action taken by the public body declared void;

b. To require compliance with or prevent violations of the Open Meeting Law; or

c. To determine the applicability of the law to discussions or decisions of the public body.

Additionally, it may be possible for an aggrieved person to seek injunctive relief, as explained in City Council of City of Reno v. Reno Newspapers, Inc., 105 Nev. 886, 784 P.2d 974, 976 (1989).

If the plaintiff prevails, the court may award him/her reasonable attorney’s fees and court costs. NRS 241.037(2).

§ 10.06 The Office of the Attorney General may bring a civil suit

The Office of the Attorney General also may bring suit:

a. To have an action taken by a public body declared void, or

b. To seek injunctive relief against a public body or person to require compliance with or prevent violations of the Open Meeting Law. The injunction may issue without proof of actual damage or other irreparable harm sustained by any person. NRS 241.037(1).

c. To seek a monetary civil fine not to exceed $500.00 in a court of competent jurisdiction for a violation of the OML where the person(s) participated (took affirmative action) in a knowing violation of the OML. NRS 241.040.

If an injunction is obtained, it does not relieve any person from criminal prosecution for the same violation. NRS 241.037(1). See §11.07 for further discussion of the A.G.’s policy of enforcement of the OML.
§ 10.07 Time limits for filing lawsuit; policy for enforcement of complaints

Any suit which seeks to void an action, and/or to require compliance with the provisions of the Open Meeting Law, and/or to seek injunctive relief must be brought within the statutory 60/120 day limitations' periods after the action objected to, is taken. NRS 241.037(3). There are two limitations periods—60 days and 120 days. They run concurrently from the date of an alleged OML violation. If the Attorney General has not brought a suit to void a public body’s action within 60 days of the alleged violation, thereafter, the Attorney General is barred from seeking to void the action. But the Attorney General still has jurisdiction under the 120-day limitations’ period which continues to run for 60 more days. Should a suit be brought during this period of time, the Attorney General may seek injunctive relief to force compliance with the OML.

Any suit brought to have an action declared void must be commenced within 60 days after the action objected to, is taken by the public body. NRS 241.037(3). In Kennedy v. Powell, 401 So. 2d 453 (La. Ct. App. 1981), the court observed that the legislature limited suits to challenge actions of public bodies for violation of the open meeting law to a short period of 60 days to ensure a degree of certainty in the actions of public bodies. The 60-day limitation is absolute and is in no way dependent upon knowledge of a violation. According to the court, running of the 60-day time period destroys the cause of action completely. A complaint brought in a court of competent jurisdiction beyond the running of the OML’s concurrent 60/120 day limitations’ periods, as expressed in NRS 241.037, is subject to dismissal. NRS 11.010.

A suit by the Attorney General seeking monetary civil penalties (NRS 241.040(4)) is subject to a one-year limitations’ period following the date of the action taken in violation of this chapter.

The Attorney General’s policy for enforcement of Open Meeting Law complaints is:

• The Attorney General may proceed with an appropriate legal action, issue an Open Meeting Law Opinion pursuant to its prosecutorial discretion, or choose not to prosecute an Open Meeting issue prior to the running of the 120-day statute of limitations.

• The Attorney General will not investigate or act upon a complaint alleging an Open Meeting Law violation received after the 120-day statute of limitations unless it is relevant to an existing action or the attorney is commencing a criminal prosecution pursuant to NRS 241.040.

• The Attorney General will not issue an Open Meeting Law Opinion pursuant to his/her prosecutorial discretion after the 120-day statute of limitations.
§ 10.08 Jurisdiction and venue for suits

A suit may be brought by an aggrieved citizen in the district court in the district in which the public body ordinarily holds its meetings or in which the plaintiff resides. NRS 241.037(2).

A suit brought by the Office of the Attorney General may be brought “in any court of competent jurisdiction.” NRS 241.037(1).

However, even though a court has jurisdiction, a defendant may raise objections as to proper venue. Board of County Comm’rs v. Del Papa, 108 Nev. 170, 825 P.2d 1231 (1992).

§ 10.09 Standards for injunctions and enforcing injunctions


§ 10.10 Criminal sanctions

Each member of a public body who attends a meeting of that body where action is taken in violation of any provision of the Open Meeting Law, with knowledge of the fact that the meeting is in violation thereof, is guilty of a misdemeanor. NRS 241.040(1).

Further, wrongful exclusion of any person or persons from a meeting is a misdemeanor. NRS 241.040(2).

However, a member of a public body who attends a meeting of that public body at which action is taken in violation of the Open Meeting Law is not the accomplice of any other member so attending. NRS 241.040(3).

Upon conviction, punishment may include a jail term of up to six months, a fine not to exceed $1,000, or both.

In Op. Nev. Att’y Gen. No. 81-A (February 23, 1981), the Office of the Attorney General opined there are two requirements before a criminal prosecution may be commenced under the Open Meeting Law. Those requirements are:

1) Attendance of a member of a public body at a meeting of that public body where action is taken in violation of any provision of the Open Meeting Law. The opinion recognized the distinction in the Open Meeting Law between actions and deliberations and concluded that criminal sanctions may be appropriate when actions are taken in violation of the Open Meeting Law, but where procedural violations occur involving a meeting where no action is taken, civil remedies are made available to compel compliance or prevent such violations in the future.
2) *Knowledge by a member of a public body* that the meeting is in violation of the Open Meeting Law. The opinion held that, when members of a public body rely on advice of counsel, they should not be held to know that a violation occurred.

While the Open Meeting Law does not require the attorney for the public body to be present at a meeting (AG File No. 00-013 (April 21, 2000)), the presence of the attorney may allow the member to receive advice upon which a member can rely as to whether the member knows that the meeting is in violation of the Open Meeting Law.

§ 10.11 Public officers may be removed from office

Under NRS 283.040(1)(d), a person’s office becomes vacant upon a conviction of a violation of NRS 241.040, which is discussed in § 10.10 above.

§ 10.12 Filing a complaint; procedure; Attorney General subpoena power; public records

**FILING A COMPLAINT:** A person alleging that the OML has been violated by a public body or that his/her public comment right has been denied, may seek redress in the courts as explained above. That person also may complain to the Office of the Attorney General, but filing a complaint with the Office of the Attorney General does not toll the time periods for the person to take his own action.

Under NRS 241.040(4), the Office of the Attorney General must investigate and prosecute alleged violations of the Open Meeting Law. The Office of the Attorney General believes that any person may file a complaint with the Office of the Attorney General even if that person is not aggrieved directly by the offense. See §10.07 above, for an explanation of the Attorney General’s policy regarding enforcement of the OML.

All such complaints must be in writing, signed by the complaining person, and contain a full description of the facts known to the complainant. The Office of the Attorney General considers all such complaints to be public records and may release them accordingly. Complaints must be sent to:

Open Meeting Law Coordinator  
Office of the Attorney General  
100 North Carson Street  
Carson City, Nevada 89701-4717

Complaints may be sent by facsimile to (775) 684-1108.

**INVESTIGATION PROCESS:** Complaints which allege a cognizable violation of the OML will be investigated. The complaint is sent to the public body along with any supporting documents attached to the complaint. The public body is given time to respond to the allegation(s) by written statements, copies of the agenda, minutes, (even if in draft form), video or audio recordings of the meeting, and the Attorney General may subpoena additional relevant documents, records, or materials for purposes of the investigation. After review of the complaint
and the public body’s response, the Attorney General may issue a written opinion that resolves
the matter, or he/she may initiate a civil or criminal suit seeking compliance with the OML.

Considering the time limits for bringing lawsuits, it is important that complaints be
promptly filed with the Office of the Attorney General to allow sufficient time for investigation
and evaluation. Investigation of an OML complaint must occur within the 60/120 day limitations
periods described in §11.07.

SUBPOENA POWER: The Legislature authorized the Attorney General to issue
subpoenas when conducting an investigation. NRS 241.039(4) and (5) state: “In any
investigation conducted pursuant to subsection 2, the Attorney General may issue subpoenas for
the production of any relevant documents, records, or materials. A person who willfully fails or
refuses to comply with a subpoena issued pursuant to this section is guilty of a misdemeanor.”

Records, relevant documents, or other materials now subject to discovery may include
e-mails among members of a public body; records of their phone calls; and other electronic
communications made by a member of a public body while engaged in the public body’s public
business. NRS 241.039.

It is important to remind a public body of the Open Meeting Law’s prohibition against
“walking quorums” or “constructive quorums” that can be created through conversations with
other members or through electronic communication shared among a quorum of a public body.
NRS 241.015(3)(a)(2). Subpoena of relevant records may reveal e-mails or phone calls among
members which could have to be explained or justified to avoid a violation of the Open Meeting
Law.

PUBLIC RECORDS: While the complaints themselves are considered public records,
investigative files will be held confidential until the investigation is complete, and then the file
will become a public record. NRS 241.039(3). Records of closed sessions which are obtained as
a part of the investigation will remain confidential until made a public record through the process
in NRS 241.035(2)(a)–(c).

§ 10.13 Public notice of Attorney General Opinion finding violation by public body

The 2011 Legislature amended the Open Meeting Law with a new requirement for
public bodies designed to provide information and transparency to all members of the public.

NRS 241.0395(1) requires public notice of an Attorney General opinion if the Attorney
General makes findings of fact and conclusions of law that a public body has taken action in
violation of any provision of NRS 241. The public body must include an item on its next agenda
which acknowledges the Attorney General’s findings of fact and conclusions of law. The opinion
of the Attorney General must be treated as supporting material for the item on the agenda for the
purposes of NRS 241.020.

The inclusion of an item on the agenda for a meeting of a public body pursuant
to subsection 1 is not an admission of wrongdoing for the purposes of a civil action, criminal
prosecution, or injunctive relief. NRS 241.0395(2).
NRS 241.0395 serves the OML’s central tenet—transparency. Public notice of the opinion simply is an acknowledgment of a finding by the Attorney General that the public body has taken an action in violation of the OML. The opinion of the Attorney General must be included in supporting materials for that agenda item. The item may be an informational item as there is no statutory requirement that any action be taken. The underlying reason for this change is to provide notice to the public of the Attorney General’s opinion and to provide a forum for discussion, if any, between the public and the public body.

§ 10.14 Monetary penalty for willful violation; one-year limitations period

NRS 241.040(4) provides that each member of a public body is subject to a civil penalty not to exceed $500.00 for participation in a willful violation of the OML. It states:

In addition to any criminal penalty imposed pursuant to this section, each member of a public body who attends a meeting of that public body where action is taken in violation of any provision of this chapter, and who participates in such action with knowledge of the violation, is subject to a civil penalty in an amount not to exceed $500. The Attorney General may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction. . . .

Such an action must be commenced within one year after the date of the action taken in violation of this chapter. A civil penalty is applicable only when a member of a public body, who attends a meeting of that public body where action is taken in violation of any provision of the OML, participates in such action with knowledge of the violation.

The key to understanding how this penalty will be enforced depends on an understanding of the act of “participation,” a requirement of the statute. Enforcement against a member of a public body based on “participation” only may occur when the member makes a commitment, promise, or casts an affirmative vote to take action on a matter under the public body’s jurisdiction or control when the member knew his/her commitment, promise, or vote was taken in violation of the OML.

The civil penalty requires that a public body take action in order for the civil penalty to be potentially applicable. “Action” is defined in NRS 241.015(1) as an affirmative act; mere silence or inaction by members is not sufficient to rise to the level requiring enforcement.

This office would not seek to punish individual members who attempt to comply with the OML, only those who actually violate it. Even then, enforcement under NRS 241 requires discretion based on investigation and review of the facts. Evidence in the record that an individual attempted to comply and/or sought to avoid violating the OML would put them outside the scope of liability for the civil penalty, even if the other members of their public body proceeded to knowingly violate the OML.
§ 11.01 General

As with any statute, courts use many principles of statutory construction to construe the Open Meeting Law and apply it to circumstances before them. Discussion of those principles is beyond the scope of this manual, but the Office of the Attorney General has some observations that may be useful in determining how to comply with the Open Meeting Law.

§ 11.02 Legislative declaration and intent

The Legislature declared in NRS 241.010, “In enacting this chapter, the legislature finds and declares that all public bodies exist to aid in the conduct of the people’s business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.” This spirit was a guiding consideration in several cases. See McKay v. Board of Supervisors, 102 Nev. 644, 647, 730 P.2d 438, 441 (1986); McKay v. Board of County Comm’rs, 103 Nev. 490, 493, 746 P.2d 124, 125 (1987); Del Papa v. Board of Regents, 114 Nev. 388, 393, 956 P.2d 770, 774 (1998); Sandoval v. Board of Regents, 119 Nev. 148, 67 P.3d 902 (2003); Dewey v. Redevelopment Agency, 119 Nev. 87, 94, 64 P.3d 1070, 1075 (2003).

§ 11.03 Standards of interpretation


§ 11.04 Use of standard of reasonableness

In circumstances where the Open Meeting Law provides no clear standards or guidelines, public bodies must consider themselves as being governed by a standard of reasonableness. See Op. Nev. Att’y Gen. No. 79-8 (March 26, 1979).

§ 11.05 Attorney General Opinions

While Attorney General Opinions are intended to be helpful in fashioning compliance with the Open Meeting Law, they are not binding on the courts even though the Office of the Attorney General is given the duty of investigating and prosecuting Open Meeting Law complaints. See Tahoe Reg’l Planning Agency v. McKay, 590 F. Supp. 1071, 1074 (D. Nev.
1984), *aff'd, Tahoe Reg'l Planning Agency v. McKay*, 769 F.2d 534, 539 (9th Cir. 1985). However, the Nevada Supreme Court in *Del Papa v. Board of Regents*, 114 Nev. 388, 956 P.2d 770 (1998), stated that the opinions of the Office of the Attorney General will receive the same deference as an administrative body interpreting a law that it is responsible for enforcing. Thus, where the Legislature has had reasonable time to amend the law to reverse the opinion of the Attorney General, but does not do so, it is presumed the Legislature has acquiesced to the opinion of the Attorney General. *Hughes Properties, Inc. v. State*, 100 Nev. 295, 298, 680 P.2d 970, 972 (1984).

In addition, the Office of the Attorney General has a long-standing policy of reserving opinions regarding Open Meeting Law complaints that are in litigation, even though NRS 241.040(4) gives the Office of the Attorney General investigative and prosecutorial powers. See OMLO 98-05 (September 21, 1998).
§ 12.01 General

This part covers special questions or topics not discussed elsewhere in this manual.

§ 12.02 Relationship of Open Meeting Law to Administrative Procedure Act, NRS Chapter 233B

The 2009 Legislature made changes to the method of adopting regulations by agencies that are subject to Nevada's Administrative Procedures Act (APA). Each workshop and public hearing must be conducted in accordance with NRS 241. NRS 233B.061(5). In addition, workshops or hearings may be held only after the Legislative Counsel has returned the proposed regulation to the agency. NRS 233B.060.

All workshops and public hearings must be conducted in accordance with the OML. NRS 233B.061 now applies the OML to all executive branch agencies subject to the APA, whether the agencies adopt regulations by board, commission, or other public body, or by an individual. Agencies headed by a single person, such as the Insurance Commissioner, are included.

The notice requirements for both NRS 233B and NRS 241.020 may be met in the same notice document so that duplication of notices at different times may be avoided. The OML's minimum notice requirement is before 9:00 a.m., three working days before the meeting.

The Nevada Administrative Procedure Act (APA), Chapter 233B of NRS, requires some agencies to give notice and conduct public hearings before adopting rules and regulations. The 2011 Legislature amended the rules of conduct of some bodies which meet or operate under NRS 233B. NRS 241.016(1) subjects all meetings of public bodies, when meeting as a quasi-judicial body, to the OML. See § 3.10 above.

If the agency is a "public body" (see Part 3 of this manual), both the Open Meeting Law and the APA will apply, and it will be necessary to coordinate the proceedings. The Office of the Attorney General recommends that the APA notice be prepared and distributed as required by the APA, that a meeting of the public body be noticed and put on the agenda under the Open Meeting Law, and that the hearings be included as an action item on the agenda.

The APA also governs the hearings of "contested cases" before administrative agencies and, again, if the agency is a "public body," the Open Meeting Law also will apply to the hearings. Public comment must be conducted to satisfy both the OML and the requirement in NRS 233B. Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the public body may refuse to consider public comment. See NRS 233B.126. Once the board or commission has rendered a
decision on the contested case, it may entertain public comment on the proceeding at that time. The specific statute governing the activities of the agency may have to be considered as well.

If the Open Meeting Law applies to a contested case hearing, a question arises whether a closed session may be held. Absent a specific statute to the contrary, the contested case must be heard in an open meeting context, and the public body may go into closed session under NRS 241.030 only to consider the character, alleged misconduct, professional competence, or mental or physical health of a person, as discussed in Part 9 of this manual. See Op. Nev. Att'y Gen. No. 81-C (June 25, 1981). If the public body is going to conduct a closed session under NRS 241.030(1), the notice requirements of NRS 241.033(1) must be met. If the notice of hearing prepared under NRS Chapter 233B or other relevant statute provides for timing and notice requirements equivalent to NRS 241.033(1), the notices may be coordinated.

§ 12.03 Relationship of Open Meeting Law to the First Amendment to the Constitution of the United States

The full panoply of First Amendment rights attaches to the public’s right to speak at a meeting pursuant to NRS 241.020(2)(d)(3). The public’s freedom of speech during public meetings is vigorously protected by both the U.S. Constitution and the Nevada Constitution. Freedom of expression upon public questions is secured by the First Amendment. New York Times Co. v. Sullivan, 376 U.S. 254, 269 (1964). This constitutional safeguard was fashioned to assure an unfettered interchange of ideas for bringing about political and social changes desired by the people. See §§ 8.04 and 8.05 above, for a detailed discussion of the scope of public comment.

In Sandoval, 119 Nev. at 156, 67 P. 3d at 906-07 (2003), the Board of Regents alleged that limiting the discussion of the Regents to the topics on the agenda unlawfully limited the Regents’ right to free speech. The Supreme Court denied this argument and stated that the Open Meeting Law was not overly burdensome on the Regents’ right to free speech because the Regents could discuss what they wanted, whenever they wanted, just not at a meeting governed by the Open Meeting Law at which the issue for discussion was not agendized.

§ 12.04 Relationship of Open Meeting Law and defamation

In 2005, the Legislature amended the OML to provide immunity from an action alleging defamation to members of a public body for statements made during the meeting and the Legislature also provided immunity to witnesses testifying before a public body. NRS 241.0353 states:

1. Any statement which is made by a member of a public body during the course of a public meeting is absolutely privileged and does not impose liability for defamation or constitute a ground for recovery in any civil action.
2. A witness who is testifying before a public body is absolutely privileged to publish defamatory matter as part of a public
meeting, except that it is unlawful to misrepresent any fact knowingly when testifying before a public body.
SAMPLE FORM 1: Notice and Agenda of Public Meeting (With Comments)

<table>
<thead>
<tr>
<th>Comments</th>
<th>Sample Form</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>See Parts 6 and 7 of the Nevada Open Meeting Law Manual, Twelfth Edition, 2015, for details.</em></td>
<td><em>(This only is a sample. Other formats may be used.)</em></td>
</tr>
</tbody>
</table>

| Name of public body                                                                 |
| Must state the time, place, and location of meeting.                               |

This shows how a meeting, to be held at multiple locations, may be noticed. Sites should be connected by speaker phone or other device where all persons at all locations may hear all persons at all other locations.

Notification pursuant to NRS 241.020(2)(d)(6) and (7)

*See NRS 241.020(1). Giving the name and telephone number of a contact person is not required, but may avoid time delays or embarrassment.*

Reasonable restrictions on public comment must be set out in notice form on the agenda.

NOTICE OF PUBLIC MEETING of the COMMISSION FOR OPEN GOVERNMENT

The Commission for Open Government will conduct a public meeting on November 14, 1997, beginning at 9 a.m. at the following locations:

- at its principal office at 1801 North Carson Street, Suite 104, Carson City, Nevada, and
- at its Las Vegas office in the Grant Sawyer Building, 2501 Washington Street, Suite 401, Las Vegas, Nevada.

The sites will be connected by speaker telephones. The public is invited to attend at either location.

**NOTICE**

1. Items may be taken out of order;
2. Two or more items may be combined;
3. Items may be removed from agenda or delayed at any time;
4. Any restrictions on public comment must be set out and this notice must state that comment can’t be restricted based on viewpoint.

Reasonable efforts will be made to assist and accommodate physically handicapped persons desiring to attend the meeting. Please call number listed in advance so that arrangements for attendance may be made.

Public comment is limited to (set out the allowed time) minutes per person.
Agenda must consist of a clear and complete statement of the topics scheduled to be considered during the meeting.

Agenda must include a list describing the items on which action may be taken and clearly denote "for possible action" on those items.

See Part 9 of the Nevada Open Meeting Law Manual for discussion of when closed sessions are authorized and how they are to be handled.

No action may be taken in a closed session. These are examples of how to notice an item where the public body may go into closed session. Okay to list only the attributes before taking action in open session (i.e., character, professional competence, health, etc.) that will be considered.

AGENDA

Action may be taken only on those items denoted "For possible action."

1. Call to Order and Roll Call.

2. Public comment and discussion. (Discussion)
   No action may be taken on a matter raised under this item of the agenda until the matter itself has been included specifically on an agenda as an item upon which action will be taken.

3. Approval of minutes of previous meeting. (For possible action)

4. Report by Committee on Abuse of Open Meeting Laws. (Discussion)

5. Closed session to consider the character, alleged misconduct, or professional competence of John Doe, a staff employee of the Commission. (Discussion).
   Before closing a meeting, the public body must approve a member's motion to close the meeting which specifies the nature of the business to be considered and the statutory authority on which the meeting will be closed. If closure is pursuant to NRS 241.030(3) the name of the person to be considered must appear on the agenda.

6. Performance Evaluation of Sue Smith including, but not limited to, termination, suspension, demotion, reduction in pay, reprimand, promotion, endorsement, engagement, retention, or "no action." (For possible action) (Closed session may be held to consider character, alleged misconduct, professional competence, and physical or mental health pursuant to NRS 241.030.)
   But see § 6.09: Notice provisions of NRS 241.033 do not apply to applicants for employment with a public body. NRS 241.033(7)(a) exempts public meetings held to consider applicants for employment from the provisions of NRS 241.033.
If action is to be taken, it must be in an open session, and the names of the subject persons should be listed.

If there are topics of known public interest upon which the public body may deliberate, it should be identified. If action might be taken (including approval of a report), this should be listed as “for possible action” and must contain a description of the items on which action will be taken.

Multiple periods of public comment are mandatory. There are now two alternatives for public comment available to a public body. The alternatives may be combined for even more transparency.

NRS 41.020(2)(d)(3).

7. Disciplinary Hearings (For possible action)
Public Body may take administrative action against the following persons which might include employment termination, suspension, demotion, reduction in pay, reprimand, promotion, retention, or no action.

a. Sam Smith  
b. Harry Brown

8. Report by Executive Officer (Discussion) including:
(formal approval of Report: for possible action; all other matters in this item are informational only)

a. Salary of executive director  
b. Legislative audit of Division

9. Public comment and discussion. (Discussion) No action may be taken on a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action will be taken.

10. Adjournment. (Action)

Supporting material is available from [name] at [physical address]. Anyone desiring supporting documentation or additional information is invited to call [phone number] or email [address].

This notice and agenda has been posted on or before 9 a.m. on the third working day before the meeting at [website] and at the following locations:

(1) The Commission’s principal office at 1801 North Carson Street, Suite 104, Carson City, Nevada
the public body, or if it has no principal office, then at the building where the meeting will be held, and at least three other separate, prominent places within the jurisdiction of the public body. Notice also must be posted on (1) the State’s official website, https://notice.nv.gov and (2) the public body’s website, if it maintains a website.

(2) Grant Sawyer Building, 2501 Washington Street, Las Vegas, Nevada

(3) Las Vegas City Hall, 1401 Main Street, Las Vegas, Nevada

(4) Reno City Hall, 490 South Center Street, Reno, Nevada
SAMPLE FORM 2:  MINUTES

Other formats or styles may be used. This is not intended to be a complete set of minutes, only to show how certain matters listed on Sample Form 1 might be handled in the minutes in order to comply with the Open Meeting Law. The public body must take into account other statutory, procedural, or record keeping requirements.

MINUTES

of the meeting of the

COMMISSION FOR OPEN GOVERNMENT

(Date of the Meeting)

The Commission for Open Government held a public meeting on (date), beginning at (time) a.m. at the following locations:

at its principal office at 1801 North Carson Street, Suite 104, Carson City, Nevada, and at its Las Vegas office in the Grant Sawyer Building, 2501 Washington Street, Suite 401, Las Vegas, Nevada.

The sites were connected by speaker telephones.¹

1. Call to order, roll call

The meeting was called to order by Chairman Shirley Brown. Present were commissioners Harry Smith, Peter Knowitall, Roger Dodger, Mike Brown, and Sue Doe. Absent was Commissioner Henry.

Also present were Executive Director Sue Smith and various staff members of the commission. Members of the public were asked to sign in, and the sign-in-sheet is attached to the original minutes as Exhibit A.

2. Public comment (1st period)

However, if the public body chooses the second alternative set forth in NRS 241.020 and if it allows public comment for each "for possible action" agenda item, it still must allow a period of general public comment before adjournment for any and all matters within the jurisdiction or control of the public body, i.e., non-agenda items.

¹ The date, time, and place of meeting, as well as the members of the public body who were present and absent, is required. NRS 241.035(1). Listing others present is not required by the Open Meeting Law but may be helpful in resolving Open Meeting Law and other complaints regarding the proceeding.
2. Approval of minutes of previous meeting

The minutes of the October 10 meeting were approved with changes. 2

3. Report by the Committee on Abuse of Open Meeting Laws

Mr. Rodgers reported that the Committee had completed its report on abuse of Open Meeting Laws. A copy of the report is attached to the original minutes as Exhibit B.

Commissioner Dodger asked about the incident involving Mayor Smith in Little Town on August 17 and wanted the Commission to file litigation. He was reminded that the report was listed on the agenda as a discussion item, and action may not be taken. Further, Mayor Smith would have to be notified if the Commission was going to discuss his misconduct.

Commissioner Knowitall thanked the Committee for its fine work. 3

4. Closed session to discuss the character, alleged misconduct, and professional competence of a staff employee of the Commission

On motion by Commissioner Dodger, seconded by Commissioner Brown, and approved with a unanimous vote, a closed session was conducted to discuss the character, alleged misconduct, and professional competence of a staff employee of the Commission. The Commission received proof that the employee was notified as required by law. Separate minutes of the session have been prepared. 4 No action was taken.

5. Performance Evaluation of Sue Smith

The Commission received proof that Mrs. Smith was notified as required by law. 5

Mrs. Smith objected to comments regarding her professional competence, indicating that she was new on the job and shouldn’t be held to the standards of an experienced employee.

A member of the public addressed the Commission and asked that her remarks be included in the record. A copy of her remarks is attached to the original of these minutes as Exhibit C. 6

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2 If requested by a member, the minutes must record each member’s vote. NRS 241.035(1)(c). Otherwise, for Open Meeting Law purposes, a matter like this may be handled this way. For other purposes, it may be advisable to give details about who made and seconded motions and how votes were cast. Consult with counsel.

3 The substance of the discussion must be reported. NRS 241.035(1)(c).

4 The minutes should reflect that all the procedural requirements and limitations of a closed session have been followed. See § 9 for a discussion.

5 The agenda suggested that the Commission may go into closed session, but in this instance, it handled the whole matter in an open session. Even if it does so in an open meeting, the Commission still must receive proof of service required by NRS 241.033(1).
On motion by Commissioner Dodger, seconded by Commissioner Brown, and approved with a unanimous vote, the evaluation attached to the original of these minutes as Exhibit D was approved.

6. Disciplinary Hearing re: Harry Brown

A disciplinary hearing was held regarding alleged misconduct by Harry Brown. Opening remarks were made by Deputy Attorney General Joe Smith and by counsel for Mr. Brown, Gerry Spence.

Six witnesses testified and were cross-examined. Fifteen exhibits were received into evidence. A record of the proceeding was made by a court reporter and a transcript is available.7

On motion by Commissioner Dodger, seconded by Commissioner Brown, and approved with a unanimous vote, a closed session was conducted to discuss the character, alleged misconduct, and professional competence of Mr. Brown. The Commission received proof that the employee was notified as required by law. Separate minutes of the session have been prepared.

Following the closed session, the Commission went back into open session to take action. On motion by Commissioner Dodger, seconded by Commissioner Doe, and upon a vote of 4-2, the Commission found that Mr. Brown had violated various provisions of the Open Meeting Law as alleged in the complaint. Mr. Brown was ordered to pay a $1,000 fine. Counsel for the Commission was instructed to prepare Findings of Fact, Conclusions of Law, and Order to be approved and signed by Chairman Brown, and it will be filed with the original of these minutes.

7. 2nd period of Public Comment and Discussion

Mrs. Henrietta Cobb addressed the Commission, indicating there is a serious flaw in the Open Meeting Law regarding serial communications and asked the Commission to propose legislation to plug up the gap. She gave an example of Brown County, where the County Manager approved a contract with Henry's Construction Company after discussing it with each Commissioner, one at a time. At the meeting, the County Commission voted to ratify the contract without any discussion or input from the community. Commissioner Brown said he would consider having the matter put on an agenda for a future meeting, and Mrs. Cobb would be invited to participate.

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6 See NRS 241.035(1)(d). If the commentator does not have written remarks, then his/her oral remarks must be reflected.

7 More detail may be required by the law that governs hearings by the body. For Open Meeting Law purposes, this shows what happened in the open and closed sessions and that a separate record has been made.
Commissioner Dodge presented to the Commission a report by the Greenpeace organization regarding the massacre of thousands of people in Uganda. He commented that something should be done about it and asked that the report and his remarks be included in the record of this meeting. The report is attached to these minutes but was not read by other Commissioners, and there was no discussion about his remarks.\footnote{Any other information that is requested to be included or reflected in the minutes by any member of the body must be included, even if not relevant or discussed. NRS 241.035(1)(e).}

8. **Adjournment was unanimously approved at nine p.m.**
December 10, 2005

Ms. Sue Smith
1102 Center Street
Reno, Nevada 89504

Re: Notice of meeting of the Commission to consider your character, alleged misconduct, professional competence, or health.

Dear Ms. Smith:

In connection with your performance evaluation, the Commission may consider your character, alleged misconduct, professional competence or health at its meeting on January 14, 2005. The meeting will begin at 9 a.m. at 1801 North Carson Street, Suite 104, in Carson City, Nevada. The meeting is a public meeting, and you are welcome to attend. The Commission may go into closed session to consider the following general topics: your performance as administrative assistant to the executive director, your job description, your job duties, and matters properly related thereto. You are welcome to attend the closed session, have an attorney or other representative of your choosing present during the closed meeting, present written evidence, provide testimony, and present witnesses relating to your character, alleged misconduct, professional competence, or physical or mental health.

If the Commission determines it necessary after considering your character, alleged misconduct, professional competence, or physical or mental health whether in a closed meeting

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1 If requested by a member, the minutes must record each member’s vote. NRS 241.035(1)(c). Otherwise, for Open Meeting Law purposes, a matter like this may be handled this way. For other purposes, it may be advisable to give details about who made and seconded motions and how votes were cast. Consult with counsel.

2 The list of general topics should be as inclusive as possible. NRS 241.033(2)(c).

3 The substance of the discussion must be reported. NRS 241.035(1)(c). The minutes should reflect that all the procedural requirements and limitations of a closed session have been followed. See §§ 6.09 and 9 for a discussion. This sentence meets the requirements of NRS 241.033(4).
or open meeting, it may also take administrative action against you at this meeting.\(^4\) This informational statement is in lieu of any notice that may be required pursuant to NRS 241.034.\(^5\)

This notice is provided to you under NRS 241.033.\(^6\)

Very truly yours,

______________________________
Commission Secretary

\(^4\) NRS 241.020 requires agenda statement both for the closed meeting consideration and the administrative action item, which must occur in an open meeting. See NRS 241.010. For informational statement, see NRS 241.033(2)(b).

\(^5\) See NRS 241.034(3).

\(^6\) See NRS 241.035(1)(d). If the commentator does not have written remarks, then his or her oral remarks must be reflected.
PROOF OF SERVICE

I, ____________________________, hereby swear or affirm under penalty of perjury, that in accordance with NRS 241.033, I served the foregoing Notice of Meeting of the Commission to consider character, alleged misconduct, competence, or health

_____ By personally serving it on Sue Smith at ________________________________

_____ By depositing it in the United States Mail, postage prepaid, certified mail # ______________________, addressed to Sue Smith at ________________________________ on this ___ day of __________________________, 1997.

_________________________________
Signature of person making service

State of Nevada )
 ) ss:
 ________ County )

Signed and sworn to (or affirmed) before me by ________________________________

(date)

_____________________________
Notary Public

Commission Expires ______________

----------------------------------------------------------------Notes-----------------------------------------------------------------

This only is a sample format. Other formats, styles, or preprinted forms may be used as long as they contain all the information required by NRS 241.033. This document must be entered into the record before a public body may proceed with the meeting, pursuant to NRS 241.033(1)(b).
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relationship to Open Meeting Law
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Agency heads
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posting
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recommended contents
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Waiver of personal notice requirements
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<th>SECOND REQUIRED</th>
<th>DEBATABLE</th>
<th>AMENDABLE</th>
<th>VOTE REQUIRED</th>
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<td>Majority</td>
<td>If Committee has not begun work in the matter</td>
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<td>Majority</td>
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<td>Yes</td>
<td>No</td>
<td>No</td>
<td>2/3</td>
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<tr>
<td>Reconsider</td>
<td>Yes</td>
<td>If motion to be reconsidered is debatable</td>
<td>No</td>
<td>Majority</td>
<td>No</td>
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Library Bill of Rights

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.

II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.

IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.

V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.

VI. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

Adopted June 18, 1948.
Inclusion of “age” reaffirmed January 23, 1996.
by the ALA Council.

The Freedom to Read Statement

The freedom to read is essential to our democracy. It is continuously under attack. Private groups and public authorities in various parts of the country are working to remove or limit access to reading materials, to censor content in schools, to label "controversial" views, to distribute lists of "objectionable" books or authors, and to purge libraries. These actions apparently rise from a view that our national tradition of free expression is no longer valid; that censorship and suppression are needed to avoid the subversion of politics and the corruption of morals. We, as citizens devoted to reading and as librarians and publishers responsible for disseminating ideas, wish to assert the public interest in the preservation of the freedom to read.

Most attempts at suppression rest on a denial of the fundamental premise of democracy: that the ordinary citizen, by exercising critical judgment, will accept the good and reject the bad. The censors, public and private, assume that they should determine what is good and what is bad for their fellow citizens.

We trust Americans to recognize propaganda and misinformation, and to make their own decisions about what they read and believe. We do not believe they need the help of censors to assist them in this task. We do not believe they are prepared to sacrifice their heritage of a free press in order to be "protected" against what others think may be bad for them. We believe they still favor free enterprise in ideas and expression.

These efforts at suppression are related to a larger pattern of pressures being brought against education, the press, art and images, films, broadcast media, and the Internet. The problem is not only one of actual censorship. The shadow of fear cast by these pressures leads, we suspect, to an even larger voluntary curtailment of expression by those who seek to avoid controversy.

Such pressure toward conformity is perhaps natural to a time of accelerated change. And yet suppression is never more dangerous than in such a time of social tension. Freedom has given the United States the elasticity to endure strain. Freedom keeps open the path of novel and creative solutions, and enables change to come by choice. Every silencing of a heresy, every enforcement of an orthodoxy, diminishes the
toughness and resilience of our society and leaves it the less able to deal with controversy and difference.

Now as always in our history, reading is among our greatest freedoms. The freedom to read and write is almost the only means for making generally available ideas or manners of expression that can initially command only a small audience. The written word is the natural medium for the new idea and the untried voice from which come the original contributions to social growth. It is essential to the extended discussion that serious thought requires, and to the accumulation of knowledge and ideas into organized collections.

We believe that free communication is essential to the preservation of a free society and a creative culture. We believe that these pressures toward conformity present the danger of limiting the range and variety of inquiry and expression on which our democracy and our culture depend. We believe that every American community must jealously guard the freedom to publish and to circulate, in order to preserve its own freedom to read. We believe that publishers and librarians have a profound responsibility to give validity to that freedom to read by making it possible for the readers to choose freely from a variety of offerings. The freedom to read is guaranteed by the Constitution. Those with faith in free people will stand firm on these constitutional guarantees of essential rights and will exercise the responsibilities that accompany these rights.

We therefore affirm these propositions:

1. *It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those that are unorthodox or unpopular with the majority.*

Creative thought is by definition new, and what is new is different. The bearer of every new thought is a rebel until that idea is refined and tested. Totalitarian systems attempt to maintain themselves in power by the ruthless suppression of any concept that challenges the established orthodoxy. The power of a democratic system to adapt to change is vastly strengthened by the freedom of its citizens to choose widely from among conflicting opinions offered freely to
them. To stifle every nonconformist idea at birth would mark the end of the
democratic process. Furthermore, only through the constant activity of weighing
and selecting can the democratic mind attain the strength demanded by times
like these. We need to know not only what we believe but why we believe it.

2. Publishers, librarians, and booksellers do not need to endorse every idea or presentation
they make available. It would conflict with the public interest for them to establish their
own political, moral, or aesthetic views as a standard for determining what should be
published or circulated.

Publishers and librarians serve the educational process by helping to make
available knowledge and ideas required for the growth of the mind and the
increase of learning. They do not foster education by imposing as mentors the
patterns of their own thought. The people should have the freedom to read and
consider a broader range of ideas than those that may be held by any single
librarian or publisher or government or church. It is wrong that what one can read
should be confined to what another thinks proper.

3. It is contrary to the public interest for publishers or librarians to bar access to writings
on the basis of the personal history or political affiliations of the author.

No art or literature can flourish if it is to be measured by the political views or
private lives of its creators. No society of free people can flourish that draws up
lists of writers to whom it will not listen, whatever they may have to say.

4. There is no place in our society for efforts to coerce the taste of others, to confine adults
to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers
to achieve artistic expression.

To some, much of modern expression is shocking. But is not much of life itself
shocking? We cut off literature at the source if we prevent writers from dealing
with the stuff of life. Parents and teachers have a responsibility to prepare the
young to meet the diversity of experiences in life to which they will be exposed,
as they have a responsibility to help them learn to think critically for themselves.
These are affirmative responsibilities, not to be discharged simply by preventing
them from reading works for which they are not yet prepared. In these matters
values differ, and values cannot be legislated; nor can machinery be devised that will suit the demands of one group without limiting the freedom of others.

5. *It is not in the public interest to force a reader to accept with any expression the prejudgment of a label characterizing it or its author as subversive or dangerous.*

The ideal of labeling presupposes the existence of individuals or groups with wisdom to determine by authority what is good or bad for the citizen. It presupposes that individuals must be directed in making up their minds about the ideas they examine. But Americans do not need others to do their thinking for them.

6. *It is the responsibility of publishers and librarians, as guardians of the people's freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large.*

It is inevitable in the give and take of the democratic process that the political, the moral, or the aesthetic concepts of an individual or group will occasionally collide with those of another individual or group. In a free society individuals are free to determine for themselves what they wish to read, and each group is free to determine what it will recommend to its freely associated members. But no group has the right to take the law into its own hands, and to impose its own concept of politics or morality upon other members of a democratic society. Freedom is no freedom if it is accorded only to the accepted and the inoffensive.

7. *It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality and diversity of thought and expression. By the exercise of this affirmative responsibility, they can demonstrate that the answer to a "bad" book is a good one, the answer to a "bad" idea is a good one.*

The freedom to read is of little consequence when the reader cannot obtain matter fit for that reader's purpose. What is needed is not only the absence of restraint, but the positive provision of opportunity for the people to read the best that has been thought and said. Books are the major channel by which the intellectual inheritance is handed down, and the principal means of its testing and growth. The defense of the freedom to read requires of all publishers and
librarians the utmost of their faculties, and deserves of all citizens the fullest of their support.

We state these propositions neither lightly nor as easy generalizations. We here stake out a lofty claim for the value of the written word. We do so because we believe that it is possessed of enormous variety and usefulness, worthy of cherishing and keeping free. We realize that the application of these propositions may mean the dissemination of ideas and manners of expression that are repugnant to many persons. We do not state these propositions in the comfortable belief that what people read is unimportant. We believe rather that what people read is deeply important; that ideas can be dangerous; but that the suppression of ideas is fatal to a democratic society. Freedom itself is a dangerous way of life, but it is ours.


NEVADA LIBRARY ASSOCIATION
RESOLUTION ON ACCESS TO LIBRARY MATERIALS AND SERVICES

WHEREAS, Libraries have the important mission of protecting the right of free speech by making the widest diversity of views and modes of expression available to everyone;

WHEREAS, Libraries should provide materials and information presenting all points of view on current and historical issues, and should not proscribe or remove materials because of personal, partisan or doctrinal disapproval;

WHEREAS, Libraries should provide the best information and materials on various subjects and literatures in response to what is in demand, and to make them freely available so that people may make their own choices;

WHEREAS, Libraries enable citizens to make intelligent decisions based on information on all sides of a question - including minority, as well as popular points of view;

WHEREAS, Libraries serve the entire community, with all its social, political, economic, religious and cultural diversities and alternative lifestyles;

WHEREAS, Libraries provide books and other materials, programs, and services for the interest and enlightenment of people of all ages;

WHEREAS, Libraries should not restrict access to library resources to avoid objections from parents or pressure groups;

WHEREAS, Parents, and only parents, have the right and the responsibility to restrict access of their children, and no others, to library resources;

RESOLVED, That the Nevada Library Association defends citizens rights to free access to library collections and services, and opposes all attempts by pressure groups or individuals to limit access to the full range of library materials, programs or services, and be it further

RESOLVED, That the Nevada Library Association defends intellectual freedom and opposes censorship or discrimination against any group or segment of society.

Proposed by the NLA INTELLECTUAL FREEDOM COMMITTEE
ADOPTED BY THE NEVADA LIBRARY ASSOCIATION, OCTOBER, 1994
CHAPTER 379 - PUBLIC LIBRARIES

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NRS 379.0077 Submission of application for certification and fingerprints; issuance of provisional certificate. [Effective on the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]
NRS 379.0078 Payment of child support: Statement by applicant for certification; grounds for denial of certification; duty of State Library, Archives and Public Records Administrator. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]
NRS 379.0079 Renewal of certification; information required of applicant; grounds for nonrenewal.
NRS 379.008 Confidentiability of application for certification and related documents; penalty; inspection of file by applicant.
NRS 379.0082 Suspension of certification for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of certification. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]
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COUNTY, DISTRICT, CONSOLIDATED AND TOWN LIBRARIES

NRS 379.010 County library: Establishment and maintenance; county library fund.
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NRS 379.021 County library district: Procedure for formation; levy of tax for maintenance; library fund; separate account for gift fund and library fund.
NRS 379.022 Trustees of county library district: Appointment; terms; vacancies; compensation; expenses; removal; additional trustees if service extended.
NRS 379.0221 Consolidated library district: Consolidation of city into county library district in certain counties.
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REGIONAL NETWORKS OF LIBRARIES

“Library” defined.
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Procedure for requests by participating library and governing board of regional network of libraries for grants of money related to regional services.
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MISCELLANEOUS PROVISIONS

Agreements with State Library, Archives and Public Records Administrator for improvement of services.
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GENERAL PROVISIONS

Goal of public libraries and information centers. It is the goal of the State’s publicly supported libraries and information centers to provide the resources and trained staff to meet the informational needs of all citizens.
(Added to NRS by 1981, 996)

Master plan for libraries. The governing body of every public library in this State shall develop, through a continuing process of planning, a master plan for the library or libraries for which it is responsible, including plans for levels of library services and resources, and shall submit the plan to the State Council on Libraries and Literacy. The master plan must be designed to extend 5 years into the future and must be made current at least every 2 years.
(Added to NRS by 1981, 996; A 1993, 1581)

Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 379.0051 to 379.0059, inclusive, have the meanings ascribed to them in those sections.
(Added to NRS by 1967, 1058; A 1981, 996; 1985, 8)

“Consolidated library” defined. “Consolidated library” means a library established pursuant to NRS 379.0221.
(Added to NRS by 1985, 7)

“County library” defined. “County library” means a library established pursuant to NRS 379.010.
(Added to NRS by 1985, 7)

“District library” defined. “District library” means a library established pursuant to NRS 379.021.
(Added to NRS by 1985, 7)

“Public library” defined. “Public library” means a consolidated, county, district, city or town library, a group of libraries which have entered into an interlocal agreement or any other library predominantly supported by public money.
(Added to NRS by 1985, 7)

“Town library” defined. “Town library” means a library maintained pursuant to NRS 379.023.
(Added to NRS by 1985, 7)

CERTIFICATION OF PERSONNEL

Purpose of certification; certificate revocable. The purpose of certifying the personnel of public libraries is to protect the general welfare of the people of this State. Any certificate issued by the State Library, Archives and Public Records
Administrator is a revocable privilege and no holder of a certificate acquires any vested right therein.

(Added to NRS by 1995, 103; A 1997, 3147)

NRS 379.0073 Regulations establishing standards for certification.
1. The State Library, Archives and Public Records Administrator shall adopt regulations establishing standards for the certification by the State Library, Archives and Public Records Administrator of the personnel of public libraries in this State.
2. The regulations must include:
   (a) Standards for the certification of various categories of library personnel, based upon their educational backgrounds, work experience and job descriptions.
   (b) The qualifications required for certification, including the courses of study or training required for each category of certification.
3. The regulations may include:
   (a) Provisions governing the issuance of conditional certificates to personnel of public libraries before the completion of all courses of study or other requirements for certification.
   (b) Provisions governing the issuance of provisional certificates pursuant to NRS 379.0077.
4. The regulations must provide that they do not apply to a public library unless the governing authority of the library has approved the regulations for use by the library.
(Added to NRS by 1995, 101; A 1997, 3147)

NRS 379.0077 Submission of application for certification and fingerprints; issuance of provisional certificate. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]
1. An application for certification by the State Library, Archives and Public Records Administrator must include the social security number of the applicant.
2. Every applicant for certification by the State Library, Archives and Public Records Administrator shall submit with the application a complete set of his or her fingerprints and written permission authorizing the State Library, Archives and Public Records Administrator to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The State Library, Archives and Public Records Administrator may issue a provisional certificate pending receipt of the report if the Administrator determines that the applicant is otherwise qualified.
(Added to NRS by 1995, 102; A 1997, 2048, 3147)

NRS 379.0077 Submission of application for certification and fingerprints; issuance of provisional certificate. [Effective on the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]
1. An application for certification by the State Library, Archives and Public Records Administrator shall submit with the application a complete set of the applicant's fingerprints and written permission authorizing the State Library, Archives and Public Records Administrator to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The State Library, Archives and Public Records Administrator may issue a provisional certificate pending receipt of the report if the Administrator determines that the applicant is otherwise qualified.
(Added to NRS by 1995, 102; A 1997, 2048, 3147, effective on the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings)

NRS 379.0078 Payment of child support: Statement by applicant for certification; grounds for denial of certification; duty of State Library, Archives and Public Records Administrator. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]
1. An application for the issuance or renewal of certification shall submit to the State Library, Archives and Public Records Administrator the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.
2. The State Library, Archives and Public Records Administrator shall include the statement required pursuant to subsection 1 in:
   (a) The application or any other forms that must be submitted for the issuance or renewal of the certification; or
   (b) A separate form prescribed by the State Library, Archives and Public Records Administrator.
3. A certificate may not be issued or renewed by the State Library, Archives and Public Records Administrator if the applicant:
   (a) Fails to submit the statement required pursuant to subsection 1; or
   (b) Indicates in the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.
4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the State Library, Archives and Public Records Administrator shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.
(Added to NRS by 1997, 2047)

NRS 379.0079 Renewal of certification; information required of applicant; grounds for nonrenewal.
1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of certification by the State Library, Archives and Public Records Administrator must indicate in the application submitted to the State Library, Archives and Public Records Administrator whether the applicant has a state business registration. If the applicant has a state business registration, the applicant must include in the application the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS.
2. Certification may not be renewed by the State Library, Archives and Public Records Administrator if:

https://www.leg.state.nv.us/NRS/NRS-379.html
(a) The applicant fails to submit the information required by subsection 1; or
(b) The State Controller has informed the State Library, Archives and Public Records Administrator pursuant to subsection 5 of NRS 353C.1965 that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:
(1) Satisfied the debt;
(2) Entered into an agreement for the payment of the debt pursuant to NRS 353C.130; or
(3) Demonstrated that the debt is not valid.
3. As used in this section:
(a) "Agency" has the meaning ascribed to it in NRS 353C.020.
(b) "Debt" has the meaning ascribed to it in NRS 353C.040.
(Added to NRS by 2013, 2728)

NRS 379.008 Confidentiality of application for certification and related documents; penalty; inspection of file by applicant.
1. Except as otherwise provided in NRS 239.0115, an application to the State Library, Archives and Public Records Administrator for certification and all documents in the file of the State Library, Archives and Public Records Administrator relating to an application, including:
(a) The applicant’s health records;
(b) The applicant’s fingerprints and any report from the Federal Bureau of Investigation;
(c) Transcripts of the applicant’s records at colleges or other educational institutions;
(d) Correspondence concerning the application; and
(e) Other personal information concerning the applicant,
are confidential.
2. It is unlawful to disclose or release the information in an application or a related document except pursuant to the written authorization of the applicant.
3. The State Library, Archives and Public Records Administrator shall, upon request, make available the file of the applicant for inspection by the applicant during regular business hours.
(Added to NRS by 1995, 102; A 1997, 3147; 2007, 2096)

NRS 379.0082 Suspension of certification for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of certification. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]
1. If the State Library, Archives and Public Records Administrator receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who has been certified by the State Library, Archives and Public Records Administrator, the State Library, Archives and Public Records Administrator shall deem that person’s certification to be suspended at the end of the 30th day after the date on which the court order was issued unless the State Library, Archives and Public Records Administrator receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person who has been certified by the State Library, Archives and Public Records Administrator stating that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.
2. The State Library, Archives and Public Records Administrator shall reinstate the certification of a person that has been suspended by a district court pursuant to NRS 425.540 if the State Library, Archives and Public Records Administrator receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certification was suspended stating that the person whose certification was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.
(Added to NRS by 1997, 2048)

NRS 379.0083 Regulations establishing fees relating to issuance and renewal of certificate. The State Library, Archives and Public Records Administrator may adopt regulations establishing fees:
1. Of not more than $5 for the issuance and renewal of a certificate. The fee for issuing a duplicate certificate must be the same as for issuing the original. The money received from such fees must be paid into the State General Fund.
2. To cover the amount charged by the Federal Bureau of Investigation for processing the fingerprints of an applicant. The money received from such fees must be deposited with the State Treasurer for credit to the appropriate account of the Division of State Library, Archives and Public Records of the Department of Administration.
(Added to NRS by 1995, 102; A 1997, 3148; 2001, 926; 2011, 2976)

NRS 379.0087 Regulations setting forth standards for approval of courses of study or training. The State Library, Archives and Public Records Administrator shall adopt regulations setting forth standards for the approval of a course of study or training offered by an educational institution to qualify a person for certification:
1. The State Library, Archives and Public Records Administrator shall adopt regulations setting forth standards for the approval of a course of study or training offered by an educational institution to qualify a person for certification.
2. Except as otherwise provided in subsection 3, the State Library, Archives and Public Records Administrator shall, upon the application of an educational institution or as the State Library, Archives and Public Records Administrator determines necessary, review and evaluate a course of study or training offered by an educational institution to qualify a person for certification. If the course of study or training meets the standards established by the State Library, Archives and Public Records Administrator, it must be approved by the State Library, Archives and Public Records Administrator.
3. In lieu of reviewing and evaluating a course of study or training, the State Library, Archives and Public Records Administrator may approve a course of study or training which is approved by a national agency for accreditation.
4. If the State Library, Archives and Public Records Administrator denies or withdraws approval of a course of study or training, the educational institution is entitled to a hearing and judicial review of the decision of the State Library, Archives and Public Records Administrator.
(Added to NRS by 1995, 102; A 1997, 3148)

NRS 379.009 Filing and update of directory of personnel who hold certificates. The State Library, Archives and Public Records Administrator shall file with the governing authority of each public library in this State a directory of all personnel who hold certificates, and shall advise the governing authority from time to time, as necessary, of changes or additions to the directory.
COUNTY, DISTRICT, CONSOLIDATED AND TOWN LIBRARIES

NRS 379.010 County library: Establishment and maintenance; county library fund.
1. The board of county commissioners of each county may set apart a sum of money to be used in the establishment and maintenance of a public library in the county. Each year thereafter the board of county commissioners may set apart an amount of money for the purpose of operating and maintaining the library.
2. The fund so created is the county library fund.

NRS 379.020 Trustees of county library: Appointment; terms; vacancies; compensation; expenses; removal.
1. The board of county commissioners shall appoint five competent persons who are residents of the county to serve as county library trustees. Three trustees shall hold office for the terms of 1, 2 and 3 years respectively, and two trustees shall hold office for terms of 4 years. Annually thereafter, the board of county commissioners shall appoint one trustee who shall hold office for a term of 4 years, except that in those years in which the terms of two trustees expire, the board of county commissioners shall appoint two trustees for terms of 4 years. County library trustees shall hold office until their successors are appointed and qualified.
2. No trustee may be appointed to hold office for more than two consecutive 4-year terms.
3. All vacancies which may occur at any time in the office of county library trustee must be filled by appointment by the board of county commissioners.
4. County library trustees serve without compensation, except that the board of county commissioners may provide for compensation in an amount of not more than $40 per meeting, with a total of not more than $80 per month, and may provide travel expenses and subsistence allowance for the members in the same amounts as are allowed for employees of the county library.
5. The board of county commissioners may remove any trustee who fails, without cause, to attend three successive meetings of the trustees.

NRS 379.021 County library district: Procedure for formation; levy of tax for maintenance; library fund; separate account for gift fund and library fund.
1. Whenever in any county a petition or petitions praying for the formation of a county library district and the establishment of a public library therein setting forth the boundaries of the proposed library district, certified by the district judge of any judicial district as being signed by 10 percent of the taxpayers or by taxpayers representing 10 percent of the taxable property in the proposed county library district, as shown by the last preceding assessment roll of the county, is presented to the board of county commissioners of the county in which the territory of the proposed county library district is situated, accompanied by an affidavit or affidavits of one or more of the signers thereof that the signatures thereto are genuine, the board of county commissioners shall, at its next regular meeting after the petition or petitions are so presented:
(a) Pass a resolution to the effect that a county library district with properly defined boundaries is to be established and cause to be published a notice thereof in a newspaper of general circulation within the district once a week for a period of 2 weeks; and
(b) Allow 30 days after the first publication of the notice during which all taxpayers of the district in which the district library is to be situated have the right to file protests with the county clerk.
2. If the aggregate of protests is less than 10 percent of the taxpayers voting in the last general election, the board of county commissioners shall order the creation of the county library district and the establishment of a public library therein and levy taxes in support and continued maintenance of the library in accordance with subsection 5.
3. If the aggregate of protests is more than 10 percent of the taxpayers voting in the last general election, the board of county commissioners shall proceed no further with reference to the establishment of a county library district without submitting the question to the voters at a primary or general election.
4. If the majority of votes cast at the election is against the establishment of the county library district, the question is lost and the board of county commissioners shall proceed no further.
5. Upon the creation of a county library district and establishment of a public library therein, the board of county commissioners shall, at the next time for levying taxes and in each year thereafter, at the time and in the manner other taxes are levied, levy a tax upon all taxable property in the county in which the district library is to be established and administer the funds of a county library district to be created and maintain a fund known as the library fund.
6. All money received by the county treasurer pursuant to subsection 5 and NRS 379.026 may be transferred to a separate account established and administered by the county treasurer in accordance with the provisions of NRS 354.603.

NRS 379.022 Trustees of county library district: Appointment; terms; vacancies; compensation; expenses; removal; additional trustees if service extended.
1. After ordering the creation of a county library district and the establishment of a public library therein as provided in NRS 379.021, the board of county commissioners shall appoint five competent persons who are residents of the county to serve as district library trustees.
2. The term of office of the trustees appointed pursuant to subsection 1 is as follows:
(a) Three persons must be appointed for terms of 2 years.
(b) Two persons must be appointed for terms of 4 years.
3. Thereafter the offices of district library trustees must be filled for terms of 4 years in the order in which the terms expire. No person may be appointed to hold office for more than two consecutive 4-year terms.
4. A vacancy in the office of district library trustee which occurs because of expiration of the term of office must be filled by appointment by the board of county commissioners for a term of 4 years. A vacancy which occurs other than by expiration of the term must be filled by appointment by the board of county commissioners for the unexpired term.
5. The board of district library trustees may provide for compensation of members of the board in an amount of not more than $40 per meeting, with a total of not more than $80 per month, and may provide travel expenses and subsistence allowances for the members in the same amounts as are allowed for employees of the county library district.
6. The board of county commissioners may remove any district library trustee who fails, without cause, to attend three successive meetings of the trustees.
6. If the library trustees of any county library district have entered into a contract pursuant to NRS 379.060 with any city within the county, they may add to their number two additional library trustees who are appointed by the governing body of the city to represent the residents of the city. The terms of office of the two additional library trustees are 3 years or until the termination of the contract with the city for library services, if that termination occurs sooner. The additional library trustees have the same powers and duties as the trustees appointed pursuant to subsection 1. (Added to NRS by 1967, 1059; A 1971, 133; 1981, 336, 998; 1989, 612)

NRS 379.0221 Consolidated library district: Consolidation of city into county library district in certain counties. The trustees of a county library district in any county whose population is 700,000 or more and the governing body of any city within that county may, to establish and maintain a public library, consolidate the city into the county library district. (Added to NRS by 1985, 7; A 1989, 1923; 2011, 1245)

NRS 379.0222 Trustees of consolidated library district: Appointment; terms; compensation; removal; executive director.
1. After the consolidation of a city into a county library district, the board of county commissioners and the governing body of the city shall each appoint five competent persons who are residents of the new consolidated library district to serve as trustees.
2. The terms of office of the trustees appointed pursuant to subsection 1 are as follows:
   (a) Three persons appointed by each governing body must be appointed for terms of 4 years.
   (b) Two persons so appointed must be appointed for terms of 2 years.
   (c) Thereafter the offices of trustees must be filled for terms of 4 years in the order in which the terms expire. No person may be appointed to hold office for more than two consecutive terms.
3. A vacancy in the office of trustee which occurs because of the expiration of the term must be filled by appointment for a term of 4 years. A vacancy which occurs other than by expiration of the term must be filled by appointment for the unexpired term.
4. The trustees are entitled to receive a salary of $40 per meeting, but not more than $80 per month, in addition to the travel and subsistence allowances in the same amounts as are provided for employees of the consolidated library district.
5. The board of county commissioners or governing body of the city, as the case may be, may remove any trustee appointed by it:
   (a) For cause, as described in NRS 283.440; or
   (b) Who fails, without good cause, to attend three successive meetings of the trustees.
6. The trustees may appoint an executive director for the consolidated library district who serves at the pleasure of the trustees. (Added to NRS by 1985, 7; A 1989, 613; 1993, 2547)

NRS 379.0223 Consolidated library district: Name. The name of any consolidated library district established pursuant to NRS 379.0221 must be selected by the trustees and include the name of the city having the largest population located within the boundaries of the consolidated library district. (Added to NRS by 1985, 8; A 1992, 2548)

NRS 379.0224 Consolidated library district: Boundaries. The boundaries of a consolidated library district include all of the area of:
1. Each city that is consolidated into the county library district;
2. The county library district at the time of the establishment of the consolidated library district, except for an area annexed by another city which:
   (a) Is not consolidated into the county library district;
   (b) Has established a city library pursuant to NRS 379.105 or created a municipal library district pursuant to the provisions of its charter; and
   (c) Is included in a county library district, that has not merged with the consolidated library district, pursuant to an interlocal agreement before May 2, 2001, or pursuant to NRS 379.068; and
3. Any other county library district which has merged with the county library district being consolidated. (Added to NRS by 1985, 8; A 1997, 1755; 2001, 372)

NRS 379.0225 Issuance of bonds by consolidated or county library district.
1. Except as otherwise provided in this subsection, the trustees of a consolidated or county library district may propose the issuance of general obligation bonds in an amount not to exceed 10 percent of the total last assessed valuation of the taxable property of the district for the purpose of acquiring, constructing or improving buildings and other real property to be used for library purposes or for purchasing books, materials or equipment for newly constructed libraries. The trustees of a consolidated library district shall not propose an issuance of bonds or any other form of indebtedness unless a public hearing on the proposal is first held before the board of county commissioners and the governing body of the city that initially formed the consolidated library district pursuant to NRS 379.0221. After such a public hearing has been held, the board of county commissioners and the governing body of the city may each:
   (a) Adopt a resolution that supports or opposes in whole or in part the proposal of the trustees of the consolidated library district; and
   (b) Transmit the resolution to the debt management commission of the county in which the district is situated.
2. A proposal for the issuance of bonds pursuant to subsection 1 must be submitted to the debt management commission of the county in which the district is situated for its approval or disapproval, pursuant to the provisions of NRS 350.011 to 350.0165, inclusive. If the debt management commission approves the proposed issuance, the question of issuing the bonds must be submitted to the registered electors of the district in accordance with the provisions of NRS 350.020 to 350.070, inclusive. If a majority of the electors voting on the question favors the proposal, the board of county commissioners shall issue the bonds as general obligations of the consolidated or county library district pursuant to the provisions of the Local Government Securities Law.
3. Any bond issued for purchasing books, materials or equipment for newly constructed libraries must be redeemed within 5 years after its issuance. (Added to NRS by 1981, 996; A 1985, 9; 1989, 613; 1993, 2548; 1995, 772; 2001, 370)

NRS 379.0227 Consolidated library district: Levy of tax; fund for the consolidated library; transfer of money to separate account.
1. Upon the establishment of a consolidated library district, the board of county commissioners shall, at the next time for levying taxes and in each year thereafter, at the time and in the manner other taxes are levied, levy a tax upon all taxable property in the consolidated library district for the purpose of creating and maintaining a fund known as the fund for the consolidated library.
NRS 379.023  Town library: Establishment and maintenance; levy of tax; town library fund.
1. Any free public library existing on July 1, 1967, which was established in an unincorporated town pursuant to the provisions of chapter 379, Statutes of Nevada 1895, or of NRS 379.070 to 379.120, inclusive, may be maintained pursuant to NRS 379.005 to 379.040, inclusive.
2. So long as such library is so maintained, the board of county commissioners of the county in which such library exists shall each year, at the time and in the manner other taxes are levied, levy a tax upon all taxable property in such unincorporated town for the purpose of maintaining a fund to be known as the town library fund.

(NRS 379.025  Powers and duties of trustees of consolidated, county, district, town or other public library.
1. Except as otherwise provided in subsection 2, the trustees of any consolidated, county, district, town or other public library, and their successors, shall:
(a) Establish, supervise and maintain a library.
(b) Appoint, evaluate the performance of and, if necessary, dismiss a librarian or, in the case of a consolidated library district, an executive director.
(c) Hold and possess the property and effects of the library in trust for the public.
(d) In the case of a county library, submit annual budgets to the board of county commissioners, containing detailed estimates of the amount of money necessary for the operation and management of the library for the next succeeding year.
(e) In the case of a consolidated, district or town library, prepare annual budgets in accordance with NRS 354.470 to 254.626, inclusive.
(f) In the case of a consolidated library district:
(1) Administer any separate account established pursuant to NRS 354.603.
(2) Annually submit a budget to the board of county commissioners and governing body of the city for joint review and recommendation, which must contain detailed priorities and estimates of the amount of money necessary for the operation and management of the consolidated library district for the next succeeding year. Unless a majority of the members of the board of county commissioners and a majority of the members of the governing body of the city reject the budget within 21 days after it is submitted to them, the trustees shall cause copies of the final budget to be submitted to the board of county commissioners for attachment to the copy of the final budget for the county which is filed pursuant to NRS 354.59808, and to the governing body of the city for attachment to the copy of the final budget for the city which is filed pursuant to NRS 354.59801. If the budget is so rejected, the trustees shall resubmit a revised budget for joint review pursuant to this subparagraph.
(g) In the case of a district library, administer any separate account established pursuant to NRS 354.603.
(h) Establish bylaws and regulations for the management of the library and their own management.
(i) Manage all the property, real and personal, of the library.
(j) Acquire and hold real and personal property, by gift, purchase or bequest, for the library.
(k) Administer any trust declared or created for the library.
(l) Maintain or defend any action in reference to the property or affairs of the library.
2. The trustees may:
(a) Make purchases and secure rooms.
(b) Authorize the merger or, subject to the limitations in NRS 379.0221, the consolidation of a town or city library with a county library district.
(c) Invest the money in the appropriate library fund in accordance with the provisions of chapter 355 of NRS.
(d) Do all acts necessary for the orderly and efficient management and control of the library.
3. The trustees shall, as a primary goal of the consolidated library district, provide the library facilities, resources and trained staff to meet the informational needs of all residents of the district.

(NRS 379.026  Gift funds of libraries: Establishment; source; use; investment of money.
1. The trustees of any consolidated, county, district or town library may establish with the county treasurer, as custodian, a special fund, to be known as the gift fund of the ......... consolidated library, the gift fund of the county library, the gift fund of the ......... district library or the gift fund of the ......... town library, as the case may be. The money in such a fund must be derived from all or any part of any gift, bequest or devise, including the interest thereon. The fund must be a separate and continuing fund and no money in the fund may be transferred to the general fund of the county at any time.
2. The money in a gift fund of a library may be used for construction of new library buildings, capital improvements to library buildings, special library services or other library purposes. No expenditure from a gift fund of a library may be made until authorized by the trustees.
3. The trustees may invest or reinvest all or part of the money in the gift fund of a library in any investment authorized for city and county money under chapter 355 of NRS.

(NRS 379.027  Powers and duties of librarian.
The librarian of any consolidated, county, district or town library shall administer all functions of the library, employ assistants and carry out the policies established by the trustees of the library, and may recommend policies to the trustees.

(NRS 379.030  Payment of claims against library fund.
1. All claims for indebtedness incurred or created by the trustees of any consolidated, county, district or town library must:
(a) Be audited and approved by a majority of the trustees;
NRS 379.040 Library to be free and accessible to public; regulations of trustees. The library and reading room of any consolidated, county, district or town library must forever be and remain free and accessible to the public, subject to such reasonable regulations as the trustees of the library may adopt.

NRS 379.050 Transfer of property of district library to new county library in certain counties; merger of county library districts in certain counties; merger or consolidation of city or town library with county library district.

1. Whenever a new county library is provided for in any county whose population is 45,000 or more, the trustees of any district library in the county previously established may transfer all books, funds, equipment or other property in the possession of such trustees to the new library upon the demand of the trustees of the new library.

2. Whenever there are two or more county library districts in any county whose population is 45,000 or more, the districts may merge into one county library district upon approval of the trustees of the merging districts.

3. Whenever there is a city or a town library located adjacent to a county library district, the city or town library may:
   (a) Merge with the county library district upon approval of the trustees of the merging library and district; or
   (b) Subject to the limitations in NRS 379.0221, consolidate with the county library district.

4. All expenses incurred in making a transfer or merger must be paid out of the general fund of the new library.

NRS 379.055 Transfer of county library district's property, money, contracts and appropriations to consolidated library district. All property, money, and contracts of, and appropriations to, the county library district being consolidated become the property, money and contracts of, and appropriations to, the consolidated library district.

(Added to NRS by 1985, 3)

NRS 379.060 Extension of services of consolidated, county or district library: Contracts with counties, cities, towns and school districts.

1. The trustees of any consolidated, county or district library shall cooperate with and enter into contracts with the board of county commissioners of any other county, or with any city or town in any other county, or with any school district, when necessary to secure to the residents of the other county, or to the residents of the city or town in the other county, or to the pupils of the school district, the same privileges of the consolidated, county or district library as are granted to or enjoyed by the residents of the county or consolidated county library district, or such privileges as may be agreed upon in the contract. The consideration agreed upon must be specified in the contract, and must be paid into the consolidated, county or district library fund or a special fund for library purposes of the county providing the service.

2. Any contracting county, city, town or school district may terminate any contract which may be entered into upon such terms as may be agreed upon by the parties thereto.

3. Any county, city or town wherein a library has been established may cooperate with and contract with the trustees of any consolidated, county or district library to obtain for the residents of the county, city or town an increase in library services or such privileges as may be agreed upon.

4. The trustees of any consolidated, county or district library may cooperate with and contract with the board of county commissioners of any other county, relative to any phase of library service.

5. Any county, city or town contracting for library service may at any time establish a library for the use of its inhabitants, whereupon its contract for service may be continued or terminated on such terms as may be agreed upon by the parties thereto.

6. The tax-levying body of any county, city or town contracting to receive library services must budget for and levy a tax to meet the terms of the contract. The board of trustees of a school district may budget to meet the terms of the contract.

7. The trustees of the consolidated, county or district library providing services may expend any amounts received in consideration of any such contract in addition to the amount budgeted for the consolidated, county or district library.

NRS 379.065 Provision of library services of county library district in contiguous territory served by another library district or library: Request; joint study; determination by board of county commissioners; alteration of boundaries.

1. If the trustees of a county library district desire to provide library services in territory which is contiguous to its boundaries but is within the boundaries of another county library district, a consolidated library district or a county, city or town which has a library, the trustees of the county library district may submit a request to the trustees of such a library or library district to provide library services within that territory.

2. If the trustees of a library or library district that receives a request pursuant to subsection 1 desire that the library or library district receive such library services, the trustees shall conduct a joint study with the county library district to determine whether the county library district has the financial capability to provide the library services. If the results of the study demonstrate that the county library district has such financial capability, the county library district may alter its boundaries to include the territory.

3. If:
   (a) The trustees of a library or library district that receives a request pursuant to subsection 1 do not desire that the library or library district receive such library services; or
   (b) The results of a study conducted pursuant to subsection 2 demonstrated that the county library district did not have the financial capability to provide the library services,

   the county library district may submit the matter to the board of county commissioners of the county for its determination. The board of county commissioners may request such information from the county library district and library or library district as necessary to make its determination. If the board of county commissioners determines it is in the best interest of the residents of the territory to receive library services from the county library district, the board of county commissioners shall by resolution authorize the county...
library district to alter its boundaries to include the territory. In making such a determination, the board of county commissioners may solicit public comment from residents who are affected by the proposed alteration of the boundaries of the county library district through polling, public hearings, submission of an advisory question at an election or any other form of public comment.

4. The provisions of this section do not apply to alter the boundaries of any library or library district for the purposes of taxes levied for the repayment, when due, of the principal of and interest on bonds, notes or other indebtedness issued before the effective date of the alteration.

(Added to NRS by 2001, 371)

CITY LIBRARIES

NRS 379.070 Establishment and maintenance. Any free public library which has been established in a city pursuant to chapter 90, Statutes of Nevada 1895, or any other law prior to July 1, 1967, or which is established after July 1, 1967, may be maintained and shall be governed by the provisions of NRS 379.070 to 379.120, inclusive.


NRS 379.105 Governing authority of city library: Governing body of city or trustees; powers and duties of governing authority.

1. The governing body of the city shall determine whether:
   (a) To constitute itself the governing authority of the city library; or
   (b) To appoint a board of trustees as such governing authority.

2. If library trustees are appointed, they and their successors shall:
   (a) Establish, supervise and maintain a library.
   (b) Appoint a librarian.
   (c) Hold and possess the property and effects of the library in trust for the public.
   (d) Submit annual budgets to the governing body of the city, containing detailed estimates of the amount of money necessary for the operation and management of the library for the next succeeding year.
   (e) Establish bylaws and regulations for the management of the library and their own management.
   (f) Manage all the property, real and personal, of the library.
   (g) Acquire and hold real and personal property, by gift, purchase or bequest, for the library.
   (h) Administer any trust declared or created for the library.
   (i) Maintain or defend any action in reference to the property or affairs of the library.

3. If appointed, the library trustees may:
   (a) Make purchases and secure rooms.
   (b) Authorize the merger of a city library with a county library district.
   (c) Do all acts necessary for the orderly and efficient management and control of the library.

4. The governing authority has all the powers and duties with respect to the city library that district library trustees have with respect to a district library.

(Added to NRS by 1959, 328; A 1965, 747; 1967, 1063; 1969, 493; 1981, 1001)

NRS 379.106 Gift fund.

1. The governing authority of any city library is authorized to establish with the city treasurer, as custodian, a special fund, known as the "city library gift fund." The moneys in such fund must be derived from all or any part of any gift, bequest or devise, including the interest thereon. The gift fund is a separate and continuing fund and no moneys in it revert to the general fund of the city at any time.

2. The moneys in a city library gift fund may be used for construction of new library buildings, capital improvements to library buildings, special library services, or other library purposes. No expenditure from a city library gift fund may be made until authorized by the governing authority.

3. The governing authority of a city library may invest or reinvest all or part of the moneys in the city library gift fund in any investment authorized for city and county moneys under chapter 355 of NRS.

(Added to NRS by 1961, 354; A 1967, 1064; 1981, 1002)

NRS 379.107 Powers and duties of librarian. The librarian of any city library shall administer all functions of the library, employ assistants and carry out the policies established by the governing authority, and may recommend policies to the governing authority.

(Added to NRS by 1959, 328; A 1967, 1064; 1981, 1002)

NRS 379.120 Library to be free and accessible to public; regulations of governing authority. The library and reading room shall forever be and remain free and accessible to the people of the city, subject to such reasonable rules and regulations as the governing authority may adopt.


REGIONAL LIBRARIES

NRS 379.142 "Political subdivision" defined. As used in NRS 379.142 to 379.146, inclusive, "political subdivision" means a consolidated, county, city, town, or county library district, or legally established libraries therein.

(Added to NRS by 1959, 280; A 1965, 430; 1985, 12)

NRS 379.143 Establishment and maintenance by agreement; apportionment of expenses; custody of money.

1. Any two or more political subdivisions may join in establishing and maintaining a regional library through a written joint agreement of their governing bodies.

2. The agreement shall provide for the fair apportionment of expenses and that the treasurer or other fiscal officer of one of the participating political subdivisions shall be selected as treasurer of the regional library and shall have custody of the funds of the regional library.

(Added to NRS by 1959, 280)
NRS 379.144 Transfer of money to regional library. The treasurer or other fiscal officer of the other participating political subdivisions shall transfer to the treasurer of the regional library all moneys collected for regional public library purposes in their respective political subdivisions, in accordance with a joint agreement.

(Added to NRS by 1959, 280; A 1965, 430)

NRS 379.145 Division of property on withdrawal. If one of the participating political subdivisions withdraws from the agreement, it is entitled to a division of the property of the regional library on the basis of its contribution.

(Added to NRS by 1959, 280)

NRS 379.146 Regional library board: Appointment; terms; number.
1. Each regional library shall be governed by a regional library board appointed in accordance with a method jointly agreed upon by the governing bodies of the participating political subdivisions, for a term of not more than 4 years.
2. The regional library board shall consist of not less than 5 nor more than 11 members.

(Added to NRS by 1959, 280)

REGIONAL NETWORKS OF LIBRARIES

NRS 379.147 "Library" defined. As used in NRS 379.147 to 379.149, inclusive, "library" includes public libraries, school libraries where authorized by school districts, academic libraries, special libraries and the State Library, Archives and Public Records.

(Added to NRS by 1981, 726; A 1985, 125)

NRS 379.1473 Legislative declaration. The Legislature declares:
1. That the State recognizes the desirability of supporting the extension of library services beyond the jurisdiction of any single library;
2. That the formation of a regional network of libraries is an effective means of providing services beyond local boundaries; and
3. That all public libraries in this State should be linked to regional networks to form a system of communications and provision of services which will encourage cooperation and maximum use of available resources.

(Added to NRS by 1981, 726)

NRS 379.1475 Agreement to form regional network of libraries.
1. The governing bodies of two or more libraries may enter into an agreement to form a regional network of libraries for the purpose of facilitating regional cooperation, improved communications and sharing of resources. The purposes of the regional network may be furthered by such activities as:
   (a) Developing and operating interlibrary systems to improve access to dispersed library and information services.
   (b) Applying new technologies for improved efficiency in the use and availability of resources.
   (c) Improving access to advanced research which will help increase productivity and solve emerging problems of common concern.
2. An agreement to form a regional network of libraries is subject to the provisions of the Interlocal Cooperation Act.

(Added to NRS by 1981, 726)

NRS 379.148 Governing board of regional network of libraries: Members; organization; duties.
1. A regional network of libraries is governed by a board consisting of one representative from each participating entity.
2. The board shall:
   (a) Elect its own officers.
   (b) Establish rules for its own governance and bylaws for the operation of the regional network.
   (c) Prepare an annual budget for the regional network.
   (d) Develop, through a continuing process of planning, a master plan for the regional network of libraries for the provision of regional services. The master plan must be designed to extend 5 years into the future and must be made current at least every 2 years.

(Added to NRS by 1981, 726)

NRS 379.1483 Governing board of regional network of libraries: Duty to establish policies and procedures to govern programs and activities for libraries. The governing board of a regional network of libraries has primary responsibility for, and shall establish policies and procedures to govern, library programs and activities which extend beyond the jurisdiction of any single participating library. These programs and activities include but are not limited to libraries, interlibrary loans, development of databases and utilization of new technologies for communication among libraries.

(Added to NRS by 1981, 727)

NRS 379.1485 Procedure for requests by participating library and governing board of regional network of libraries for grants of money related to regional services.
1. Whenever a participating library seeks a grant of money related to regional services from the State, the Federal Government or another source, it must first submit the request to the governing board of the regional network for review.
2. After review, the governing board of the regional network shall forward the request to the granting agency along with its comments and suggestions for priority. If the request is for a state grant, the granting agency must consider the priority designated by the governing board.
3. The governing board may request and receive gifts or grants of money from the State, the Federal Government or another source for purposes of the regional network. Among requests for state grants, requests from the regional network have priority over requests from participating libraries.

(Added to NRS by 1981, 727)

NRS 379.149 Power of governing board of regional network of libraries to contract with state agencies. The governing board of a regional network of libraries may enter into contracts with state agencies for:
1. The administration of grants of money for library purposes; and
2. The provision of library services,
   in the region served by the regional network.

(Added to NRS by 1981, 727)
NRS 379.150  Agreements with State Library, Archives and Public Records Administrator for improvement of services.  
A library operated pursuant to the provisions of this chapter may enter into agreements with the State Library, Archives and Public Records Administrator, where the objective of the agreements is the improvement of library service.  
(Added to NRS by 1957, 341; A 1997, 3149)

NRS 379.160  Willful detention of or damage to property of public library; penalties; liability of parent or guardian.
  1. Any person who willfully detains any book, newspaper, magazine, pamphlet, manuscript, filmstrip or other property of any public library or reading room for more than 30 days after receipt of written notice demanding the return of any such article or property shall be punished by a fine of not more than $500.
  2. Any person who willfully cuts, tears, defaces, breaks or injures any book, map, chart, picture, engraving, statue, coin, model, apparatus or other work of literature, art, mechanics or object of curiosity deposited in any public library or reading room shall be punished by a fine of not more than $500.
  3. The parent or guardian of a minor who willfully and maliciously commits any acts within the scope of subsection 1 or 2 is liable for all damages so caused by the minor.  
(Added to NRS by 1957, 6; A 1965, 125; 1967, 563; 1985, 114)
Nevada State Library, Archives and Public Records
LIBRARY SERVICES AND TECHNOLOGY ACT, FIVE YEAR PLAN
2018-2022

Approved by the Nevada State Council on Libraries and Literacy, June 20, 2017
Submitted to the Institute of Museum and Library Services, June 30, 2017
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Introduction

The Nevada State Library, Archives and Public Records (NSLAPR) has created a Five-Year LSTA State Plan that identifies goals, objectives and programs that are consistent with both its mission, the collective needs of the Nevada library community, and the purposes of the Library Services and Technology Act (LSTA) federal program. The plan has been prepared in accordance with Public Law 20 U.S.C. 9121, the Library Services and Technology Act of 1996 (as re-authorized in 2003 and 2010). Its purpose is to comply with Section 224 (b) and to show how funds under the Act will contribute to meeting library needs in Nevada.

The overall goal of the State Library LSTA program is to:

- ensure all Nevadans have access to library resources and services that meet their informational, educational, cultural, and recreational needs, and
- help Nevada libraries solidify their roles as community educational centers, through planning, assessment, training, partnerships, institutional capacity and identifying user access needs.

Mission Statement

The Nevada State Library, Archives and Public Records (NSLAPR) is the principal information asset of state government. We are committed to:

- Supporting the needs of the Nevada library community;
- Preserving published Nevada history and historical records;
- Ensuring equitable access to information for Nevadans of all abilities;
- Connecting Nevada residents and State agencies with information.

Needs Assessment

Population Overview

Nevada is a state that is characterized by economic, geographic, and ethnic diversity. There are two urban centers (Reno and Las Vegas), home to 88% of the state’s residents, and a number of rural, sparsely populated, “frontier” towns, which are loosely defined by the United States Department of Agriculture as territory characterized by some combination of low population size and high geographic remoteness. A Nevada Fact Sheet, published by the Legislative Counsel Bureau in January of 2016 and based on certified 2014 population estimates, provides a snapshot of the State’s population, diversity, age distribution, income levels, and geography. Currently, Nevada ranks number 35 nationally in terms of population, but ranks:

- #1 in projected population growth, 2000-2030 (114.3%)
- #2 in actual population growth, 2013-2014 (1.7%)
- #51 in percentage of native (to Nevada) born residents (31.7%)
- #5 in percentage of both Hispanics (27%) and Asians (8%)
- #7 in total square miles (110,572)
- #1 in percentage of federally owned land (85.9%)
At the same time, in the 2017 edition of Education Week's Quality Counts report on the state of education, Nevada received a grade of D and total score of 65, placing it last in the nation for the 2nd year in a row.

This data reveals that Nevada has a mobile and fast growing influx of new residents who either choose to conform to geographic boundaries or defy them. This data also reveals that Nevada's traditional educational system is being hard pressed to keep pace with the rapid change. However, as reported by the 2016 Nevada Public Library Survey, Nevada has 21 Public Libraries with 84 outlets statewide that meet minimum public library standards, meaning they are open a minimum amount of hours, have state certified professional staff, and participate in information resource sharing. Out of a total service area population of 2,893,645 people, 1,311,377 (45%) were registered library users; as a bonus, the smaller counties and districts tend to have the greatest market penetration (see Appendix A). Thus, from a high level perspective, Nevada Libraries are perfectly situated to meet the educational and informational needs of every resident of the state, no matter their location. It is the mission of NSLAPR, through judicious application of our new Five year LSTA plan, to ensure that they are ready and able to successfully do so.

LSTA Planning Sessions
Using a two phased planning approach, State Library, Archives, and Public Records staff have been engaged in strategic planning activities over the past year that served to inform both the new LSTA plan and the new NSLAPR strategic plan. The first part of the process has involved classifying and reviewing existing services; identifying opportunities and threats; and finding related organizations as possible collaborators. The second part, performed during community listening sessions during a statewide tour of Nevada's libraries, aimed at identifying assumptions, auditing our collective values, and understanding the goals and strategies of key stakeholder groups.

The needs assessment process, in its entirety, has served as a mechanism to avoid overemphasizing organizational parts at the expense of the whole and is helping guide State Council on Libraries and Literacy (Council) to make decisions that are in line with the aims and strategies of Nevada's library leadership.

May 2016 Directors Meeting
NSLAPR began gathering information for the new statewide masterplan, a document that will both contain and complement the LSTA 2018-2022 plan, in May 2016 with an all day workshop led by a professional facilitator. Library directors from academic, school, special, and public libraries were invited to attend. The evolution of the library landscape, from the 1970s to present was explored; a visioning exercise and SWOT analysis were performed; and a wish list was created. Five focal areas were identified:

1. telling our story with metrics
2. library spaces as learning centers
3. raising awareness of resources
4. strengthening our core
5. literacy

May 2017 Community Forums/Citizen Participation
Between May 15th and June 5, staff from the Nevada State Library, Archives and Public Records (NSLAPR) continued the planning process. However, instead of bringing library
directors to the State, the State went to the library directors in order to see and experience the library as place, and better understand the populations and environmental strengths and challenges that are unique to each individual library. Twenty libraries of all types, in every Nevada county were visited, from the Las Vegas metropolitan area, home to 2/3 of the state’s population, to Esmeralda County, population 790 (US Census, July 1, 2016). Priorities identified during this session include:

1. Library staff certification process
2. Space reconfiguration
3. Collections- access, digital
4. Trustee training
5. Workforce development
6. Internet bandwidth (lack of)
7. Reduced and limited resources (budgets)
8. Databases

**LSTA Survey**

Another step in the LSTA State Plan needs assessment process was a survey conducted in March 2017, performed at Council’s direction. This survey’s intent was to gather statistical data on the role, relevance, and impact that federal LSTA funded programs have on Nevada libraries, both internally on operations and externally in the community, in the following areas:

- Planning
- Literacy Instruction
- Training/Professional Development
- Access to Information
- Access to Technology
- Workforce Development
- Early Childhood Education
- Collections
- Staffing levels

In total, 33 library directors participated in the LSTA survey. Overall, for every type of library, collections, access to information, literacy instruction, planning, and technology were areas that LSTA funds were seen to have the greatest impact. Also, nearly half of the public libraries reported that LSTA funds were the sole source of funding for early literacy programs.

**LSTA 2013-2017 Evaluation Findings**

Essential to the planning process were consideration and understanding of findings from our LSTA 2013-2017 plan evaluation. This evaluation was conducted by the lead staff of the Center for Research, Evaluation and Assessment at the University of Nevada, Las Vegas. Their conclusion that our previous plan was on target and that we were meeting or exceeding our goals in every area, combined with survey findings and community feedback, was pivotal in our decision to keep our four LSTA goals as is. And, at the same time, build upon them by updating objectives, programs, activities and outcomes.
Planning Summary

Key themes emerged over the course of the planning sessions that served to guide the development of the Nevada State Library, Archives and Public Records LSTA Plan, 2018-2022. Our libraries must:

- play a central role in the education of members of our community from preschoolers through seniors
- build a collection that meets community needs
- be focal points and resource hubs for individuals and communities
- team with the public, community and business organizations to expand the library system reach through partnerships
- support a love of reading, personal growth and learning and build an informed citizenry

Council Review

On June 21, 2017, the State Council on Libraries and Literacy reviewed and approved the new plan, with updated programs, activities and outcomes, as presented. The plan is shaped with the understanding that change is inevitable, and that our library services will adapt as warranted. At the same time, we will maintain our core values, measure all we do against our mission, and remain focused on serving the community.

Throughout this planning process, the Nevada library community and the State Council on Libraries and Literacy were regularly updated. All planning items, research information and findings, and action items are available on the NSLAPR website, which will serve as the digital archive for all documentation associated with the strategic planning process.

IMLS LSTA Grants to States Priorities

Nevada’s LSTA Five Year Plan, 2018-2022, will address the LSTA-specified Grants to States Priorities (20 U.S.C. § 9141, which are as follows:

1. expand services for learning and access to information and educational resources in a variety of formats, in all types of libraries, for individuals of all ages in order to support such individuals' needs for education, lifelong learning, workforce development, and digital literacy skills;
2. establish or enhance electronic and other linkages and improved coordination among and between libraries and entities for the purpose of improving the quality of and access to library and information services;
3. provide training and professional development, including continuing education, to enhance the skills of the current library workforce and leadership, and advance the delivery of library and information services;
4. enhance efforts to recruit future professionals to the field of library and information services;
5. develop public and private partnerships with other agencies and community-based organizations;
6. target library services to individuals of diverse geographic, cultural, and socioeconomic backgrounds, and to individuals with limited functional literacy or
target library and information services to persons having difficulty using a library and to underserved urban and rural communities, including children (from birth through age 17) from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 9902(2) of title 42) applicable to a family of the size involved;
7. develop library services that provide all users access to information through local, state, regional, national, and international collaborations and networks; and
8. carry out other activities consistent with the purposes set forth in section 9121, as described in the SLAA’s plan.

Nevada LSTA Goals

The following goals represent the direction of the Library Services and Technology Act in Nevada. All goals are considered equal in priority.

Goal 1
Strengthen Nevada libraries’ ability to effectively respond to community needs through training, planning, and assessment.

Planning Document Coordination Efforts

- Nevada Library Director Focal Area #1, Telling our story with metrics
- IMLS LSTA Priorities: 3, 5, 6 & 7
- IMLS Focal areas: Institutional Capacity

Objectives

- Advance data driven decision making and reporting to prioritize needs and improve effectiveness
- Offer targeted Capacity Building subgrant opportunities

Programs

- Provide training and support for needs assessment at local, regional and statewide levels that identify the information and access needs of users.
- Fund the development of robust, user-focused library plans.

Activities

- Identify tools and innovative approaches to improve the planning and evaluation process
- Collaborate with other state agencies to gather, review, analyze and synthesize Nevada population data, trends and forecasts and make these resources readily available to drive planning decisions
- Reassess required reporting data measurements annually
- Continue statewide Community Listening sessions to prioritize activities
- Provide assessment/performance measurement training, consultation, and resources to library staff, board members and trustees
- Encourage user driven innovation
- Ensure lines of communication remain transparent and flow in all directions
- Add lessons learned components to sub-grant evaluation narratives to identify trends and increase organizational knowledge
Require sub-grant projects to be based upon data driven decisions
Revise sub-grant requirements and timelines to allow for greater flexibility and participation
Embrace constant and purposeful change
Offer sub-grants to libraries that serve small and rural communities
Improve program/service effectiveness and management accountability through continued focus on results

Timeline, October 2018 – September 2022
Training will be ongoing – training events will be assessed annually
Review of assessment tools and practices annually
Sub-grants are available annually

Outcomes/Impact
Increased awareness of internal library strengths, weaknesses, opportunities, threats, will allow libraries to make better internal operational plans
Increased awareness of community population needs will allow libraries to develop user focused operational plans
Increased awareness will allow library staff to understand changing role of libraries
Understanding of strategic benchmarks, tools to leverage resources
Increased understanding of ways in which libraries contribute to and exist within their communities

Goal 2
Encourage Nevada libraries to develop and use partnerships and collaboration to maximize user resources and services throughout the state.

Planning Document Coordination Efforts
Nevada Library Directors' focal areas: #2, Raising awareness of resources; #3, Strengthening our core
IMLS LSTA Priorities: 1, 2, 4, 7
LSTA focal areas: Lifelong Learning, Information Access, Institutional Capacity, Economic & Employment Development, Human Services, Civic Engagement

Objective
Cultivate collaborative projects that will leverage multiple resources, improve access, extend reach, and strengthen core services

Programs
Develop and extend services, resources and programming through partnerships with libraries and other organizations and agencies.
Convene regional and statewide meetings to develop partnership and collaborative opportunities for various types of libraries and library related organizations.

Activities
Strengthen lines of communication between NSLAPR, state agencies, and all libraries
Explore GLAM collaborative opportunities (Galleries, Libraries, Archives, Museums)
• Provide grant opportunities that encourage collaboration, extend community reach and leverage multiple resources
• Utilize Council member expertise to explore, develop and extend partnership opportunities, especially with cultural institutions, schools, tribal and governmental entities, social service agencies, and local businesses.
• Investigate cooperative models that will enhance resource sharing and increase access

Timeline, October 2018 – September 2022
• Training will be ongoing – training events will be assessed annually
• Review of assessment tools and practices annually
• Sub-grants are available annually

Outcomes/Impact
• Libraries will extend reach and impact in their communities through newly developed relationships with individuals, educators, community leaders, state and local agencies, and businesses
• Libraries will be trusted partners in the deployment of local and state initiatives

Goal 3
Nevada libraries will provide responsive and accessible learning environments that meet the needs of all Nevada residents

Planning Document Coordination Efforts
• Nevada Library Directors focal area #2, Library spaces as learning centers; #5, Literacy,
• IMLS LSTA Priorities: 1, 3, 5, 6
• LSTA focal areas: Lifelong Learning, Information Access, Institutional Capacity, Economic & Employment Development, Human Services, Civic Engagement

Objectives
• Expand and enhance libraries ability to meet the spectrum of learning and information needs of their communities

Programs
• Support opportunities that address diversity, inclusion, and access
• Support space reconfiguration

Activities
• Identify and address barriers to access
• Continue Nevada Talking Books program and make efforts to expand outreach efforts
• Consider priority funding for sub-grant projects that address inclusivity and/or communities of greatest need
• Continue support of rural bookmobiles
• Continue support of Statewide Literacy initiatives, including Center for the Book, Summer Learning, and Digital Literacy programs
• Continue support of Information Nevada, the statewide resources sharing program
• Continue sub-grant programs that enable libraries to extend reach and impact of existing educational services

Timeline, October 2018 – September 2022
• Training will be ongoing – training events will be assessed annually
• Review of assessment tools and practices annually
• Sub-grants are available annually

Outcomes/Impact
• Libraries will have tools to address the different needs of Nevada’s distinctive and diverse communities
• Libraries will assume leadership roles as their community’s educational and information centers

Goal 4
Build capacity of libraries to meet evolving information access needs.

Planning Document Coordination Efforts
• Nevada Library Directors focal area #2, Library spaces as learning centers;
• IMLS LSTA Priorities: 1, 2, 3
• LSTA focal areas: Information Access, Institutional Capacity, Economic & Employment Development, Human Services, Civic Engagement
• Nevada’s Strategic Planning Framework, #3, Educational and Workforce Development

Objective
• Position Nevada Libraries as one stop information and educational portals

Programs
• Develop training opportunities that address instruction of differing and evolving literacies
• Identify best practices for creatively adapting to societal and technological changes

Activities
• Create subgrant opportunities targeted to meet small and rural library information access needs
• Offer rolling subgrant deadlines to allow greater flexibility and increase library participation
• Provide learning opportunities and continuing education classes to the Nevada Library workforce in core areas and emerging trends
• Invest in human resources, infrastructure and technology to improve service and operations
• Support library projects that advance Nevada’s 5 year strategic plan goals for a healthy and educated citizenry, including preparing students for college and career success; ensuring a highly skilled and diverse workforce; and increasing the number of Nevadans with post-secondary credentials
- Collaborate with digitization leaders in cultural heritage institutions to increase access to collections
- Support data driven collection development practices
- Continue support of the Statewide Database Project
- Continue administrative support of LSTA priorities in the state

Timeline, October 2018 – September 2022
- Training will be ongoing – training events will be assessed annually
- Review of training tools and practices annually
- Sub-grants are available annually

Outcomes/Impact
- Libraries will be viewed as essential core components to their community’s overall educational and economic well being

Coordination Efforts
NSLAPR and the State Council on Libraries and Literacy are committed to working with all agencies and organizations that will leverage the federal and state investment of the LSTA priorities identified in this plan. As projects unfold for the priorities under this new plan, NSLAPR will work actively with potential partners to effectively and efficiently achieve Nevada’s end goal of an educated, healthy, and informed citizenry, prepared to face this century’s rapidly changing landscape.

See Appendix B for an overview of how Nevada’s LSTA goals and activities align with Nevada-wide priorities and map to the IMLS LSTA Priorities, Focal Areas, and Intents.

Evaluation Plan
Evaluation of the progress towards meeting the goals of this plan is the responsibility of the Nevada State Library, Archives and Public Records (NSLAPR) staff with advice from the State Council on Libraries and Literacy. NSLAPR will assess current evaluation methods to identify the best practices to gather evaluative data to highlight progress on stated outcomes and impacts. NSLAPR will also review emerging trends in library program evaluation, such as Project Outcome, for use in the program.

As part of evaluation, NSLAPR will continue its monitoring processes. Individual programs and projects will be reviewed based on several factors, including a pre-award risk assessment. Project directors are required to submit quarterly reports narratives, and a final evaluation and fiscal report. NSLAPR will be in contact with, and available to, all sub-grant project directors throughout the grant year. Contact may be by telephone, email or site visits. Site visits will be concentrated on projects which require additional assistance and to gather more information about grant procedures from various levels in the grant process. Information gathered as part of the monitoring process will be one factor used to determine the success of the implementation of this plan. The data will be incorporated into the assessment for the five year evaluation process of the LSTA program in Nevada. NSLAPR expects to contract with an independent consultant to complete the comprehensive five year evaluation.
Stakeholder Involvement

The Nevada State Library, Archives and Public Records (NSLAPR) will continue to use the State Council on Libraries and Literacy (Council) as the mechanism to provide advice and feedback on the LSTA program. Librarians and library users are represented on the Council under the terms of the Nevada Revised Statutes (NRS 380A.041) which states that "It is the policy of this State to foster and further the establishment and proper maintenance of superior libraries and the acquisition of resources, facilities, professional staffs and auxiliary personnel fully to support such services."

Membership on the Council consists of 11 members appointed by the Governor representing public, school, academic, public, and special libraries, library trustees; also represented are classroom teachers, persons with disabilities, private sector employers, labor unions, literacy organizations, members of the general public. Six state agencies are included on Council as ex-officio members. These agencies are Administration; Education; Employment, Training and Rehabilitation; Health and Human Services; Office of Economic Development; and Corrections. Together, these 17 members of the Council meet at least three times per year to

1. Examine and overview the whole state of libraries, librarianship, library education, library resources, and all allied and cognate activities and prepare a record of its findings.
2. Require public libraries to provide necessary library statistics and reports and to make recommendations for the advancement of libraries.
3. Report biennially to the Governor and Legislature. The report must be filed on or before January 1 of each odd-numbered year.
4. Publish material pertaining to its work that it may order issued.
5. Review plans and applications submitted by libraries and political subdivisions for state grants-in-aid and make recommendations to the State Library, Archives, and Public Records Administrator concerning approval.
6. Examine and evaluate the programs for literacy in this State.
7. Establish a plan for coordinating programs and activities for promoting and increasing literacy in this State.

In order to address its mission, the Council advises the State Library Administrator on the following: development of the long-range plan; program administration policies; annual grant criteria, priorities, and categories; the process and calendar for each year; and grant applications and recommendations for grant awards. NSLAPR will review and adopt additional ways to involve key groups and individuals in LSTA decision making process in the next five year cycle. The State Library Administrator will continue to use Library Directors meetings to solicit suggestions and recommendations. A combined meeting of library directors and the State Council on Libraries and Literacy on LSTA issues will be held at least once per year. Council meetings are subject to open meeting laws, and as such, part of each Council meeting time is designated for public comment, where anyone interested in the LSTA program may make comments and suggestions.

The LSTA application, reporting, and evaluation forms are reviewed and revised annually as is the publication, LSTA Program Guidelines. This information is distributed to potential applicants and all those interested in the program. Documentation on programmatic and
administrative components of the LSTA program is posted on NSLAPR's LSTA webpages. NSLAPR will provide statewide training/information programs for all potential grant applicants and will review various forms of communication technology to maximize contact with the library community.

**Communication and Public Availability**

The Nevada State Library, Archives and Public Records publishes information on the LSTA program in both print and electronic formats that is freely available to both the library community and the public. Information on new programs is routinely disseminated via email lists to public, school, academic and special libraries, and through the NSLAPR website. In addition, NSLAPR will continue to build its social media presence, strengthening its ability to listen to, share, and engage with Nevadans about all library and LSTA program related information. A culture of information collaboration, participation and contribution will be put into action, which will help the State Library meet its Mission and LSTA Goals and better serve its users, partners, and stakeholders.

**Monitoring**

The LSTA program will be assessed annually by NSLAPR staff for effectiveness and compliance with federal regulation. NSLAPR will maintain a close relationship with the state's fiscal agents, to ensure fiscal drawdowns and reporting are accurate and timely. Grant project data, deliverables, and outcomes for statewide and sub-grantees projects will be tracked and random site visits will be conducted. Additional monitoring and site visits will be scheduled for sub-grantees whose Risk Assessment scores indicate a need. Any necessary changes or updates to LSTA plan programs, activities and timelines will be presented to Council for discussion and submitted for approval to IMLS.

**Assurances**

The required assurances and certifications will be submitted to the Institute of Museum and Library Services, Washington, D.C.
Appendices

Appendix A
Nevada registered library users

<table>
<thead>
<tr>
<th>Library</th>
<th>2016 Service Area Population</th>
<th>Registered Users</th>
<th>% Registered Library Users</th>
</tr>
</thead>
<tbody>
<tr>
<td>Henderson District Public Libraries</td>
<td>287,828</td>
<td>91,018</td>
<td>32%</td>
</tr>
<tr>
<td>Pershing County Library</td>
<td>6,750</td>
<td>2,250</td>
<td>33%</td>
</tr>
<tr>
<td>Lyon County Library System</td>
<td>53,277</td>
<td>19,662</td>
<td>37%</td>
</tr>
<tr>
<td>Churchill County Library</td>
<td>25,126</td>
<td>9,642</td>
<td>38%</td>
</tr>
<tr>
<td>Tonopah Library District</td>
<td>2,977</td>
<td>1,187</td>
<td>40%</td>
</tr>
<tr>
<td>North Las Vegas Library District</td>
<td>235,395</td>
<td>98,929</td>
<td>42%</td>
</tr>
<tr>
<td>Las Vegas-Clark County Library District</td>
<td>1,579,317</td>
<td>665,892</td>
<td>42%</td>
</tr>
<tr>
<td>Pahrump Community Library</td>
<td>38,929</td>
<td>17,051</td>
<td>44%</td>
</tr>
<tr>
<td>White Pine County Library</td>
<td>10,336</td>
<td>5,032</td>
<td>49%</td>
</tr>
<tr>
<td>Lincoln County Library</td>
<td>5,088</td>
<td>2,521</td>
<td>50%</td>
</tr>
<tr>
<td>Humboldt County Library</td>
<td>17,057</td>
<td>8,546</td>
<td>50%</td>
</tr>
<tr>
<td>Elko-Lander-Eureka County Library System</td>
<td>61,659</td>
<td>34,858</td>
<td>57%</td>
</tr>
<tr>
<td>Douglas County Public Library</td>
<td>48,223</td>
<td>28,983</td>
<td>60%</td>
</tr>
<tr>
<td>Washoe County Library System</td>
<td>441,946</td>
<td>268,518</td>
<td>61%</td>
</tr>
<tr>
<td>Mineral County Library</td>
<td>4,584</td>
<td>2,823</td>
<td>62%</td>
</tr>
<tr>
<td>Amargosa Valley Library District</td>
<td>1,330</td>
<td>824</td>
<td>62%</td>
</tr>
<tr>
<td>Boulder City Library District</td>
<td>15,813</td>
<td>10,131</td>
<td>64%</td>
</tr>
<tr>
<td>Carson City Library</td>
<td>54,273</td>
<td>40,105</td>
<td>74%</td>
</tr>
<tr>
<td>Esmeralda County Libraries</td>
<td>923</td>
<td>801</td>
<td>87%</td>
</tr>
<tr>
<td>Beatty Library District</td>
<td>973</td>
<td>878</td>
<td>90%</td>
</tr>
<tr>
<td>Smoky Valley Library District</td>
<td>1,841</td>
<td>1,726</td>
<td>94%</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>2,897,629</strong></td>
<td><strong>1,311,377</strong></td>
<td><strong>45%</strong></td>
</tr>
</tbody>
</table>

Appendix B
Measuring Success focal areas and Intents

- Lifelong Learning
  - Improve users' formal education
  - Improve users' general knowledge and skills
- Information Access
  - Improve users' ability to discover information resources.
  - Improve users' ability to obtain and/or use information resources
- Institutional Capacity
  - Improve the library workforce
  - Improve the library's physical and technological infrastructure
  - Improve library operations
• Economic & Employment Development
  o Improve users’ ability to use resources and apply information for employment support
  o Improve users’ ability to use and apply business resources
• Human Services
  o Improve users’ ability to apply information that furthers their personal, family, or household finances
  o Improve users’ ability to apply information that furthers their personal or family health & wellness
  o Improve users’ ability to apply information that furthers their parenting and family skills
• Civic Engagement
  o Improve users’ ability to participate in their community
  o Improve users’ ability to participate in community conversations around topics of concern

Goal 1
Strengthen Nevada libraries’ ability to effectively respond to community needs through training, planning, and assessment.

Planning Document Coordination Efforts

• Nevada Library Director Focal Area #1, Telling our story with metrics
• IMLS LSTA Priorities: 3, 5, 6 & 7
• IMLS Focal area: Institutional Capacity

<table>
<thead>
<tr>
<th>Activity</th>
<th>IMLS Intent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identify tools and innovative approaches to improve the planning and evaluation process</td>
<td>• Improve library operations</td>
</tr>
<tr>
<td>Collaborate with other state agencies to gather, review, and analyze and synthesize Nevada population data, trends and forecasts and make these resources readily available to drive planning decisions</td>
<td>• Improve library operations</td>
</tr>
<tr>
<td>Reassess required reporting data measurements annually</td>
<td>• Improve library operations</td>
</tr>
<tr>
<td>Continue statewide Community Listening sessions to prioritize activities</td>
<td>• Improve library operations</td>
</tr>
<tr>
<td>Provide assessment/performance measurement training, consultation, and resources to library staff, board members and trustees</td>
<td>• Improve library operations, • Improve the library workforce</td>
</tr>
<tr>
<td>Encourage user driven innovation</td>
<td>• Improve library operations</td>
</tr>
<tr>
<td>Ensure lines of communication remain transparent and flow in all directions</td>
<td>• Improve library operations</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Add lessons learned components to sub-grant evaluation narratives to identify trends and increase organizational knowledge</td>
<td>• Improve library operations</td>
</tr>
<tr>
<td>• Improve the library workforce</td>
<td></td>
</tr>
<tr>
<td>Require sub-grant projects to be based upon data driven decisions</td>
<td>• Improve library operations</td>
</tr>
<tr>
<td>Revise sub-grant requirements and timelines to allow for greater flexibility and participation</td>
<td>• Improve library operations</td>
</tr>
<tr>
<td>Embrace constant and purposeful change</td>
<td>• Improve library operations</td>
</tr>
<tr>
<td>Offer sub-grants to libraries that serve small and rural communities</td>
<td>• Improve library operations</td>
</tr>
<tr>
<td>Improve program/service effectiveness and management accountability through continued focus on results</td>
<td>• Improve library operations</td>
</tr>
<tr>
<td>• Improve the library workforce</td>
<td></td>
</tr>
</tbody>
</table>

**Goal 2**  
Encourage Nevada libraries to develop and use partnerships and collaboration to maximize user resources and services throughout the state.

**Planning Document Coordination Efforts**
- Nevada Library Directors’ focal areas: #2, Raising awareness of resources; #3, Strengthening our core
- IMLS LSTA Priorities: 1, 2, 4, 7
- LSTA focal areas: Lifelong Learning, Information Access, Institutional Capacity, Economic & Employment Development, Human Services, Civic Engagement

<table>
<thead>
<tr>
<th>Activity</th>
<th>IMLS Intent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strengthen lines of communication between NSLAPR, state agencies, and all libraries</td>
<td>• Improve library operations</td>
</tr>
<tr>
<td>Explore GLAM collaborative opportunities (Galleries, Libraries, Archives, Museums)</td>
<td>• Improve library operations</td>
</tr>
<tr>
<td>• Improve users’ ability to discover information resources</td>
<td></td>
</tr>
<tr>
<td>Provide grant opportunities that encourage collaboration, extend community reach and leverage multiple resources</td>
<td>• Improve users’ ability to discover information resources</td>
</tr>
<tr>
<td>Utilize Council member expertise to explore, develop and extend partnership opportunities</td>
<td>• Improve library operations</td>
</tr>
</tbody>
</table>
especially with cultural institutions, schools, tribal and governmental entities, social service agencies, and local businesses.

<table>
<thead>
<tr>
<th>Activity</th>
<th>IMLS Intent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Improve users’ ability to participate in their community</td>
<td></td>
</tr>
<tr>
<td>Improve users’ ability to participate in community conversations around topics of concern</td>
<td></td>
</tr>
<tr>
<td>Investigate cooperative models that will enhance resource sharing and increase access</td>
<td>Improve library operations</td>
</tr>
<tr>
<td></td>
<td>Improve users’ ability to discover information resources</td>
</tr>
<tr>
<td></td>
<td>Improve the library’s physical and technological infrastructure</td>
</tr>
</tbody>
</table>

**Goal 3**

Nevada libraries will provide responsive and accessible learning environments that meet the needs of all Nevada residents.

Planning Document Coordination Efforts

- Nevada Library Directors focal area #2. Library spaces as learning centers: #5. Literacy.
- IMLS LSTA Priorities: 1, 3, 5, 6
- LSTA focal areas: Lifelong Learning, Information Access, Institutional Capacity, Economic & Employment Development, Human Services, Civic Engagement

<table>
<thead>
<tr>
<th>Activity</th>
<th>IMLS Intent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identify and address barriers to access</td>
<td>Improve users’ ability to discover information resources</td>
</tr>
<tr>
<td></td>
<td>Improve users’ ability to obtain and/or use information resources</td>
</tr>
<tr>
<td>Continue Nevada Talking Books program and make efforts to expand outreach efforts</td>
<td>Improve users’ ability to discover information resources</td>
</tr>
<tr>
<td></td>
<td>Improve users’ ability to obtain and/or use information resources</td>
</tr>
<tr>
<td>Consider priority funding for sub-grant projects that address inclusivity and/or communities of greatest need</td>
<td>Improve users’ ability to discover information resources.</td>
</tr>
<tr>
<td></td>
<td>Improve users’ ability to obtain and/or use information resources</td>
</tr>
<tr>
<td>Continue support of rural bookmobiles</td>
<td>Improve users’ ability to discover information resources</td>
</tr>
<tr>
<td></td>
<td>Improve users’ ability to obtain and/or use information resources</td>
</tr>
</tbody>
</table>
Continue support of Statewide Literacy initiatives, including Center for the Book, Summer Learning, and Digital Literacy programs

- Improve users' formal education
- Improve users' general knowledge and skills

Continue support of Information Nevada, the statewide resources sharing program

- Improve users' ability to discover information resources
- Improve users' ability to obtain and/or use information resources

Continue sub-grant programs that enable libraries to extend reach and impact of existing services

- Improve users' ability to discover information resources
- Improve users' ability to obtain and/or use information resources

## Goal 4

Build capacity of libraries to meet evolving information access needs.

### Planning Document Coordination Efforts

- Nevada Library Directors focal area #2, Library spaces as learning centers;
- IMLS LSTA Priorities: 1, 2, 3
- LSTA focal areas: Information Access, Institutional Capacity, Economic & Employment Development, Human Services, Civic Engagement
- Nevada's Strategic Planning Framework, #3, Educational and Workforce Development

### Activity

<table>
<thead>
<tr>
<th>Activity</th>
<th>IMLS Intent</th>
</tr>
</thead>
</table>
| Create sub-grant opportunities targeted to meet small and rural library information access needs | - Improve the library's physical and technological infrastructure  
- Improve library operations | |
| Offer rolling sub-grant deadlines to allow greater flexibility and increase library participation | - Improve library operations | |
| Support library projects that advance Nevada's 5 year strategic plan goals for a healthy and educated citizenry, including preparing students for college and career success; ensuring a highly skilled and diverse workforce; and increasing the number of Nevadans with post-secondary credentials | - Improve users' ability to apply information that furthers their personal, family, or household finances  
- Improve users' ability to apply information that furthers their personal or family health & wellness  
- Improve users' ability to apply information that furthers their parenting and family skills | |
| Provide learning opportunities and continuing education classes to the Nevada Library workforce in core areas and emerging trends | - Improve the library workforce |
| Invest in human resources, infrastructure and technology to improve service and operations | - Improve the library workforce  
- Improve the library's physical and technological infrastructure |
|---|---|
| Collaborate with digitization leaders in cultural heritage institutions to increase access to collections | - Improve users' ability to discover information resources  
- Improve users' ability to obtain and/or use information resources |
| Support data driven collection development practices | - Improve library operations |
| Continue support of the Statewide Database Project | - Improve users' ability to discover information resources  
- Improve users' ability to obtain and/or use information resources |
| Continue administrative support of LSTA priorities in the state | - Improve library operations |
COMPLYING WITH THE
CHILDREN'S INTERNET PROTECTION ACT

I. INTRODUCTION

1. The Institute of Museum and Library Services establishes these guidelines to ensure that the agency's implementation of the Children's Internet Protection Act (CIPA) complies with the recent decision of the United States Supreme Court." Under CIPA, State Library Administrative Agencies (SLAA) must assure the Federal Government that no funds will be made available for public libraries and public elementary and secondary school libraries, that do not receive E-rate discounts, to purchase computers to access the Internet or pay for the direct costs of accessing the Internet unless the libraries have certified that they have Internet safety policies and technology protection measures, e.g., software filtering technology, in place. State Library Administrative Agencies must collect certifications from libraries subject to CIPA that apply to the States for Library Services and Technology Act (LSTA) funding. Libraries that receive services at discount rates under section 254(h)(6) of the Communications Act of 1934 certify compliance under the E-Rate program and do not have to provide an additional certification under IMLS's Library State Grants program.

2. Public libraries subject to CIPA's filtering requirements that are not currently in compliance with the requirements must certify when applying for FY 2004 funds from State Library Administrative Agencies that they are undertaking efforts to comply by the following year. Public elementary and secondary school libraries must be in compliance with the CIPA requirements to obtain FY Year 2004 funding from the State Library Administrative Agencies, except to the extent such school libraries are eligible for and receive a waiver of the CIPA requirements pursuant to 20 U.S.C. § 9134(f)(4)(B)(iii). IMLS takes these steps to respond promptly to the Supreme Court's decision and to ensure that IMLS's State Grants Program continues to operate in accordance with federal law.

II. BACKGROUND

3. The Children's Internet Protection Act established new Internet Safety requirements for IMLS's State Grants Program. Under the State Grants Program, IMLS awards financial assistance to State Library Administrative Agencies, which, in turn, use the funds for State-wide activities or to make sub-grants to enhance local or regional library activities. Pursuant to 20 U.S.C. § 9134(f), which implements CIPA's provisions with respect to the Institute's State Grants program, SLAAs must provide assurance to IMLS that all LSTA State program funds will be used in accordance with CIPA's requirements. CIPA provides that:

(1) no funds made available under IMLS's State Grants program,

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(2) for a public library, or a public elementary or secondary school library,
(3) that does not receive services at discount rates under section 254(h)(6) of the
Communications Act of 1934,
(4) may be used to purchase computers used to access the Internet or to pay for direct
costs associated with accessing the Internet, unless
(5) the library has in place a policy of --

(a) Internet safety for minors that includes the operation of a technology
protection measure with respect to any of its computers with Internet access that
protects against access through such computers to visual depictions that are
(I) obscene; (II) child pornography; or (III) harmful to minors; and is enforcing
the operation of such technology protection measure during any use of such
computers by minors; and

(b) Internet safety that includes the operation of a technology protection measure
with respect to any of its computers with Internet access that protects against
access through such computers to visual depictions that are (I) obscene; (II) child
pornography; and is enforcing the operation of such technology protection
measure during any use of such computers.

Both the State Library Administrative Agencies and libraries seeking LSTA State Program funds
must certify compliance with the law. While the State Library Administrative Agencies assure
compliance to IMLS,² public libraries and public school libraries subject to CIPA, must certify
compliance with the law as part of the application cycle for LSTA grant funds from the State
Library Administrative Agencies.³ During the first program year after CIPA takes effect (Year
1), an applicant library must either certify compliance with CIPA’s Internet safety requirements
or certify that the library is undertaking actions to put in place an Internet safety policy that
meets CIPA’s requirements. For the second program year (Year 2), the library must certify
compliance with CIPA’s requirements, unless eligible for a waiver because of State or local

4. To implement CIPA’s provisions, IMLS added a CIPA assurance to the State Library
Administrative Agency application (the State’s Five-Year Plan) for Program Year 2003.
Program Year 2003, beginning on October 1, 2002, was the first program year following passage
of CIPA for which IMLS could implement CIPA’s requirements. IMLS provided the State
Library Administrative Agencies with technical assistance and sample certifications to use with
public libraries and public elementary and secondary school libraries when awarding Program
Year 2003 funds.

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² 20 U.S.C. §§ 9134(5)(1) and (4)(B).
5. Subsequently, a three-judge district court held that requiring public libraries to use filtering technology violated the First Amendment of the United States Constitution. It issued an order on May 31, 2002, holding Section 9134(f) facially unconstitutional and permanently enjoining IMLS from withholding federal funds from any public library for failure to comply with CIPA’s provisions.

6. In compliance with the district court’s injunction, the Institute of Museum and Library Services suspended enforcement of 20 U.S.C. § 9134(f) with respect to public libraries, pending Supreme Court action. IMLS modified its Program Year 2003 certification requirements to reflect the district court’s opinion. For Program Year 2003, the State Library Administrative Agencies were required to assure the Federal government that no funds would be made available to purchase computers to access the Internet or pay for direct costs associated with accessing the Internet for public elementary and secondary school libraries that did not comply with CIPA’s requirements. For public elementary and secondary school libraries, Program Year 2003 was Year 1 of CIPA compliance.

7. On June 23, 2003, the Supreme Court issued its opinion reversing the judgment of the district court and finding that CIPA, on its face, is constitutional. The Supreme Court held that CIPA does not induce libraries to violate the Constitution because public libraries’ Internet filtering software can be disabled at the request of a user and, therefore, does not violate their patrons’ First Amendment rights. In upholding CIPA, the Supreme Court emphasized “the ease with which patrons may have the filtering software disabled,” and that a patron who “encounters a blocked site...need only ask a librarian to unblock it or (at least in the case of adults) disable the filter.” Under the LSTA program, disabling is permitted during use by any person. 20 U.S.C. § 9134(f)(3) (disabling permitted for both adults and minors). The plurality also highlighted the government’s confirmation at oral argument that a “librarian can, in response to a request from a patron, unblock the filtering mechanism altogether,” and further that a patron would not “have to explain...why he was asking a site to be unblocked or the filtering to be disabled.” Pursuant to Supreme Court rules, the decision in United States v. American Library Association will become effective no earlier than July 18, 2003.

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5 Id. at 496.
6 Section 1741(a) of CIPA, 114 Stat. 2763A-351, provides expedited review for constitutional challenges by a three-judge district court pursuant to 28 U.S.C. § 2284.
7 United States v. American Library Ass’n, 2003 WL 21433656 at *8 (plurality opinion).
8 United States v. American Library Ass’n, 2003 WL 21433656 at *8 (plurality opinion).
9 Id. at *8 (quoting Tr. Of Oral Arg. 4).
10 Under the Supreme Court’s rules, its decisions do not become effective until the Court sends a certified copy of the judgment to the lower court. The Court does not send the certified copy until at least 25 days after the entry of
III. IMPLEMENTATION

8. Consistent with the Supreme Court decision, IMLS lifts the suspension of enforcement of 20 U.S.C. § 9134(f) as it pertains to public libraries.

9. Consistent with the implementation framework established by Congress, IMLS will require State Library Administrative Agencies to provide assurance to IMLS of compliance with CIPA's provisions with respect to public libraries and public elementary and secondary school libraries. To receive Program Year 2004 IMLS State Program funds, each SLAA must assure IMLS that no funds made available under the State program for a public library or public elementary or secondary school library that does not receive E-rate services may be used to purchase computers used to access the Internet or to pay for the direct costs of accessing the Internet, unless the library has certified compliance with the applicable CIPA requirements.

10. To receive Program Year 2004 funds from the State Library Administrative Agencies, public libraries are subject to CIPA's Year 1 requirements. A public library must certify either that (1) the library is in compliance with CIPA's provisions, or (2) the library is undertaking steps to comply with CIPA in the next funding year.\(^\text{11}\)

11. Public elementary and secondary school libraries are subject to CIPA's Year 2 requirements in Program Year 2004. (Program Year 2003 was Year 1 with respect to CIPA compliance for these entities.) Accordingly, to receive Program Year 2004 funds from a State Library Administrative Agency, a public elementary and secondary school library must certify compliance with CIPA's requirements, or must seek a waiver of CIPA requirements. CIPA provides for a waiver of the certification requirements in the second year after the effective date of CIPA if state or local procurement rules or regulations or competitive bidding requirements prevent compliance. Consistent with this provision of CIPA, a public elementary or secondary school library that applies for LSTA State Program grant funds in FY 2004 may submit a waiver request if state or local procurement rules or regulations or competitive bidding requirements prevent compliance by the start of Funding Year 2004.

12. To assist the State Library Administrative Agencies with implementing CIPA’s requirement of collecting certifications from public libraries and public elementary and judgment. Sup. Ct. R. 45.

\(^\text{11}\) For IMLS, CIPA first went into effect on October 1, 2003 (the application for the first program year following enactment). Because of the District Court’s opinion on May 31, 2002, the Act was enforced solely with respect to schools. The State Library Administrative Agencies assured IMLS that no federal funds would be used to pay for direct costs associated with accessing the Internet or for computers to access the Internet for a public elementary or secondary school library that did not certify that it had an Internet safety policy in place or was taking steps to implement a policy with technology protection measures. The requirements of CIPA have not been enforced with respect to public libraries. The next program year for LSTA funding begins on October 1, 2003. This will be the first program year under CIPA with respect to public libraries.
secondary school libraries subject to the law, IMLS has prepared the attached technical assistance and sample certifications. Applicant libraries are required to provide CIPA certifications to the SLAA. A consortium or group applicant affected by the law must (1) collect and maintain on file a certification from each of the group’s constituent libraries to which CIPA’s conditions apply, and (2) provide a certification on behalf of the group to the SLAA.

13. State Library Administrative Agencies must continue to carry out the pertinent CIPA requirements with respect to Program Year 2003 funding as provided in the Program Year 2003 application to IMLS (in this case, the State’s “Five-Year Plan”), and described in the Program Year 2003 technical assistance provided by IMLS.

IV. DEFINITIONS

14. The terms “child pornography,” “harmful to minors,” “minor” and “obscene” are defined in 20 U.S.C. § 9134(f)(7). The term “technology protection measure” is defined in Section 1703(b)(1) of the Children’s Internet Protection Act.

15. For purposes of funding under the LSTA State Grants Program, the term “direct costs associated with accessing the Internet” refers to the costs of connecting to an Internet service provider (“ISP”).

August 1, 2003
MEMORANDUM

DATE: August 28, 2003
TO: American Library Association
FROM: Thomas M. Susman
Jeanne Cavanaugh

The American Library Association has requested that we examine a number of issues arising under the Children's Internet Protection Act and its governing regulations (collectively, "CIPA") and analyze their potential impact on ALA members. In light of the recent Supreme Court decision declaring CIPA-mandated Internet filtering constitutional and the subsequent Order by the Federal Communications Commission ordering the implementation and enforcement of its CIPA regulations, libraries should either begin preparing to comply with CIPA or should make appropriate arrangements to forego federal funding. This memorandum explores questions recently posed by ALA regarding the implementation of CIPA and sets out our relevant analysis.

1. While establishing its regulations regarding the enforcement of CIPA, the FCC noted its presumption that Congress did not intend to penalize public libraries acting in good faith to comply with CIPA. Accordingly, public libraries putting forth a good faith effort should not expect the FCC to penalize them for instances of unintentional or unavoidable noncompliance. With regard to this presumption, what efforts are sufficient to constitute "good faith"?

There is no specific set of actions that can be identified as satisfying a required "good faith" effort to comply with a federal statute. Rather, a good faith effort depends upon the requirements of the particular statute and the context in which the statute is applied. However, most courts examining the issue have determined that a good faith effort requires the actor to perform duties with a state of mind characterized by (1) honesty in belief or purpose, (2) faithfulness to one's duty or obligation, (3) observance of reasonable commercial standards of

fair dealing in a given trade or business, or (4) absence of intent to defraud or to seek unconscionable advantage.\(^2\)

In the context of CIPA, good faith efforts by a public library would likely include: (1) the thorough consideration and analysis of a proposed Internet safety policy in compliance with the statutory and regulatory requirements, (2) the assessment of options relating to installation, maintenance, and enforcement of an Internet filter that the library genuinely believes can afford protection against access to the CIPA-described visual depictions, and (3) the preparation of the certifications required under CIPA. (We use the term “filter” in this memorandum to mean what the statute refers to as “technology protection measure”—including blocking and filtering technology.) Imperfections in the technology will not automatically constitute bad faith, particularly if they were unforeseen. However, each library should have a policy for the prompt handling of any problems with its enforcement of its Internet safety policy or the operation of its Internet filter. Having such a policy in place and abiding by it will assist a library in a good faith analysis.

The FCC recognizes that there is a wide variety of Internet filtering technology currently available and that none of that technology is flawless.\(^3\) Neither the FCC nor CIPA mandates that public libraries use a particular Internet filter or that the filter utilized be completely effective. As long as the library believes that its Internet filter protects, to the extent practicable, against access to obscene visual depictions, child pornography, and, when the computer is used by a minor, visual depictions that are harmful to minors, the filter should be acceptable. Engaging in serious evaluation regarding available Internet filters before choosing a technology will be indicative of a library’s good faith effort to comply.

Public libraries that routinely submit untimely certifications, do not submit certifications, certify compliance with CIPA with the knowledge that they are not in compliance, install an Internet filter known to be nonworking, or fail to enforce their Internet safety policy or operate their Internet filter will likely to be found to be acting in bad faith and not in compliance with CIPA. These libraries will be subject to a loss of their federal E-rate or LSTA funding and may have to reimburse the federal government for E-rate funds utilized during noncompliance. Libraries that fail to remain diligent regarding upgrades in Internet filtering technology may also be determined to be acting in bad faith.\(^4\)

\(^3\) Federal-State Joint Board on Universal Service/Children’s Internet Protection Act, FCC 01-120 ¶¶ 34-6 (March 30, 2001) (report and order).
\(^4\) The Restatement (Second) of Contracts states, “A complete catalogue of types of bad faith is impossible, but the following types are among those which have been recognized in judicial decisions: evasion of the spirit of the bargain, lack of diligence and slackness, willful rendering of imperfect performance, abuse of a power to specify terms, and interference with or failure to cooperate in the other party’s performance.” Restatement (Second) of Contracts § 205 comment d (1981).
2. What are the implications of failing to make a good faith effort to comply with CIPA?

By failing to make a good faith effort to comply with CIPA, public libraries will be, by definition, in violation of CIPA. Noncompliant libraries are subject to a withdrawal of their federal E-rate or LSTA funding, as well as an obligation to refund all E-rate funds and discounts received during the period of noncompliance. This period of noncompliance includes only the time during which a library has not been making a good faith effort to comply with CIPA. Libraries are expected to return the E-rate funds and discounts received during, but not before or after, this period of noncompliance. For example, a library that is in compliance with CIPA during Funding Year One, but not in compliance during six months of Funding Year Two, will have to return only the E-rate funds and discounts received during the six noncompliant months of Funding Year Two. A library may remedy its noncompliance by ensuring that its Internet safety policy and filtering technology meet the CIPA requirements and by submitting valid certifications of that compliance. Once a library's noncompliance is remedied, its eligibility for federal funding and discounts will be restored.

3. The FCC has recently adjusted compliance dates for CIPA. For Funding Year 2003, libraries without Internet safety policies and technology protection measures must certify that they are undertaking actions to implement an Internet safety policy that meets CIPA requirements to receive the applicable federal funding. For Funding Year 2004, all libraries must certify that they are in compliance with the CIPA requirements to receive the applicable federal funding. What are the implications of a library's choosing to halt efforts to implement an Internet safety policy after Funding Year 2003?

CIPA clearly states that any library "that is unable to certify compliance with [CIPA] requirements in the second program year shall be ineligible" for E-rate funding and discounts for that "second year and all subsequent program years... until such time as such library comes into compliance." CIPA provides only one exception to this withholding of funds for noncompliance in the second program year. If a library is unable to comply due to state or local procurement rules or competitive bidding requirements, it may receive a waiver of the CIPA certification requirements for the second program year, but it will have to undertake the necessary actions to procure an Internet safety policy and Internet filtering technology before the

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5 CIPA does not apply to E-rate funds and discounts for telecommunication, as opposed to Internet, services.
8 Id.
9 Federal-State Joint Board on Universal Service/Children's Internet Protection Act, FCC 03-188 (July 23, 2003) (Order).

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start of the third program year. Libraries with waivers will continue to receive federal LSTA or E-rate funding and discounts during the waiver period.

Nonimplementation of CIPA in the second program year will not in itself demonstrate the absence of good faith in certifying that efforts toward compliance were being undertaken in the first year. However, this circumstance is likely to motivate the FCC and public to inquire into the good faith nature of the undertaking that was certified; the burden will likely fall on the library to provide evidence of such good faith, which might include records of review of alternative filters, minutes of meetings with discussions of the library’s intent to comply, and similar materials.

4. If a library is accepting federal funds and not complying with CIPA requirements, who has the right to pursue legal action against the library?

Two governmental entities are provided the explicit right to penalize libraries for noncompliance under CIPA. The Director of the Institute of Museum and Library Services may withhold future LSTA payments, issue a cease and desist order, or enter a compliance agreement with a library if he “has reason to believe that any library receiving only LSTA funding] is failing to comply substantially with the [CIPA] requirements.” The FCC is granted the right to prescribe regulations for the administration of the penalty provisions applied to libraries receiving E-rate funding or discounts, with or without LSTA funding. No other individuals or entities are granted an explicit right of action under CIPA.

There is no private right of action explicitly created by CIPA. That is, according to the text of CIPA, an individual who encounters objectionable material on a library computer or who cannot access non-offensive material on a library computer may report that information to the Director of the Institute of Museum and Library Services or the FCC, but may not file a civil lawsuit against the library based on an alleged CIPA violation. Federal courts have, in the past, inferred a private right of action from various acts of Congress and have accorded private rights of action under a variety of federal statutes. The Supreme Court, however, recently discussed the propriety of imputing rights of action to private individuals in Gonzaga Univ. v. Doe. In that case, the Court stated that a private right of action should not be read into a legislatively or federal statute unless “Congress intended to confer individual rights upon a class of beneficiaries” by its action. The Court noted multiple factors that play a role in deciding whether to adopt a private right of action including: (1) whether the text of the congressional act explicitly grants a private right of action, (2) whether the text of the act focuses on the benefited class of individuals or on the regulated entities, (3) whether the text of the act focuses on benefits to individuals or aggregate groups, (4) whether the act requires absolute compliance or substantial compliance, and (5) whether the act provides for administrative procedures through which individuals can file complaints against the regulated entities.

12 Id.
15 Id at 285.
Analyzed under these factors, the text of CIPA, like the text of the federal act in question in Gonzaga, does not appear to support the inference that Congress intended individual patrons to be able to bring suit under the act. Rather, it appears that Congress intended for schools and libraries to suffer only a withdrawal and repayment of federal funds under CIPA. Based on the Supreme Court’s analysis in Gonzaga, it is unlikely that a court would allow an individual library patron to file suit against a library for violation of CIPA.

A patron may, however, have a cause of action against a public library under the First or Fourteenth Amendment (rather than under CIPA): Justice Kennedy’s concurring opinion in the ALA case raises the specter of an “as-applied” constitutional challenge against public libraries that do not have “the capacity to unblock specific Web sites or to disable the filter.” While libraries can avoid such a possibility by ensuring that their filtering technology does have these capacities, it is not clear what such an as-applied challenge would accomplish beyond requiring the library defendant to acquire new technology.

5. What penalties can be levied against a library that is not complying with CIPA? Is violation of CIPA a criminal offense?

As federal legislation enacted pursuant to Congress’ spending power, the penalties provided for under CIPA are termination and repayment of federal funds. Libraries that receive E-rate funding or discounts that knowingly fail to submit a certification of CIPA compliance are not eligible for E-rate funding or discounts until they submit a valid certification. Libraries that receive E-rate funding or discounts that do not comply with their certification are ineligible for E-rate funding or discounts for as long as they remain noncompliant and must reimburse all E-rate funds and discounts received during the period of noncompliance. Penalties under CIPA’s E-rate provisions are administered by the FCC. Libraries that receive only LSTA funding that fail to institute a valid Internet safety policy may have their LSTA funds withheld or receive a cease and desist order from the Director of the Institute of Museum and Library Services.

CIPA does not provide for any penalties for noncompliance beyond the withholding and reimbursement of federal funding; there are no criminal penalties provided for under CIPA. However, there are federal criminal laws that apply to the submission of fraudulent information or false certifications to the government. See 18 U.S.C. § 1001 (2003).

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16 123 S. Ct. at 2310.
18 Id at § 254(h)(6)(F)(ii).
6. Under CIPA, public libraries receiving E-rate funding are allowed to disable the Internet filter "during use by an adult, to enable access for bona fide research or other lawful purpose." A similar provision is not provided for access during use by a minor. Must libraries disable the Internet filter or unblock "overblocked" sites when requested by a minor?

The Supreme Court's holding in United States v. American Library Association, Inc. relied, in part, on the legitimate interest of the government in protecting minors from inappropriate material. The Supreme Court has held in multiple cases that protecting minors from access to obscenity and indecent material is a legitimate and compelling government interest. As such, minors have no right to access obscenity or other indecent material. For a library to disable the Internet filter generally during use by a minor, would undermine CIPA's purpose and would violate CIPA.

Libraries receiving E-rate funding should not disable their Internet filters at the request of minors. Libraries might consider including within their Internet safety policy a provision allowing librarians to unblock sites at the request of minors after the librarian has made a reasonable decision that the Internet site is not obscene, does not contain child pornography, and is not harmful to minors as defined by CIPA and the local Internet safety policy. This provision, if implemented successfully, would allow minors to access legitimate Internet sites, would avoid the potential of "as-applied" constitutional challenges by minors, and would preserve the library's CIPA compliance.

22 Under CIPA, libraries receiving only LSTA funding (and not E-rate discounts) are allowed to disable the Internet filter for any patron to access Internet sites for bona fide research or other lawful purposes. 20 U.S.C. § 9134(f)(3) (2003).
23 "Overblocked" Internet sites are sites that do not contain obscenity, child pornography, or material harmful to a minor, but have been erroneously blocked by a library's Internet filter.
24 123 S. Ct. at 2306.
25 Id at 2304.
A Library Board’s
Practical Guide
To Board Self Evaluation

Nicholas Spillios, Alberta Library Trustees, Canada
Sally G. Reed, Executive Director, United for Libraries
Donna McDonald, Library Director, Arkansas River Valley Regional Library System
Alan Smith, Trustee, Contra Costa County Library

Spring 2008
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INTRODUCTION

Trustees and Library Commissioners make important fiscal and administrative decisions critical to the functioning of their library. Board members commit their time and skills for effective governing. It is important that they understand their roles and responsibilities and possess the information necessary to make wise decisions as a Board.

Library environments are in continuous flux and Board composition changes as terms expire and new members arrive. It is not always possible for all members to possess the competencies needed to operate as a team in addressing the needs and concerns of the library, particularly when Trustees arrive on the Board with varied experience.

An annual self-evaluation tool can assist Trustees to assess the competencies essential to their performance as Board members. Further, it will assist them in seeking opportunities for training and continuing education and adjust individual perception of operation and gaps in information.

By carefully considering the assessment questions in this guide, the Board should see the following outcomes:

- Boards will gain an understanding on specifically what strengths and weaknesses are present.
- Boards will operate as a team in addressing their needs and concerns.
COMPETENCIES

Competencies are considered to be those skills that provide Trustees with the potential for successfully performing their roles. They are useful in motivating us to elevate our performance and realize results relevant to a Board’s direction and vision.

When applied, competencies possess the potential and the means for setting more effective criteria for developing and evaluating performance. They also identify the gap between our current skills and what we need to acquire in order to become more effective. Following are the competencies that are considered to be most critical:

- General knowledge.
- Board operation.
- Fundraising.
- Advocacy.
- Lobbying.
- Decision making.
- Strategic planning.
- Policy making.
- Finance.
- Professional development.

By accepting these particular competencies as essential to performance, individual Trustees can determine how they measure up and work to build on areas of weakness to develop a more efficient role on their Board and improve its functioning. Before using this guide, it is essential that all Board members agree that these are, indeed, competencies that Trustees should possess. Boards of Trustees might also consider adding additional areas that are important to them.

This guide is designed to help evaluate individual Trustees competencies and to determine the effectiveness of your Board as a whole. Your honesty in assessing your competencies will determine how helpful the instrument will assist you in your particular situation. There are no correct answers, only relevant ones for making a self-assessment and moving on to improvement.

How to Use this Guide

Each area of competency is reviewed in detail in the following sections. Included are the areas of evaluation for each competency. At the end of this guide you will find these formatted for distribution to your Board. You may choose to have Board members complete the entire evaluation at one time, or you may distribute individual sections.

The evaluation is set-up for yes/no evaluation. You may also consider asking Board members to rank each area on a scale of 1 to 5 for a more detailed analysis. Consider also completing the full evaluation now to assess the Board and then have Board members again complete one or more sections after addressing any concerns raised from the initial assessment. See “Completing the Self-Evaluation Process” for more details on next steps.
GENERAL KNOWLEDGE

Understanding the role of the Trustees versus the role of library management is critical to effective relationships and will ensure that Trustees do not slip into the micromanagement of the library. Understanding the role of the library director will further serve to ensure that the Director can be evaluated effectively by the Board.

To be truly effective, Board members must also understand the role of the library itself – Trustees should know well the library’s mission and how the library’s policies, services, and programs work to ensure that the mission is met. Trustees should be well versed on the various issues that impact their library and its services, including issues on the state and national levels such as trends in intellectual freedom, privacy rights, and funding for libraries.

Libraries rarely operate completely independently from a larger organizational environment. Often libraries are city or town departments, sometimes they are agencies within the city or town governance. Whether Trustees are appointed by a municipal governing body or elected by the public at large, all Trustees will be accountable to someone. Board members should understand their position within the structure of the community. Even if a library is entirely separate from any official government body, the Board should understand that they are always and ultimately accountable to the community they serve.

Areas of Evaluation

The following questions are designed to elicit whether and how well Trustees know how the library fits into the larger community vision. They should know about the library’s mission and why their library is important. They should know about the various issues that affect the library and its services. This knowledge is fundamental for Trustees to succeed in their roles. If there is a low level of this basic knowledge, then this is a good area to put at the head of the list for Board improvement.

☐ Board members understand their roles and responsibilities.
☐ Board members understand the role and responsibilities of the library director.
☐ Board members can identify the mission statement, objectives and vision of the library.
☐ Board members are familiar with all local, state, and federal laws having effect on libraries.
☐ Board members are familiar with library issues at the local, state and federal levels.
☐ Board members understand the structure and bylaws of the Board.
☐ Board members are familiar with current library policies.
☐ Board members are familiar with the history and role of the Friends of the Library.
☐ Board members are familiar with the history and role of the Foundation.
☐ Board members know to which agency (agencies) the Board reports.
BOARD OPERATION

While it might not seem glamorous, the truth is that the majority of time a Trustee spends in service to the library will be at the monthly Board meeting. It is important therefore, that these meetings are structured in a way that ensures they are productive and allow for the intellectual input of all Board members in determining how well the library is meeting its obligations to the citizens it serves. It is important as well that Board members are required to attend a minimum number of meetings in order to retain their seats as Board members. The Board should have an explicit policy dictating the number of unexcused and excused absences that will be accepted.

The Board president who presides over the meeting (or the vice-president in the absence of the president) should be well acquainted with meeting rules. How many Trustees must be present to constitute a quorum? How will a decision be made – by a majority or by consensus? When will a Trustee be considered out of order? How can everyone be brought into critical discussions? There are many books available that can help guide you, perhaps the most widely accepted of which is Roberts Rules of Order.

It is also very important for all Trustees to understand their role as the governing body versus the library director's role as manager. Regular meetings of the Board are the most important opportunities the Trustees have to interact with the library director. The Board should carefully avoid micromanaging the Director in meetings. The library director is ultimately going to be evaluated on outcomes in various goal areas. Therefore, it is important that the Director have the leeway needed to manage the process for arriving at successful outcomes. This means that the Director manages staff, collection, services, programs, and all issues associated with general, day-to-day operations. Nothing will damage good working (functional) relationships more than Trustees who are not clear on where the line is drawn; and damaged relationships will ultimately negatively affect the library and the quality of its services.

Areas of Evaluation

The questions below will help Trustees assess their ability to hold effective meetings that foster interaction and help to move the library forward.

- The library director provides the Board with accurate and up-to-date information in order to make sound and effective decisions at least one week in advance of meetings.
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- The Board Chair sets a clear agenda and circulates it to Trustees prior to each meeting.
- The Board Chair identifies goals for the meetings and summarizes progress on business at the end.
- The rules of Robert's Rules of Order or similar official parliamentary guide are followed.
- Board members regularly attend meetings and assigned committee meetings.
- A Friends of the Library liaison is invited to report on Friends' activities and efforts at each Board meeting.
- Draft minutes of each Board or committee meeting are available shortly after the meeting.
FUNDRAISING

One of the most important roles for Trustees is to ensure that the library has the resources it needs to meet its mission. This means that the Trustees must hire and then support an excellent library director. The Trustees must work to ensure that the library has a strong and adequate budget to support excellent public services (see “Lobbying” and “Advocacy” later). The Trustees should ensure that fundraising opportunities are identified and maximized to lend additional support to the library’s operating budget.

In today’s competitive environment where there are ever increasing demands on the public dollar and where the anti-tax sentiment seems as strong as ever, many Trustees are finding that in order to take their libraries from good to excellent, additional money must be brought in through various fundraising efforts. In addition, capital campaigns for new or expanded library buildings often require some private funding even if the municipality within which the library resides is supportive.

Because Trustees are ultimately accountable for the quality of service their library provides, they must necessarily have a broad view on fundraising. This begins with understanding the economic environment within which the library operates. It also means that they are aware of the various opportunities that exist for bringing in additional resources. The Trustees, working with the library director, can set goals for fundraising and, importantly, assist in the attainment of those goals.

Fundraising can involve setting up a library foundation to work on large gift donations and endowment giving. It involves the support of the grassroots fundraising that the Friends of the Library engage in. It involves, as well, personal giving to either the foundation or the Friends group to the degree that each Trustee is capable.

Areas of Evaluation

The following questions will help the Board determine their competency in fundraising. This level of competency, in turn, can guide the Trustees in bringing their commitment in this area to a higher level.

- The Board assists in setting fundraising goals and is actively involved in fundraising.
- The Board works with the Friends of the Library and Foundation to initiate fundraising campaigns with the cooperation of the library director.
- The Board is aware of funding needs of the Library.
- Board members make connections with the corporate community and communicate these connections to the Board.
- Board members liaise with the Friends of the Library.
- If a Friends group does not exist, the Board provides assistance in establishing such a group and in maintaining a supportive relationship.


**Advocacy**

For the purposes of this guide, advocacy refers to the ongoing effort to raise the profile of the library. There are many ways to ensure that the value of the public library is visible to the community it serves on a regular basis. It involves making connections with the “power brokers” in the community, including local politicians and the press. It also involves word of mouth promotion of the library and engagement with other civic organizations.

More than public awareness, however, advocacy takes a strong point of view and is undertaken with the understanding that it should have the ability to affect predisposed community decision makers in favor of supporting the library. This means that Trustees should be aware of the local political climate. Not just with regard to the library, but with all the issues facing community members. Because funding for libraries comes from finite resources, the library must compete against other agencies for a fair piece of the pie.

No one has a stronger and more well-informed voice than the library’s Trustees. They have the benefit of understanding exactly what the library provides to the community and what it takes to provide services. In addition, unlike staff, the Trustees have nothing to gain personally from strong financial support.

If it is important for Trustees to be involved with fundraising, it could be argued that it is even more important that Trustees take a lead in advocating for their libraries. Money brought in from fundraising does a lot of good for the library, there’s no doubt about that. But, in the end, libraries that depend on fundraising are depending on soft money. Libraries are much more stable in both the short and long term if those who fund them clearly understand their value. Trustees have a critical role in making sure this happens.

**Areas of Evaluation**

Below are questions designed to help the Board determine whether they are doing all they can to put the library on the radar screen in a politically powerful way. The questions show that being an effective advocate isn’t hard . . . it just needs to be done and done throughout the year.

- Board members are cognizant of the political process and the manner in which the Board can impact decision making.
- Board members accept and respect that the chair is the lead spokesperson for the Board.
- The library director works with the Board to develop a strong message and talking points.
- The Board liaises with the press on a regular basis.
- The Board pursues advocacy initiatives year round – before, during, and after elections.
- The Board works in partnership with the Friends of the Library and library patrons encouraging them to voice their support on behalf of the library.
LOBBYING

A Board of Trustees that does an effective year-round job of advocacy will be a Board that has a much better chance of success when lobbying decision makers for adequate library funding. Lobbying takes advocacy a step further and is targeted at the library budget, a referendum or bond issue, or another issue or issues that will directly impact the library.

Not only is the issue (budget, bond issue, etc.) targeted in a lobbying campaign, so are the people who can make or break the library's goal. This means the Trustees must know who their decision makers are and know them personally. During advocacy efforts throughout the year, the Trustees should be getting to know the local political leaders, members of the press, and others in the community who wield power and have strong voices.

When lobbying for the library, Trustees must meet directly with decision makers. They must make their case for the library and be firm about how much the library contributes to the community. They should share their knowledge about the various and diverse services the library offers, how those services change lives on a daily basis, and what it costs to deliver those services.

If the Board has developed a good relationship with the press, one that is mutually respectful, then they will be in a good position to encourage the media to take a stand on behalf of the library or, failing that, convince the press to publish an op-ed piece that extols the library's value and cost-effectiveness.

As with an ongoing advocacy campaign, the Trustees have a lot of power in their voices when lobbying for the library. Usually they are voted into office by the same constituency as the decision makers or they have been appointed by those decision makers to service on the library's Board. Given this, Trustees should feel both empowered and obligated to be effective lobbyists for their library.

Areas of Evaluation

How does your Board measure up in this regard? The following questions will help you decide.

- The Board develops a long-range plan for lobbying on a year-round basis.
- All Board members take an active part in lobbying.
- Board members are given the necessary information to contact elected officials during the year and keep such officials or other informal contacts informed on library issues through visitations, e-mails, and phone calls.
- Board members make visits to community groups for the purpose of articulating the Library's role and contribution to the community.
- The Board actively lobbies decision makers and/or the community at large for support of the budget each year.
**DECISION MAKING**

No library can move ahead unless the Board is able to make good solid decisions that are based on the best information available. While the Board is not charged with making decisions about the day to day operations of the library, Trustees are responsible for setting goals and developing policies that will help the library achieve those goals in the most effective manner possible.

An ineffective Board is one that either has little context for various library policies or one that is given the information necessary for wise decision making but has Board members who do not educate themselves prior to each meeting on the issues that will be discussed.

Trustees should require that the library director provides a Board packet at least a week prior to each meeting. This packet should include the library’s budget, information on library usage, a summary of programs and services being offered – especially those that are new and/or forthcoming – and the packet should include information on local, state, or national activities or legislation that might impact the library.

**Areas of Evaluation**

How well does your Board do in making decisions? The questions below will help you find out.

- The Board analyzes decisions and examines their impact before making them.
- Board members consider in detail the options available in making a decision.
- The Board examines past policies of the Board on an annual basis.
- The Director provides the Board with sufficient information for making a decision.
- Board members review the agenda and the supporting information prior to the meeting in order that they can make effective decisions.
STRATEGIC PLANNING

Even if the library wanted to maintain the status quo, the environment within which the library operates is constantly changing. That means that in order for the library to effectively deliver services to its community, the Board must ensure that the library’s mission and goals are always relevant. Strategic planning, therefore, is an important job for Trustees.

It used to be standard that libraries (and other organizations) looked to engage in the planning process every five years. With the advent of constantly changing technology, rapid changes in community demographics, and the continuous need to educate the public and public officials about the value of the library, planning is usually done more frequently and has become more strategic.

What does strategic planning mean versus long-range planning? The strategic planning process relies less on meeting a strict set of objectives or actions over the course of time and more on ensuring that the library has the tools and flexibility needed to meet unforeseen challenges and/or to take advantage of new opportunities that arise within the context of the greater goals and vision the Board has articulated for the library.

Though planning is serious business, it can nevertheless be the most exciting part of a Trustee’s role. It’s the time when the Board steps aside from the usual business of library governance and imagines exactly what the perfect library would look like in the community and what goals and resources will be needed to achieve that vision. It’s an opportunity to move the library forward.

Working with staff, the Board can and should assess the environment. How is it changing? How might the library adapt to address these changes? Are the policies enabling the library to be flexible in meeting community needs or are they a hindrance? What services are most important, which need to be reworked or rebuilt? These are the types of questions you’ll be asking during the process.

Once a new strategic plan has been developed, the staff will be working on a daily basis making decisions that are in keeping with the direction the plan has set. At the same time, the Board must ensure that its decisions are also in keeping with the plan, that the plan continues to be relevant for community services, and that planning is seen as a critical and even ongoing role for the Board.

Areas of Evaluation

The questions below are designed to reflect the Board’s understanding of the importance of planning, that everyone is aware of the direction for services that have been set by the process and that the plan is always reviewed and consistently provides the context for the Board’s decision making.

- The Board creates goals and action plans based on the strategic plan.
- The Board reviews progress of the strategic plan on a regular basis.
- An orientation package containing the current strategic plan is provided for new Board members.
- Strategic planning becomes a regular process for the Board.
POLICY MAKING

Policies provide the context within which operational decisions are made by library staff. They are not only guiding principles but guidelines about the library’s rules and regulations. Library policies can be critically important to ensure that there is a consistency of practice therefore ensuring an equality of service. Because policies are made objectively, they enable staff members to make good decisions and fair decisions as they provide services to a wide diversity of users.

Typically, the library will have policies to address and guide operations in a wide range of services and operational issues. For example, library policies should address collection development, staff development, computer use, gifts to the library, meeting room usage, unattended children in the library, appropriate library behavior, and other issues that need guidelines.

The library director can and should be a critical resource to the Board in the development of new policies as well as modification of existing policies. He or she will best know what issues are not being effectively addressed by current policies or a lack of policies. The library director also has the advantage of knowing what best practices exist with regard to, for example, collection development. He or she can and should help guide the Board in the development of a policy that is responsive to the community and that respects intellectual freedom. In fact, it is not uncommon for the library director to draft an early version of policies in preparation for Board discussion.

Working with the library director, the Board, or a sub-committee of the Board, should review policies on a regular basis. Even if no changes are recommended, the review of policies is a wonderful opportunity for the Director to share with the Board how the various area each policy addresses is going and to have philosophical discussions about the underlying principles that inform them.

Areas of Evaluation

The questions below will allow your Board to assess how well they know the library’s policies and why those policies matter.

☐ The Board reviews policies on an annual basis.
☐ The Board is familiar with policies.
☐ The Board can articulate the underlying principle(s) that a policy is addressing and is able to defend all policies to the public.
☐ Board members can distinguish between policy making and operational decision making.
**Finance**

In most libraries, the financial responsibility of the Board is oversight. Day to day decision making regarding the dispensation of the library’s resources rightfully belongs with the library director. This does not mean, however, that the Board can abdicate their responsibility to ensure that the budget is being spent appropriately and that the budget is working in support of the library’s mission and goals.

The Director will be instrumental in working with the Board to develop the budget. He or she will have the best understanding of which programs and services are underfunded, which services need to be expanded, what programs need to be implemented for the first time, and where the costs of providing services is changing. This is a time for the Board to learn more about how the budget works as an instrument for services and a good time to discuss the service areas the library addresses.

Every year (and in some cases every other year) the Board will be asked to submit their library budget to the those who have final say over that budget whether it is the citizenry directly, a city or county council, or another entity to which the library reports. This is the time for the Board to actively defend their proposal. All too often, the library budget is a target for cuts and it may, in fact, be the most important job of all for the Board to be active and articulate supporters of the budget proposal.

**Areas of Evaluation**

Use the questions below to determine your Board’s ability to responsibly fulfill their fiduciary responsibilities.

- [ ] The Board is provided with full and accurate information regarding the library’s finances and budget throughout the year.
- [ ] The Board is given sufficient lead-in time to discuss budget issues and make wise decisions.
- [ ] The Board understands the impact of decisions on the enhancement of services.
- [ ] The Board is prepared and motivated to defend and promote the budget to the decision makers.
- [ ] The information provided reflects back to specific services.
PROFESSIONAL DEVELOPMENT

The best Boards around are those that continue to learn and grow in their roles. Luckily there are many ways to do this. The very first step in providing each Trustee with the knowledge he or she needs to be effective begins with Board orientation. It is very important for incoming Board members to understand the library’s mission, how the library works to meet that mission and what the Trustees’ role is in governing, supporting and promoting the library.

Other steps can be as easy as joining regional and state-wide library associations that have special sections for Trustees. Others can be more challenging such as attending national conferences and even state conferences where programs for Trustees are presented.

No matter your ability to travel to conferences, however, there is no reason to be left in the dark regarding the ever changing world of the public library. By joining national associations you will receive journals that will keep you informed about the issues that are impacting library services. In addition, more and more associations and organizations are using technology to provide their members with remote training via webinars and podcasts. The Board may want to initiate a networking activity with other library trustees in the region. Periodic opportunities to discuss common library issues will be helpful in local decision making.

Finally, all Boards should expect their library director to keep them up to date not only on issues affecting the library’s service presently, but issues that are surfacing statewide, nationally, and even globally that will eventually impact your library directly or indirectly.

Areas of Evaluation

The following questions will help you determine whether your Board has access to the resources it needs to be well informed about the issues that can help them perform their duties in the most highly effective way possible.

- Board members are given opportunities at the local, state, and national level to improve performance.
- Board members are encouraged by the chair to take on such opportunities.
- Board members are given an opportunity to report back and share with other Board members information acquired.
- New members are given a Board orientation on their roles.
- Board members are members of either local, state and/or national associations (Association of Library Trustees and Advocates, Friends of Libraries U.S.A., the Public Library Association, e.g.).
COMPLETING THE SELF-EVALUATION PROCESS

After completing your responses, compile them by recording a summary. Your summary should give you a fair indication about which competencies rate high and which low, as well as where your strength lies. There are no perfect Boards – but some Boards operate without taking a breath from time to time to assess present opinion for implementing future change. You can now use responses to restructure the Board’s direction. You can also directly relate them to the Board’s goals as indicated below.

When each member has completed their worksheets, they should be combined together for the Board to examine. It would be expected that many Board members would have similar contents. Then the Board can discuss and reach consensus on each area and goals, both previous ones and new ones. What you have before you is a template for re-evaluating existing Board goals or the establishment of new ones.

Setting Goals for the Future

Following the completion of the Board self-evaluation process, any goals that the Board established at the beginning of the year should be reviewed. In absence of existing goals, the Board should establish them. By undergoing the evaluation process you will be ready to relate your assessment of personal competencies to Board goals and as a Board come to a general agreement in direction. The Board’s goals might be listed under several broad headings such as those addressed in this guide:

- Board Knowledge and Decision Making.
- Advocacy and Lobbying.
- Policies.
- Finance.
- Strategic Planning.
- Professional Development.

Once all goals have been established, identify what has been accomplished for each goal. In some cases no goal may have been established, or nothing was accomplished for a given goal. If nothing was accomplished, identify what obstacles were encountered. Challenges to goal accomplishment might be as simple as action steps not identified, or it could be that no one was assigned to an action step. It might be determined the goal was not within the Board’s purview or not a high priority. Relate your competencies to that of the Board goals. This will help the Board establish priorities for meeting goals that address Board weaknesses.

Each member should indicate whether each goal is worthy of pursuing as well as listing any new goals that should be included for the next year. For incomplete goals or for new ones, members should identify action steps, timing, and any needed resources. Again, the Board should ensure that the goals adopted are responsive to the self-assessment and should be designed to address overall weakness and buttress the Board’s strengths.
CONCLUSION

Excellent libraries have strong Boards that understand their role and the importance of their role. Great Boards work well together, they are well informed and make good decisions. Great Boards ensure that the library has all the resources it needs to deliver quality service. This means that they hire the best director possible and then work to ensure that the Director gets the funding he or she needs. Great Boards understand the critical importance of the library to the community and take steps throughout the year to ensure that this message gets out to the decision makers and to the community at large.

Self-evaluation is an important tool for Boards to come together to determine the areas where they excel and, importantly, to determine the areas where they can improve. By taking steps to be the best Board possible, the library will be assured that its future is bright.
BIBLIOGRAPHY

Board Development Program, Volunteer Services Branch, #907 Standard Life Centre, 10405 - Jasper Avenue, Edmonton, AB T5J 4R7.


Trustee and Director Roles: A Self-Test, Conference Handout, American Library Trustees Association.
General Knowledge

The following questions are designed to elicit whether and how well Trustees know how the library fits into the larger community vision. They should know about the library’s mission and why their library is important. They should know about the various issues that affect the library and its services. This knowledge is fundamental for Trustees to succeed in their roles. If there is a low level of this basic knowledge, then this is a good area to put at the head of the list for Board improvement. Use the space below each question to comment on your response.

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<tbody>
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<td>2. Board members understand the role and responsibilities of the library director.</td>
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<td>3. Board members can identify the mission statement, objectives, and vision of the library</td>
<td>□ YES □ NO</td>
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<td>4. Board members are familiar with all local, state, and federal laws having effect on libraries.</td>
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<td>5. Board members are familiar with library issues at the local, state and federal levels.</td>
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<td>Board members understand the structure and bylaws of the Board.</td>
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## Lobbying

How does your Board measure up in this regard? The following questions will help you decide. Use the space below each question to comment on your response.

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### Decision Making

How well does your Board do in making decisions? The questions below will help you find out. Use the space below each question to comment on your response.

1. The Board analyzes decisions and examines their impact before making them.  
   - [ ] YES  [ ] NO

2. Board members consider in detail the options available in making a decision.  
   - [ ] YES  [ ] NO

3. The Board examines past policies of the Board on an annual basis.  
   - [ ] YES  [ ] NO

4. The Director provides the Board with sufficient information for making a decision.  
   - [ ] YES  [ ] NO

5. Board members review the agenda and the supporting information prior to the meeting in order that they can make effective decisions.  
   - [ ] YES  [ ] NO
**Strategic Planning**

The questions below are designed to reflect the Board’s understanding of the importance of planning, that everyone is aware of the direction for services that have been set by the process and that the plan is always reviewed and consistently provides the context for the Board’s decision making. Use the space below each question to comment on your response.

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<td>3. An orientation package containing the current strategic plan is provided for new Board members.</td>
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<tr>
<td>4. Strategic planning becomes a regular process for the Board.</td>
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**Policy Making**

The questions below will allow your Board to assess how well they know the library’s policies and why those policies matter. Use the space below each question to comment on your response.

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<tr>
<td>1. The Board reviews policies on an annual basis.</td>
<td>□ YES □ NO</td>
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<td>2. The Board is familiar with policies.</td>
<td>□ YES □ NO</td>
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<td>3. The Board can articulate the underlying principle(s) that a policy is addressing and is able to defend all policies to the public.</td>
<td>□ YES □ NO</td>
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<td>4. Board members can distinguish between policy making and operational decision making.</td>
<td>□ YES □ NO</td>
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</table>
Finance

The questions below will help you determine your Board’s ability to responsibly fulfill their fiduciary responsibilities. Use the space below each question to comment on your response.

<table>
<thead>
<tr>
<th>Question</th>
<th>YES</th>
<th>NO</th>
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<tr>
<td>1. The Board is provided with full and accurate information regarding the library’s finances and budget throughout the year.</td>
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<tr>
<td>2. The Board is given sufficient lead-in time to discuss budget issues and make wise decisions.</td>
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<td>3. The Board understands the impact of decisions on the enhancement of services.</td>
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<tr>
<td>4. The Board is prepared and motivated to defend and promote the budget to the decision makers.</td>
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<tr>
<td>5. The information provided reflects back to specific services.</td>
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### Professional Development

The following questions will help you determine whether your Board has access to the resources it needs to be well informed about the issues that can help them perform their duties in the most highly effective way possible. Use the space below each question to comment on your response.

1. Board members are given opportunities at the local, state, and national level to improve performance.  
   - [ ] YES  
   - [ ] NO

2. Board members are encouraged by the chair to take on such opportunities.  
   - [ ] YES  
   - [ ] NO

3. Board members are given an opportunity to report back and share with other Board members information acquired.  
   - [ ] YES  
   - [ ] NO

4. New Board members are given a board orientation on their roles.  
   - [ ] YES  
   - [ ] NO

5. Board members are members of either local, state and/or national associations (Association of Library Trustees and Advocates, Friends of Libraries U.S.A., the Public Library Association, e.g.).  
   - [ ] YES  
   - [ ] NO
Effective Meetings for Library Boards of Trustees

Sally Gardener Reed, Executive Director, United for Libraries
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INTRODUCTION

Being a member of the library's Board of Trustees is an important and wonderful way to serve your community. Whether your library is a city or county department, or an independent agency, the Board is the body that is ultimately accountable for ensuring that the money the library receives is well spent and that the services the library provides are equally accessible to all.

While it might not seem glamorous, the truth is that the majority of time a Board member spends in service to the library will be at the monthly Board meeting. It is important, therefore, that these meetings are structured in a way that ensures they are productive and allow for the intellectual input of all board members in determining how well the library is meeting its obligations to the citizens it serves.

Sally Gardner Reed
Executive Director, United for Libraries
OPERATING PROCEDURE

The Board president who presides over the meeting (or the vice-president in the absence of the president) should be well acquainted with meeting rules. How many Trustees must be present to constitute a quorum? How will decisions be made – by a majority or by consensus? When will a Trustee be considered out of order? How can everyone be brought into critical discussions? There are many books available that can help guide you, perhaps the most famous of which is Robert’s Rules of Order.

It is also very important for all Board members to understand their role as the governing body versus the library director’s role as library manager. The Board should carefully avoid micromanaging the director in meetings. The library director is ultimately going to be evaluated on outcomes in various goal areas. Therefore, it is important that the director have the leeway needed to manage the process for arriving at successful outcomes. This means that the director manages staff, collection, services, programs, and all issues associated with general, day-to-day operations. Nothing will damage good working (functional) relationships more effectively than Board members who are not clear on where the line is drawn and damaged relationships will ultimately negatively affect the library and the quality of its services.

Here are some examples of what Board responsibilities are not:

<table>
<thead>
<tr>
<th>Board Responsibility</th>
<th>NOT Board Responsibility</th>
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<tr>
<td>Discuss the changing demographics in the community and ensure the collection development policy addresses the need to reflect diversity in the library’s collection.</td>
<td>Decide that the library needs more Spanish language books, or needs particular titles. It is the director’s job to determine how many and what titles belong in the collection.</td>
</tr>
<tr>
<td>Pay attention to the monthly budget report and ask questions about any abnormalities, concerns, or surprising trends.</td>
<td>Inform the director that he or she should turn down the thermostat to save on utilities or change office supply vendors to save money.</td>
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<tr>
<td>Discuss a significant drop-off in attendance at the pre-school story-times as noted in the director’s library use report. The Board asks the director to report back on issues affecting story-time attendance.</td>
<td>Instruct director to move the story-time to the afternoons to see if more children attend.</td>
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ATTENDANCE

Does it really matter? Yes! Because Board meetings are where Trustees are kept up-to-date on issues such as budget, services, staff, and policy — and because they are ultimately accountable for the responsible stewardship of these issues — it is imperative that all board members be required to attend. The Board should implement a Board policy that stipulates the number of unexcused absences and excused absences that will be permitted. Most guides on Parliamentary Procedure will dictate this in absence of your own policy.

An unexcused absence is one where the Trustee simply does not show up and has not notified anyone in advance. A good policy might excuse one of these absences since life does happen and people do sometimes forget. However, if the Trustee isn’t serious enough about his or her service to the library to schedule for Board meetings or make a call to inform either the Board president or the library director that he or she can’t make the meeting, it may be that the seat would be better filled by someone who is.

An excused absence is one where the Board member has called ahead and asked to be excused because of illness, travel, or other unforeseen conflict. Though there are many good reasons for missing a meeting, consistent absences should be considered unacceptable because it means that a seat that would otherwise be filled by a dependable person goes empty too often. Again, a good policy stipulating that one or two excused absences is acceptable in a year along with stating the procedure for removing a Board member who is unable to comply is important.

It is, of course, not enough for a Trustee to simply show up. He or she should be expected to contribute to discussions and should be required to have read the Board Packet in advance (see Board Packets on page 4). Good Board members show up and show up prepared to contribute!
AGENDA

A good agenda is the best tool you have for ensuring that a meeting goes smoothly, that all issues of importance are adequately addressed, and that everyone has an opportunity to contribute thoughts and ideas.

The Board president and the library director should work together on the agenda for each meeting well in advance. The library director will know best what items are "hot" at the moment and need to be addressed and the Board president may have issues he or she would like to discuss in the meeting. In addition to these "new business" items, there will be some standard agenda items such as a year-to-date budget report, library use statistics, opportunity for public comment, and a "state of the library" update from the director. Other issues that might be on a standard agenda are reports by a Friends of the Library and/or Foundation liaison.

To maximize the time available to discuss the most important items on the agenda, those that are fairly standard and don’t require an action (such as a vote) or discussion can be grouped together as a "consent agenda." If the budget is tracking well, the use of the library is steady or "normal," the Friends liaison has submitted a written report in lieu of attending, for example, these items can be grouped together for approval in one motion. Of course, any item in the "consent agenda" can be pulled out for discussion or action if a particular Trustee requests it. If the Board is unanimous in accepting the consent agenda, however, time will be freed up for the issues that do require action and/or discussion.

Another way to help move the agenda along is to mark those items that need "Action." This way there will be a clear understanding at a glance that the discussion at hand will be leading to a vote. Approval of the minutes, approval of a new policy proposal, or a change in the Board’s operating procedures are examples of those that will require action.

Finally, manage the clock! Decide when the meeting will begin and end and include that information in the agenda. Each item on the agenda should be accorded a certain amount of time. These times should be flexible, of course, but if you’ve allotted five minutes for welcomes and introductions and you notice that almost ten minutes have gone by, you will know that it is time to firmly and gracefully bring this item to a close. The suggested time limits for each item will also help keep all Trustees focused and on track.
SAMPLE MEETING AGENDA

Anytown Public Library Board of Trustees

Meeting Agenda

Date: Monday, September 18, 2012
Time: 5:30-7:00 p.m.
Location: Central Library, Donnell Meeting Room

Meeting begins promptly at 5:30 p.m.

Welcome and introductions – 5 minutes

Approval of the minutes – 5 minutes (Action Item)

Director’s Report – 15 minutes

Budget
New services
Use statistics

Policy Update, Collections – 30 minutes (Action Item)

Advocacy efforts – preparing for next year’s budget – 15 minutes

Friends Report – 5 minutes
Foundation Report – 5 minutes
Public Comment – 10 minutes

Adjournment at 7 p.m.
The Board Packet is developed by library staff and is sent out to each member of the Board so that it is received at least one week prior to the meeting. The Board Packet should contain helpful background information that supports the items of the agenda. Standard information usually includes:

- **Agenda.** This should be the top page of the Board Packet. It will include the date, time and location for the upcoming Board meeting and quickly gives an overview of what will be discussed and decided.

- **Minutes.** The Board’s secretary (and this may be a library staff member who serves as secretary ex officio but has no vote) should ensure that minutes are sent to the director no later than one week following the meeting. The minutes may be distributed to the full Board simultaneously after the meeting but a written copy should still be included in the Packet.

- **State of the Library Report.** The director should include a short (one or two page) summary of significant issues and trends that have occurred since the last Board meeting. This report should address key issues and not get bogged down with a lot of details. The shorter and more concise this report, the more likely it will be read and will be valuable in focusing the Board members on what really matters.

- **Budget Report.** A useful report will show the library’s expenditures to date versus the same time last year. It is also useful to see a report that compares expenditures to date versus the annual budget. For example, if the budget is 25% spent and you are 25% of the way through the year, you’re right on track. A detailed report showing these measurements against each line item will help the Board to see if there are any apparent imbalances. Perhaps the materials budget is only 15% spent but the personnel budget is 30% spent. Are more staff being hired? Is this at the expense of the materials budget?

  These are good questions to ask and you may find that because the library is doing an excellent job of promotion, use is way up thereby necessitating more staff. If the materials budget is the only line item large enough to absorb some of these unforeseen costs, this will be important to address in the next budget cycle by advocating a significantly higher budget next year due to your success!

  At any rate, the Board is ultimately responsible for fiscal oversight so it is important to ask good questions and become familiar with the issues that drive the budget. **Important Note:** It is *not* the job of the Trustees to dictate solutions for any real or perceived budgetary problems. It *is* the job of the Trustees to ensure that spending supports the goals you’ve established with the director at the beginning of each year and to make sure the director knows that you expect the budget to be fully spent (but not over spent) by the year’s end.

  During the budget report, the Trustees should also be thinking ahead and asking questions about the budget forecast for next year. One of the most important jobs for the Board is to work hard to ensure that the library gets the funding it needs to meet its goals for service.

- **Library Use Statistics.** “Not everything that counts can be counted, and not everything that can be counted counts.” These words, commonly attributed to Albert
Einstein, ring very true when it comes to library use statistics. Use statistics don’t necessarily measure a library’s effectiveness, they can, however, highlight trends. Over the past two decades many libraries have seen the circulation of library books go down while the circulation of digital materials have skyrocketed. By the same token, because libraries now offer internet access and that means that use of the library is now counted in additional ways such as number of library visits, number of online reference queries, and the time logged on the libraries computers.

Reports that show various measures of use against prior months and prior years give context to the data and help to show more clearly the changes occurring in the ways in which patrons are using the library.

In addition to these standard reports, the Board Packet might also include:

- **Policy Update.** It is good practice for a Board to review all the library’s policies at least biennially. This doesn’t mean that policies should change every year or every two years, but they should be reviewed on a regular basis to make sure they are still guiding library practice in a way that matches the library’s mission and goals.

  If a particular policy is up for review, a copy of the policy should be included in the Packet along with a brief report by the director that recommends modification or states that the policy is relevant as it stands, with explanation of either recommendation. This will give the Board members the information they need to re-authorize the policy or to recommend well thought out changes.

- **Friends Report.** It’s important for the Trustees to include a report from the Friends group (oral, written or both) at each meeting. Friends are a significant factor in fundraising efforts, library promotion, and advocacy, so it makes sense that the Trustees are kept aware of their activities. In addition, including a Friends liaison and/or report strengthens the bond between the two groups making it much easier to coordinate advocacy and promotion efforts.

- **Foundation Report.** Typically library Foundations work to foster large gifts and donations from wealthy individuals and corporations for the library endowment. Often this is done through planned giving, ticketed events, grant writing, and one to one requests. It is common for a Board member to be on the Foundation Board. If this is the case, he or she might give an update or the Foundation president might include a written report for the Board packet.

- **Articles of Interest.** A high functioning Board is one that understands the broader context within which the library operates. The library director should keep the Board informed of issues that impact libraries whether they are at the national, state or local level. Pertinent articles and papers on these issues should be included with an explanation as to their import during the “Director’s Report.”
CONCLUSION

Effective meetings can move the organization forward. By spending this precious time in discussing policy issues, environmental concerns (what factors are effecting the library such as funding, population shifts, and political environment), and library goals; the Trustees can be a real boon to the director and to the community. Serving as a Trustee is a noble way to enhance one of your community’s most valuable assets. It all starts with showing up and working productively together.
THE ROLE OF LIBRARY TRUSTEES

It is not uncommon for the role of the Friends and the role of the public library Trustees to become confused. What authority and responsibilities do the Friends have? What is the role of the Trustees? Should an individual serve on both boards? If either of these groups is unsure of the limits of their respective authorities, conflicts can, and often do, arise. Tip Sheets #1 and #2 outline the roles of the Trustees and the role of the Friends, specifically indicating where their work and communication should overlap or complement each other.

There are typically two types of Trustee Boards - a) a governing board or b) an advisory board.

1. The Governing Board is either elected by the general population or is appointed by the city or town’s elected council. This type of board has full authority over the governance of the library. This Board hires the library director, sets policy, and works closely with the director in establishing and presenting the library’s budget to the city.

2. The Advisory Board typically exists where the library is a city department, the library director is hired by the city, and the library director reports directly to the city manager or mayor. The Advisory Board typically has less governing authority though it may be an appointed or elected Board. By law in most states, this Board still has responsibility for policy setting, but does not have responsibility for the budget or the direct oversight of the library director.

3. In both cases, the library Board of Trustees has the authority for developing and implementing the policies that govern library services.

4. In both cases, the library Board of Trustees works with the library administration in planning and goal setting for the library.

5. In both cases, the library Board of Trustees should meet at least monthly with the library administration in an open meeting where a Friends liaison should be present and have an opportunity on the agenda to update the Board of Trustees on the Friends’ activities.

6. In both cases, a member of the library Board of Trustees should be appointed to act as a liaison to the Friends and attend their meetings and as many of their functions as possible.

continued on reverse
7. In both cases, all members of a library Board of Trustees should become personal members of the Friends at the highest level they are able.

8. Individually and collectively, Trustees should act as advocates of libraries and present the library point of view to their locally- and nationally-elected legislators and leaders.

9. At least yearly, the library board should plan a joint meeting to discuss mutual concerns with Friends. This can be done in conjunction with a breakfast or dinner meeting.

Should a member of the library Board of Trustees also serve as a member of the Friends of the Library Board? The generally accepted wisdom is “no.” There are a number of reasons for this:

1. It can imbue a single member with more power and authority than his or her peers on each of the boards.

2. There can be a perceived conflict if a member of the policy making Board is also in a decision making role on the Friends Board that helps fund the library’s services.

3. There can be a potential conflict of interest when a policy the library Board of Trustees is proposing might not be considered to be in the best interest of the Friends. For example, deciding to give discarded library materials to an outsourced agency or proposing the establishment of a foundation for fundraising.

Even if your Trustee Board and Friends Board are working in perfect harmony right now, no precedent should be set that will allow possible conflicts in the future. Though it is the case that a Trustee Board member may take a leadership role in creating a new Friends group and therefore have a decision making role in both for awhile; this should be considered a temporary necessity and the new Friends should elect officers (other than library Trustees) as soon as possible.

tip sheet #9
Tools for Trustees

**TRUSTEE COMPETENCIES**

1. **General knowledge** – Knowing the role of the Trustee and director, the library's mission in the community, current library issues, and state and national laws governing libraries.

2. **Board operations** – Familiarity with the agenda and order of business, making motions, voting, minutes approval, resolutions, ordinances, executive session requirements, and state Open Meeting Act requirements for the library board.

3. **Advocacy** – Participating in community events and promoting the library to local, state, and national elected officials. Attending political events to promote library issues and to gain support from these officials.

4. **Decision making** – Using up-to-date information for decision analysis, being prepared for all meetings, and participating fully in board actions.

5. **Strategic planning** – Working with the director to develop a long range plan for the library with input from staff and citizens, as well involvement from community-based leaders.

6. **Finance** – Knowing and understanding the board's role in keeping the public trust. Understanding the budget process, being informed about finances, having adequate information and time for making decisions and knowing the impact on services, and being able to defend budgetary decisions to the citizenry through verbal and written communications.

7. **Fundraising** – Working with the Friends of the Library group, developing partnerships in the community, creating and supporting a Foundation for the library, and promoting these activities through available media outlets.

8. **Policy making** – Working with the director and staff to develop policies that become the basis for guiding the practices and decision making of the library administration and staff, and ensuring the rights and responsibilities of library users.

9. **Lobbying** – Continuously informing local, state, and national legislators about the needs of your local library and libraries in general. Knowing the decision makers, press members, local leaders/gatekeepers and telling them how they can help libraries.

*continued on reverse*
Keeping contact information current. Sharing knowledge about the library’s services and contributions to the community, the state and the nation as a whole. Explaining the Intricate issues involving libraries. Visiting groups in the community to stress your point of view.

10. **Professional development** – Participating in the orientation of new board members. Knowing the mission of the library and how the library functions to meet this mission. Understanding the role of governing, advising, supporting, and promoting the library. Joining regional, state, and national library associations and developing budgetary appropriations allowing Trustees to attend meetings and conferences at all levels, if at all possible, and if it will not impact staff development activities. Reading library journals and professional publications, and attending webinars to further educate Trustees in current and future trends of the library world.

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**Association of Library Trustees, Advocates, Friends and Foundations**

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www.ala.org/altaff
Citizens-Save-Libraries

A Power Guide for Successful Advocacy

Made possible through a generous grant from the Neal-Schuman Foundation.
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Introduction

Libraries all across America are at a crossroads. If you are using this guidebook, you are worried about the future of your own library. Chances are you’ve heard the chorus of excuses from your local leaders about why your library can’t be adequately funded. Times are tough, they will say – everyone has to sacrifice. They will ask, “Why do we need libraries when we have the internet?” They will tell us straight out or in carefully couched terms (no one, after all wants to be seen as “anti-library”), that libraries, while nice, just are not relevant anymore. After all, the marketplace is full of e-books, music downloads, streaming movies, and, of course, the internet.

Interestingly, libraries have not always had to fight so strongly for adequate funding. This may be because up until the late 1980s, municipal and county budgets were fairly stable. Additionally, the costs of running a library were stable as well. Essentially, libraries had a single stream of service revolving around books. Reference services, youth services, and adult services were all book based. Sure there were records and film strips, and later video, but these were seen as secondary services and very often as “draws” to get new people in to use the library and discover books.

With the introduction and very rapid explosion of information technology, libraries had the opportunity to greatly expand the world of information for their communities in ways never imagined before. The service stream for libraries has multiplied. Not only are we offering books, but computers, internet access, full-text databases, and MP3 players, Nooks, Kindles, and iPods for digital books. As each new information delivery system is introduced, libraries are there to capture that stream and make it available to their community.

While our patrons understand the power of the library and its centrality to our communities and their lives, funders often do not. Because they see many other avenues available for the same resources we offer, they feel that libraries are no longer filling a unique niche. They are, of course, wrong.

Libraries today are doing what they always have done which is to gather, collect, and organize the world of knowledge, literature, information, and stories, making it freely available to the communities they serve. And even though there is apparent competition in the marketplace for e-books, music, internet access, and print resources, these services are not free, and as in the days gone by, there are very few people who could afford to avail themselves of the wide world of information and knowledge in all its various formats that they’ll need for lifelong learning. Not only that, but because of the burgeoning information avenues and their concomitant expense, the gap between the information have- and have-nots is growing deeper every day.

This Power Guide is designed to provide an advocacy team with a blueprint for immediate action to shore up the library’s budget or pass a referendum or bond issue. The Guide will help the team develop a timeline for a campaign, develop strategies with deadlines for completion of set goals, assist in identifying and recruiting community members to help implement the strategies, and put in place oversight to encourage and support their completion.

In addition, this Power Guide will provide direction for continuing promotion of the library in the community in a politically powerful way. It is no longer the case that a onetime campaign, however successful, will be enough to keep your library running smoothly and effectively into
the future. Because dollars seem to be scarcer than ever and because it appears that libraries have a lot of competition from the private sector, politically astute promotion and public relations will have to become ongoing roles for libraries and their supporters.

The good news is that even if you are a non-profit or 501(c)(3) organization, you can engage in advocacy – or as the IRS refers to it – lobbying. There are limits to how much you can spend as a non-profit, but certainly your right to free speech is not eliminated simply because you may be considered a charitable organization by the government. The limits on what you can spend are outlined in a United for Libraries Fact Sheet called “Advocacy Campaigns: Legal Limits on Spending for Non-Profits.” The link to this resource can be found under “Online Resources” in Appendix C.

United for Libraries, along with the Neal-Schuman Foundation, believe strongly that advocacy can and does work. We’ve seen evidence of it from coast to coast in all types of libraries at the local and the state levels. Developing an advocacy campaign, as you will soon see, is not rocket science but it does take dedication, hard work, a core group of people who are passionate about the cause and the support of many, many people in your community. This guide will take the mystery out of advocacy, provide you with an organized step-by-step approach, and allow you to develop a set of strategies that will motivate your community to pressure funders to support the library or in the case of a referendum or a bond issue – to vote “yes.”

There is power in the voices of the people. Change only occurs when those voices are united, loud, and strong. Perhaps Margaret Mead said it best when she said, “Never doubt that a small group of thoughtful, committed people can change the world. Indeed, it is the only thing that ever has.” Happily, you don’t have to change the world, just your small and important corner of it!

Getting Started

Leadership Team

Margaret Mead was right. You do not need a core group that comprises huge numbers of community members. A small leadership team that includes library supporters, trustees, and administration (even if the administration is working behind the scenes) can be highly successful. While the leadership team may consist of, say, ten people, these ten people will, through implementation of strategies, be reaching out to many more library supporters for help with specific, time discrete tasks that will enable you to implement the strategies you’ve designed. Those on the leadership team must be committed and engaged throughout the entire campaign.

The role of the leadership team will be to design the campaign, develop strategies, determine due dates and internal timelines for the strategies, develop talking points, and recruit supporters to accomplish the strategies. The leadership team will ensure that volunteers are well educated about their roles, are equipped with the campaign’s talking points, and are assigned both tasks and timelines. In addition, the leadership team will oversee the work done by various strategy task forces, ensure that timelines and schedules are being met, and are available to assist as needed.
Among the leadership team, one person should be appointed treasurer. This person should have access to the resources that are available for the campaign. If the Friends of the Library are supporting the campaign, their treasurer might be the best person for this job. The campaign treasurer needs to work with the team to establish a budget for each committee and their task forces, pay bills and invoices that are incurred by the campaign, and keep track of expenditures so that regular reports of expenses and revenues can be made to the leadership team.

There will be weekly meetings – some in person, some virtual – and perhaps even bi-weekly meetings as the campaign progresses. The campaign will be short (see timeline below) but it will be intense. If someone is not sure they can commit this time, they should be asked to help with tasks later on but should not be on the leadership team. The exception to this would be a VIP in town who is willing to be the titular head of the campaign but not able/willing to get into the nitty-gritty. Such a person may be a member of the city council who supports you, the mayor, a well known author in town, the college football coach, or a large donor to various civic causes - in short anyone who is well known and well respected.

Who has committed to be on your leadership team?

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**Setting the Goal**

Once the leadership team has been assembled, they must articulate the goal. Will your campaign be designed to stave off a predicted budget cut, to increase the budget, or to pass a referendum or a bond issue? The goal should be specific – exactly how much money are you asking for? If anticipating a cut, are you asking that the budget be left fully intact or that the budget reduction be less than what is being predicted? Are you asking for enough money to keep a branch from closing? Are you trying to protect hours? Are you working to decouple the library’s budget from the town/city/county’s budget creating a separate millage or line item? Whatever your goal, it must be very specific.

The goal of this campaign is to:

---

**Determining the Campaign’s Timeline**

The next thing you need to determine is when the campaign must culminate to be successful. Obviously, if you are passing a ballot measure, the culmination of the campaign will be clear – the day of the vote. If you are advocating for an increased budget or to stop a cut in the library’s budget, the culmination date for the campaign will be determined by the date the funders use for determining their own budget (which includes the libraries budget) to present to the public.

Determining when you need to finalize making your case for your budget within the overall community budget can be a bit nuanced. Who has the most sway in the development of the budget within which the library’s resides? Is it the council, the mayor, the city manager? When are the initial discussions taking place (you’ll want your “demands” on the table from this point on) and when is the final decision being made?

In almost all cases, it’s too late to attend the public hearing on the budget en masses to make the library’s case. It is entirely likely that those who work on the overall budget have spent weeks and even months getting to the point of the public hearing. It’s not likely that they’ll go back to the drawing board for the library – though they may make some concessions based on public input. It is much better to alert the powers that be that the library must be fully supported as they begin their work.
Once your team has determined when the campaign will culminate to have the highest impact, you must then determine when the campaign will go public based on the final date. Working back from the deadline, you will want to consider how long the campaign should run.

Though it might not occur to you from the outset, it is an important strategic decision about how long the campaign will last and paradoxically, the answer is not— the longer the better. In these days of high resistance to any increased taxes or spending, it's entirely possible and even likely that opposition will coalesce against you. You want to design a campaign timeline that will:

- Allow you to successfully implement your strategies.
- Ensure that the larger community is aware of the campaign, understands why it's necessary, and can be persuaded.
- Reduce the time opposition might have to gain strength against it.

Typically, a public campaign that might engender opposition is best left to no more than two to three months. This does not, however, mean that you don't begin working on it until three months out. Indeed, there is much to be done behind the scenes to work on the development of strategies and to position the campaign to be fully fledged on day one.

The campaign will culminate on ______________________

(Date)

Engaging the Honorary Campaign Chair (VIP)

The leadership committee should take time at the beginning of the campaign process to determine and invite a VIP in town to become the honorary chair of the campaign. This person should be asked to be a media contact for the campaign, give several quotes to be used in the campaign, write or sign off on an op-ed or letter to the editor, and generally be the public leadership "face" of the campaign. He or she does not need to be actively involved in the campaign but should be seen as the lead endorser of your goal. This person should be well known and well respected in town.

The chair of the leadership team should be tasked with asking the persons you've listed (in priority order) be become honorary chair. Of course, if you have determined a VIP who is well known by another member of the leadership team, he or she would be the best person to make the ask.

Persons to approach for this role include:

- 
- 
- 

Deadline for securing honorary chair: ______________________
Developing the Message, the Slogan, and Creating Talking Points

The message matters. It is very important that you develop a message and talking points that tell exactly what you are asking for and why it matters. By developing the message and talking points to underline the message, you'll go a long way to ensure that everyone involved in the campaign is essentially saying the same thing and that what they are saying is accurate. If you are asking for a 1% increase that translates into $300,000 more for the library, you don’t want anyone representing you saying you want $1,000,000. Discrepancies and inconsistencies in the campaign will undermine your credibility and you definitely don’t want that!

Message

The message should be the foundation for your campaign. It should directly address what you’re asking for and why it matters. If you are asking for money to support a new addition, for example, the message might be crafted regarding the dynamic environment in which libraries now operate and how new technologies and patron expectations are rendering the current amount of space insufficient. What would a new addition provide? More computer access, community space, “Maker Spaces,” programming, quiet Wi-Fi spaces for those who are bringing in their own devices? And why is this important? Do others in the community offer this freely to the community? What would be the consequence of not having this additional space? These are all questions to ask and answer enabling you to distill these answers into a meaningful and clear statement(s) about the value and criticality of a high functioning library.

Similarly, if you are seeking a budget increase or working to stave off an announced budget cut, you must ask what these cuts will mean for not only the services you offer, but especially to your community members. Again, will the reductions result in shorter hours and if so, what will that mean for users? Will you have to eliminate access to technology and what are the consequences of this? Think about the overarching value of the library – especially in the digital era – and work that value proposition into your message.

The message will guide you as you make the case for your library. It will inform your talking points (see below) and even help you develop the slogan with which your campaign will be identified. As always, the message should be focused not on what you do but rather on:

✓ why what you do matters.
✓ how your services are unique.
✓ how the community is enriched by your services.

Use the space provided on the next page to record the message for your campaign.
Our message is:


Slogan

If you look at the examples at www.ala.org/united/powerguide, you will find that many campaigns have a brief one sentence or less “tag line” that immediately identifies the campaign. A brainstorming session of the leadership group should help you develop a powerful and persuasive tag line. As you know, this is very common in commercial advertising campaigns, and there’s a reason for it – it can encapsulate the key “thing” about the product and it becomes clearly identifiable with the product. Consider “It’s the real thing,” “We bring good things to life,” “Not just tough, built Ford tough,” and “You are now free to move about the country.” These slogans are not only quickly relatable to the product; they also imbed a reason for choosing them. This is what your slogan should do as well.

Consider what you’re asking for and why it matters and see if you can shape that into a powerful slogan that can be used on all your campaign materials. Depending on your resources, you can combine this slogan with a logo that will be used in all your correspondence and materials.

Our slogan is:
Talking Points

Libraries have powerful messages for helping the community and especially library funders understand the enormous value and importance of libraries. In setting up talking points, it’s important to share not what we do, necessarily, but why what we do matters. The talking points should be powerful, imply if not outright state the return on investment that comes from healthy budgets, and easily repeatable. These talking points will keep everyone on message and if repeated over and over in your various strategies, will really gain traction within the community.

Here are some areas where we can show the value of libraries to the community.

- Literacy
  - Early childhood
  - Teens – summer reading
  - Adult
  - English for speakers of other languages (ESOL)
  - Other: ________________________________

- Citizen Development and Participation
  - Government information – local, state, national
  - Reference services
  - Referral services to other agencies
  - Other: ________________________________

- Business Development – Economic Development
  - Incubator space for start-ups
  - Business resources
  - Entrepreneurial support
  - Other: ________________________________

- Workforce Development
  - Practice test resources
  - Online access for job search – including email address set up
  - Resume assistance and support materials
  - Interviewing support materials
  - Other: ________________________________

- Community Value Improvement (homes and neighborhoods)
  - Curb appeal
  - Visible investment in community enrichment
  - Home values increase with proximity to libraries
  - Other: ________________________________
• Lifelong Learning
  o Computer literacy for all ages
  o Cultural heritage – all ethnicities
  o Local history
  o Leisure reading
  o Self guided studies in all areas
  o Other: ______________________________________

Based on areas of service areas above, develop a minimum of 10 talking points below and continued on the next page. See “Return on Investment Statements” in appendix A at the end of this workbook for examples.

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6.
Determining Strategies

This is actually the fun part! You have a message to get across and you have people to persuade. Whether you are trying to generate grassroots support to pressure funders, working to influence the funders themselves, or getting a majority to vote yes, your strategies should be designed to be compelling, informative, and ubiquitous. You must try to reach as many people as you can in as many different ways as you can. This will include old-fashioned strategies such as calling people, writing letters to the editor, putting out yard signs, sending letters and postcards to funders, and launching a petition drive.

In today’s world, there are additional ways to reach even more people than was ever possible before. Using tools such as Facebook, Twitter, Pinterest (for posting campaign buttons and signs), email, YouTube, websites, and other digital communication will serve you well. This technology has the ability to go viral, which will help ensure that everyone in your community can get the word about what you are asking for and why.

If your library has done an excellent job in promoting the value of the library to the community, you will be ahead of the game – you’ll have to spend less time educating people about why the library is an essential community service. If you haven’t had such a promotional campaign, it will be important to try to incorporate the message of your value to the community into your campaign messaging. In either case, however, it is wise not to assume that everyone in your community understands why today’s library is still important (more so!) in the digital age.

In order to reach and influence as many people as you possibly can, you should develop as many strategies as you can based on your capacity and people-power to carry them out. Following is a list of typical strategies that you may choose to develop, but don’t be limited by them. You may think of even more clever and persuasive tactics. Also, see www.ala.org/united/powerguide for sample ideas from other campaigns across the country.

<table>
<thead>
<tr>
<th>Flyers</th>
<th>Email campaign</th>
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<tr>
<td>Yard signs</td>
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<td>Letters to the editor</td>
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<td>Meeting with newspaper editorial board</td>
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<td>Radio and television Public Service Announcements (PSA)</td>
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<td>Speakers bureau</td>
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<td>Phone bank</td>
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<td>Each one reach 10 or 50!</td>
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<td>Web presence</td>
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**Forming Committees**

To make the accomplishment of the strategies efficient and achievable, you may choose to break them down into over-arching areas such as:

- **Social Media Committee**
  - YouTube videos
  - Email blasts
  - Pinterest postings
  - Website announcements, buttons, links, etc.
  - Twitter
  - Facebook
  - Other ______________________________

- **Personal Approach Committee**
  - Engaging titular campaign chair (VIP)
  - Speakers bureau
  - Meeting with local newspaper’s editorial board
  - Petitions
  - Phone bank
  - “Each one reach one” (or more!) – where all involved in the campaign commit to personally reaching out friends, relatives, work-mates, to ask them to support the campaign.
  - Other ______________________________

- **Traditional / Print Committee**
  - Flyers
  - Yard signs
  - Buttons
  - Letters to the editor
  - Postcards
  - Other ______________________________

**Role of the Committee Chair**

Each of the areas above should comprise separate committees to accomplish the tasks you’ve decided to employ. A reliable person should be asked to chair each of the committees you’ve developed. This person will have to commit for the duration of the campaign. He or she will not have to launch each strategy by him/herself, but rather engage the appropriate number of people needed to accomplish each task assigned to the committee.
The committee chair for each area should be required to assign duties, provide the budget necessary to accomplish the tasks from the campaign's financial resources, establish deadlines for completion of each task, and report on a regular basis back to the leadership team.

Prior to the final launching of each task, the committee chair should review the product (be it a flyer, poster, yard sign, YouTube video, initial tweets, e.g.) to ensure that they are in keeping with the campaign's "message." Anything that is at all questionable should be sent (via email, e.g.) to the Leadership Team for their approval or modification.

A small task force should be appointed for each strategy. This is a great area in which to expand your volunteers and campaign supporters. While a potential volunteer may not have the time to serve on the Leadership Team, he or she may well be able to join a task force with the singular assignment to design, print, and distribute postcards for the campaign, for example.

Each task force should be provided with both the expectations for accomplishment and a deadline for completion.

Each committee chair should be extremely clear about the goal of the campaign. He or she must know the campaign's slogan and be familiar with and have access to the talking points that have been developed for the campaign. In addition, he or she should know about the quotes database (see Appendix B) to use in completing tasks as is practicable. The slogan and talking points will ensure that no matter how many people are involved in the campaign, everyone is on the same page and sending out the same message! The committee chair should also be assigned a budget to accomplish the tasks assigned.

### Breaking It Down

Assuming you will be using the committee structure suggested above, the following is an implementation design for each area. By using many people for simple tasks that have specific time tables for completion, each can be easily and efficiently accomplished.

**Social Media Committee**

**Website Development**

All libraries have websites and many Friends groups do as well. Websites can be a great place to provide information about your campaign, put out your campaign message and slogan, and let visitors know exactly what they can do to help further your cause. Some libraries will be a direct city or county department and as such their websites local government property. It may be that campaigning for the library will not be possible on the library’s website.

That's where Friends of the library come in. Friends, especially those that are a separate 501(c)3 entity, have full leeway to educate visitors about the campaign and even to ask them to vote yes or call decision makers. If the Friends’ site is part of the library’s site, now might be the time to either move it into a separate space (there will be a small charge to acquire your own URL) or create a separate campaign-only website. Someone who is used to working on websites will be
ideal for helping the campaign. Be sure that the front face of the website is clear about the campaign and in what you are asking of those visiting the site. See Appendix D for helpful information about advocacy campaign websites.

Person(s) responsible:
He or she reports to:
Deadline for review:
Deadline for launch:

E-mail Blasts

While letter writing campaigns are still being used – especially locally – the email blast has the potential of many, many more signing on. And that’s key. In order to be effective, emails sent to decision makers must be plentiful and they must remain on message. The best way for this to happen is to create a template for supporters that includes the message and a place for the supporter to enter his or her own comments and then the email is automatically sent to decision makers.

If you are working to generate votes, then you will want to craft a single message to voters telling them what the library is asking for and why it is so important. Be sure to let them know the day / time of the vote and give them a phone number to call for more information (this might be to a member on the Leadership Team or to a designated member of the library staff).

Person(s) responsible:
He or she reports to:
Deadline for review:
Deadline for launch:
Frequency of blasts:

E-Petitions

These drives can be effective if (and only if) you are able to get a significant number of supporters to sign on. You want to ensure the petition drive goes viral and then ends up with the budget decision maker(s) who should see the high level of support. For example, if you are trying to convince the city manager, mayor, or council to approve a budget increase, the signed e-petition should arrive in their inboxes at least 2-3 weeks prior to their initial work on the budget. If this is a grassroots campaign to influence the vote, the e-petitions can be posted on Facebook, the campaign’s website (or Friends, or library’s if allowed), and the numbers tweeted out again, about 2-3 weeks prior to the vote.
YouTube Videos

Some YouTube videos have had the great luck of going viral; maybe yours can, too! At least a couple of YouTube videos highlighting the library and its quest for a better budget or a new bond issue can be a great tool for widely distributing your message. New to YouTube? No worries. It’s a lot easier than you might imagine — that’s why there are millions of videos out there. You might want to get a group of teens or young adults together to create a couple that are fun, creative and yet effective. Boring won’t cut it on YouTube. The good news is that all it really takes (minimally) is a phone with video capabilities, a fun script/idea, and an upload to YouTube. Even better, videos can be created with a special camera and perhaps a tripod for the “talking head” portion. Once the tapes are uploaded, your team will want to use every avenue of marketing open to them to ensure that they are watched. Email chains, anyone?

Person(s) responsible for video creation:
He or she reports to:
Deadline for review:
Deadline for launch:
Person responsible for promotion:
Deadline to begin promotion:

Pinterest

Relatively new, Pinterest is a social media network that gives people a place to post their pictures, favorite recipes, or anything they find interesting and think others will, too. Acting as a digital bulletin board, posters can not only “pin” their own things, but re-pin others that have been posted. This network will allow you to pin visual items from your campaign such as your slogan, buttons, flyers, or even quotes about the importance of libraries — and yours in particular.

Person(s) responsible:
He or she reports to:
Deadline for review:
Deadline for launch:

Facebook

If the library or Friends group doesn’t already have a Facebook page, now is the time to create one—and it doesn’t have to cost you anything but time. Once set up, you can invite as many people as possible to “like” your page and the task force working on this can ensure that information stays frequent and up-to-date. Every time you post something on Facebook, the post will automatically go to your Facebook fans! See Appendix D for information on setting up a Facebook account.

Person(s) responsible:
He or she reports to:
Deadline for review of types and content:
Deadline for launch:
Frequency:

Twitter

Using Twitter will give your campaign a chance to repeatedly tweet about your campaign’s progress, any new quotes from sources such as president of the trustees or newspaper editor, and information about what supporters can do to help. See Appendix D for information on setting up a Twitter feed.

Person(s) responsible:
He or she reports to:
Deadline for review of types and content:
Deadline for launch:
Frequency:

Personal Approach Committee

Each one, reach 10 (or more!)

This is a simple and effective way for your campaign to get the traction it needs quickly. Every single person who volunteers to help with your campaign should be given a copy of your campaign’s slogan, the main message of your campaign, and the campaign’s talking points.
These can be provided on a simple flyer and should include lines numbered 1-10 (or more) for recording names and contact information of those whom the campaign volunteers have contacted. The flyers should then be turned over to the Leadership Team to add to the database of supporters – this will be especially important for last minute emails and phone calls right before action needs to be taken.

Each volunteer should be asked to reach out to at least 10 or more family members or friends letting them know about the campaign, asking for their support (be specific), and asking for their contact information – especially email. A date should be set (approximately six weeks prior to the culmination of the campaign would be good) for all the flyers to be collected. The contact information on the flyers can be used for e-petitions, to send out “like” requests for Facebook, and for all general email blasts. You can also use these lists to recruit more volunteers!

Person to design flyer:
Deadline for flyer:
Person(s) to distribute flyers:
Deadline for flyer distribution:
Person(s) to collect flyers:
Deadline for collection of flyers:

Phone Bank

This may seem like a less attractive strategy because it seems no one likes to give or receive “cold calls.” However, it remains an important and effective strategy for political campaigns and what you have to sell – the library! – will likely to be seen as a lot more palatable than politicians.

If you choose this strategy, you will have several tasks to accomplish before you recruit volunteers and launch this strategy. These include securing phone lists and developing a script for volunteers. The phone script should be based on the goal and the talking points. The script should be friendly and very short. Most important, it should specifically let the person you reach know what you’d like him or her to do. This can include the following:

- Vote yes
- Call the mayor (have the number ready)
- Talk to friends and neighbors
- Post something on their Facebook page or tweet about it
- Place a sign in their yard
- Circulate flyers in their neighborhood

Whatever you are asking them to do, be sure that telephone volunteers have reporting sheets that include the recipient’s phone number and what they are willing to do. Tasks that need volunteers should be included in the script. The tasks can include all of those listed on page 11. These
sheets should go back to the committee chair who will ensure that there is follow through regarding the supporters’ willingness to engage and how they will engage. The committee chair can do this him or herself or assign follow through to another volunteer who can be counted on.

Person to secure phone lists:
Person to write script:
Person script writer reports to for review:
Persons to call for volunteers:

•
•
•
•
Deadline for beginning calls:
Deadline for completing calls:
Deadline for reporting sheets be collected:
Person to collect reporting sheets:
Persons to call those who agreed to volunteer:

•
•
•
Deadline for calling volunteers:

Meeting with the Local Newspaper's Editorial Board

Meeting with your local newspaper’s editorial board may be a task for several members of the leadership team, but can be done by anyone who is well versed with the campaign, its goals, why it’s important (talking points), what it will accomplish for the library, what your timeframe will be for the campaign, and what your various strategies will be. The people who request an appointment with the editorial board should also be comfortable asking for the newspapers support of your efforts – perhaps reminding them that you have the goal of literacy, lifelong learning and the importance of an informed citizenry in common. It probably won’t hurt to let them know that your campaign intends to take ad space in the paper promoting the library as one of the strategies if that is the case.
Persons to make an appointment and meet with the editorial board:

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Deadline to meet with the editorial board:

Speakers Bureau

This bureau should include a number of library supporters who are willing to give one or more talks to civic organizations, clubs, other nonprofit organizations, and affinity groups (such as literacy organizations, educational organizations, business development groups, realtors, etc.). Each person willing to be on the speakers bureau should use the established talking points, be assigned an organization(s) with whom to speak, and be charged with setting up the engagement within the campaign’s time frame. Good prospects for this bureau are active members of the friends, trustees, library administrators (if they are not “at will” employees and prohibited from doing so), loyal patrons – including teachers, homeschool parents, regular meeting room users, patrons who are also active in the groups/clubs you wish to address.

Persons to approach for speakers bureau:

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Persons to make requests and give brief training/instructions to potential speakers:

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- 
- 
- 

Deadline for lining up speakers:

Deadline for all presentations to be made:
Petition Drive

An old-fashioned petition drive can have great impact because it is tangible. If you get a large number of signatures, you will have a large batch of paper to deliver to the decision makers. It is always best to make the delivery of the petitions to the decision makers a public event – get on the agenda of the city council, for example, and be sure to notify the press.

The petition statement should be kept simple – something like “I support a 3% increase to the Anycity Public Library in 2014” will suffice. Once the statement is determined, hundreds of copies should be made with signature lines below the statement that includes the signer and their address. The only ones to sign should be residents of the library’s service jurisdiction.

This task force could decide to do a comprehensive one-day signing campaign or a multi-day strategy – perhaps deciding to gather signatures for four Saturdays within the campaign’s timeframe. The task force will need to recruit sufficient volunteers to stand outside each library branch, at various points downtown, at the local mall, at movie theaters, in the park, wherever people gather. There should be a pre-established goal for how many signatures each volunteer should try to obtain. Again, this strategy will backfire if it looks like there is little support for the campaign’s goals.

Note: some towns, cities, and counties have polling restrictions for government sites. It might be possible that libraries are included in these restrictions. Be sure to know where you can recruit petition signatures without violating any ordinances.

Date(s) to engage in petition drive:
Number of persons needed for each day:
Person to develop and make multiple copies of the petition:
Persons responsible for recruiting volunteers:

Persons to be asked to help with the drive (include trustees, friends, patrons, and their family members):


Public presentation of the petitions will be arranged by:

Media will be contacted about the presentation by:

Deadline for presenting the petition:

**Traditional / Print Committee**

**Letters to the Editor**

You have the power of the press when you use your local newspaper to write letters to the editor. You will want to sign up as many people as possible for this job and you’ll want to include as many community VIPs as possible to write letters. Certainly the president of the board of trustees should write one (or an op-ed if the local paper will allow it).

All those asked to write letters to the editor should be given a list of talking points along with the campaign message and slogan. Then each letter writer should be encouraged to use their own stories to make the point about why the library is so important and still essential in the digital age. The more diversity you have in the letter writers and stories, the more compelling they’ll all be.

Some types you might want to include are senior citizens, new parents, teenagers, teachers, business people, realtors, and entrepreneurs for example. Be sure, as well, that your letter writers reflect the ethnic, economic, and age diversity of your community.

Most newspapers will not publish all the letters they receive on the same topic but that shouldn’t stop you from lining up as many volunteers as possible for this job and work to spread them out over the course of the active campaign. The more letters that come in, the more the paper will print and the more likely it will be that the paper itself will come on board with their endorsement.

Persons to line up letter writers:

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Deadline for securing letter writers:

Persons to distribute talking points and instructions:

- 
Deadline for distributing talking points and instructions:

Persons to follow up with letter writers:

Deadline for following up with letter writers:

**Flyers**

These are easy and inexpensive ways to get your campaign’s message out. As you look at examples from other library campaigns – see [www.ala.org/united/powerguide](http://www.ala.org/united/powerguide) – you will get some good ideas about what is attractive and powerful. Flyers can include the information about the campaign, what supporters can do to help, and why it is important. Flyers are a good place to include library quotes (see [www.libraryquotes.org](http://www.libraryquotes.org)).

Once you have developed the flyers, be sure to distribute them everywhere you can think of like grocery store bulletin boards, doctors’ offices, supportive businesses, civic organizations, and at the library itself if permitted.

Person to develop flyer:
Deadline to develop flyer:
Person to edit/approve flyer:
Deadline for final flyer approval:
Suggested places for flyers:

Person(s) to distribute the flyers:
Deadline for flyer distribution:

**Yard Signs**

These will be a little more expensive to produce, but worth it for a big campaign. Since rarely used for libraries, they are bound to attract attention and have impact. Because you will want to be sure you reach those in cars speeding by, you will have to make your yard sign message brief but comprehensive. If you are looking for a “yes” vote – it can be as easy as “VOTE YES for the LIBRARY on April 15!” If you are looking for a groundswell of supporters to make calls to the mayor, the yard sign might say “Call the Mayor at 555-5555 and tell him you support full funding for the LIBRARY!”

Hopefully, everyone working on your campaign will be willing to put up a yard sign and volunteers will place them in public spaces such as road medians and public corners. If you are limited in the number you are able to make and place, be sure that you cover all geographic/demographic areas in your community.

Person to design yard sign:
Deadline for design:
Person to edit/approve design:
Deadline for approval:
Person responsible for printing of yard signs:
Deadline for printing of signs:
Person(s) responsible for distribution of signs:
Deadline for distribution of signs:

**Postcards**

These are another tried and true method to get the grassroots to connect with their decision makers but like e-petitions (above) this will only work if you get hundreds or thousands sent – depending on the size of your community. In fact, if decision makers get only a few trickling in, this tactic will backfire leading those who fund you to believe that no one really cares about libraries.
Note: some towns, cities, and counties have polling restrictions for government sites. It might be possible that libraries are included in these restrictions. Be sure to know where you can hand out postcards without violating any ordinances.

If postcards are to be sent by residents to the community funders, the best way to ensure that a critical mass are sent is by pre-stamping and pre-addressing the postcards and to have residents jot a quick message (such as “I support my library – please fully fund it!”) and include their signature and return address. Once this is done, the person handing out the postcards should collect them on site and mail them him or herself.

If the postcards are going to a list of potential “yes” voters, a simple message should be included about what you are asking and why it matters along with information about where the recipient can go to vote.

In either case, the postcards should include the campaign slogan so that those receiving them will see at a glance that this is a pro-library message.

Person responsible for postcard design:
Deadline for design:
Person responsible for edit/approval:
Deadline for approval:
Person responsible for getting postcards printed:
Deadline for postcard printing:
Persons responsible for addressing and stamping postcards:
  •
  •
  •
Persons responsible for handing out postcards, collecting them, and mailing them:
  •
  •
  •
Places to handout postcards:
  • Library outlets.
  •
  •
Deadline for handing out, collecting and mailing postcards:

**Buttons**

Everyone loves buttons, right? If your library already has a button maker you can use it to make buttons from blanks using a couple of volunteers. If you don't have access to a button maker, you will want to compare the price of one against the best price you can get from a button making company. You might consider this a worthwhile long term investment if you feel there will be other uses for the machine in the future.

Person to investigate button maker:
Deadline for reporting to leadership team, liaison and/or treasurer:
Person to order button blanks:
Deadline for ordering button blanks:
Person to design button(s):
Deadline for design:
Person to edit/approve button design:
Deadline for approval:
Persons to make or order buttons:
Persons to distribute buttons:
Deadline for button distribution:

**And, In the End . . .**

If you win – congratulations! You deserve to feel great about “saving” an important educational, cultural, and civic agency – one that stands to serve every single member of your community. Go ahead, celebrate!

If you don’t win or don’t win everything you’d hoped for, at least know that your terrific efforts have, at least, educated the community about the important role your library plays in the digital age. It’s ok to feel defeated, that’s normal.
Win or lose, it will be important for the leadership team to come together one more time to document the highlights and low lights of the campaign. What worked well? What didn’t? What would you differently next time? It will be important to have this “post mortem” to give guidance and support for the next leadership team – and again, win or lose – there is likely to be a next time.

Now that you have worked on this campaign, you understand the importance of making the case for your library. This is an important skill and should be used for an ongoing and powerful public awareness campaign. Even if you won everything you wanted, the library cannot afford for you to rest on your laurels. If you didn’t win – this time – a powerful public awareness campaign will help you win next time!
Appendix A

Return on Investment Sample Statements and Quotes

The hyperlinks below are available with a single click from www.ala.org/united/powerguide.

• Studies show categorically that children who are read to prior to kindergarten enter school ready to learn far more than children who don't have a book rich environment. Our library is the only organization in town [city, county, region] that offers thousands of books for preschoolers, storytimes, and resources for parents that will help them help their children succeed and that is free and open to any member of our community.

*Our library is a real bargain compared to the cost of failure to succeed in school.*

• In low-income neighborhoods, children start kindergarten 60% behind their peers from affluent communities, leaving them woefully unprepared. (Jump Start, “Early Childhood Education Crises” at http://www.jstart.org/our-work/americas-early-education-crisis)

*Our library helps bridge the gap between affluent and low income children's achievement every single day.*

• Studies show that students who do not read during the summer need an average of a full month remediation when school starts in September. (“What to Look for in a Summer Reading Program.” GreatSchools at http://docs.gatesfoundation.org/learning/documents/opportunityforall.pdf)

Our library has a rich, wonderful, and fun collection of reading materials for all ages and we proudly host a summer reading program every year that is enjoyed by over _________ of our students.

*Our library is a real bargain compared to a full month of educational remediation for every student in September – because even if only a few students per class need remediation – they all get it.*

• After school ends each day, our library becomes one of the busiest places in town! Not only are our students off the streets and in a productive and safe environment, they are engaging with adults and resources that help them with homework assignments and provide them with a place for intellectual discovery.

*Our library is a critical component of the educational network ensuring student success in our city.*

• Few community services enjoy the type of public support that is generally given to public libraries. In a recent national survey conducted by Public Agenda, people were more likely to rate library service as excellent or good than the service they receive from their local police
Our library is one of the most popular public services in town.

- The digital divide may have become narrower, but it has become much deeper for those left behind as commercial, medical, legal, and government information is increasingly available online only.

Our library provides an essential link for those without internet access and the need to connect through our free computer labs and free Wi-Fi access.

- Every day job seekers come into our library to use our computers and internet access. Today most jobs are only posted online and only receive online applications.

Our library is turning unemployed citizens into tax-paying citizens every day!

- Libraries play an essential, non-partisan role in providing the information that allows citizens to make informed decisions. Libraries make a difference. Libraries transform lives.

- “From providing a place to do homework to applying to college or looking for financial aid, library online services are a key part of the educational system in our country.” From Opportunity for All: How the American Public Benefits from Internet Access at U.S. Public Libraries. Institute of Museum and Library Services at http://tascha.washington.edu/usimpact
Appendix B

Other Tools for Promoting Your Library’s Value

All of these hyperlinks are available with a single click from www.ala.org/united/powerguide.


Quotes on the importance of libraries at http://www.libraryquotes.org.

Return on investment results from states around the country at http://www.ala.org/research/librariesmatter/taxonomy/term/129.


Appendix C

Additional Resources

Books and Publications


Available to United for Libraries members at a discount; visit
http://www.ala.org/united/products_services/publications.


Available at no cost to United for Libraries members; visit
http://www.ala.org/united/products_services/publications for more information.

Online Resources

Advocacy University
Information, courses, and tools from ALA to help library advocates make the case at the local level.
http://www.ala.org/advocacy/advleg/advocacyuniversity

Advocacy Clearinghouse
More advocacy tools and resources from ALA.
http://www.ala.org/advocacy/advleg/advocacyuniversity/advclearinghouse

Library Advocacy Webinars
Free webinars on getting decision makers into the library, reaching policymakers, using the media, social media, and more.
http://www.ala.org/advocacy/advleg/advocacyuniversity/onlinecourses

Advocacy Campaigns: Legal Limits on Spending for Non-Profits
United for Libraries Fact Sheet at
http://www.ala.org/united/sites/ala.org.united/files/content/friends/factsheets/unitedff23.pdf
Appendix D

Websites, Facebook, and Twitter

Websites, Facebook, Twitter, and other social media sites can be very effective in rallying large groups with relatively minimal effort. Several local, citywide, and statewide library advocacy campaigns have successfully used websites, Facebook, and Twitter to get out their messages.

Websites

A specific website making the case for your cause enables your group to have a centralized place on the web for your efforts. The pages below include features such as:

1. Links to donate to the cause.
2. Forms to request a yard sign.
3. Forms to sign up to volunteer.
4. Links to Facebook/Twitter pages.
5. Brochures.
6. Downloadable graphics.
7. Links to sign a petition.
8. Calendars of events.

Examples of campaign websites:

Vote for Dayton (Ohio) Metro Library
http://www.votefordml.org
created by Citizens for Good Libraries

Save NYC Libraries
http://www.savenyclibraries.org
created by Urban Librarians Unite (http://urbanlibrariansunite.org)

Save Ohio Libraries
http://saveohiolibraries.com

In a project that combined hard copy materials with technology, Urban Librarians Unite (www.urbanlibrariansunite.org) distributed more than 1,500 “Book Seeds” throughout New York City to raise awareness about the city’s proposed budget cuts for libraries. Donated books were marked with a “take me” sticker and a flyer that said “Libraries in NYC are facing a 32% budget cut. When libraries close, this could be your only access to free books.” The flyer featured a QR code that those who came across the books (in cafes and other public places) could scan using their smartphone to bring up a link to the online petition to protest the budget cuts. A QR code is a two-dimensional code that can be read by a smartphone app to provide easy access to information, such as a website or phone number.
**Twitter**

Unlike Facebook, you do not need to have a personal Twitter account to create a Twitter account for your group or campaign. A Twitter account is a great way to provide non-intrusive, real-time updates on your campaign. Twitter’s guide for creating and using an account can be found at:

http://support.twitter.com/groups/50-welcome-to-twitter#

Below are examples of some advocacy campaigns that successfully used Twitter feeds. Successful tweets:

1. Retweet messages from supporters.
2. Link to news stories.
3. Encourage followers to tweet the representatives in support of the library.
4. Use hashtags (#savenegrolibraries, #savetroylibrary, #savelapl).
5. Engage with followers by thanking them for their support.

Examples of Twitter accounts:

Save Troy (Mich.) Library
http://twitter.com/SaveTroy

Save Nwk (Newark, N.J.) Libraries
http://twitter.com/I_Love_NPL

savethelibrary (for Los Angeles Public Libraries)
http://www.twitter.com/savethelibrary

In 2013, the Friends of the Phoenix (Ariz.) Public Library made the case for increased funding for essential library services in the city’s budget. As part of their campaign, they used the online form builder WuFoo (http://www.wufoo.com) to craft a message to city council, then sent the link out to their email subscribers so they could add their own comments and submit it. (The form can be found at http://plfriends.wufoo.com/forms/i-support-our-libraries-the-201314-trial-budget.) They also embedded a link to the form on the group’s Facebook page, and made it “tweet itself” on Twitter. The hashtag #PhoenixBudget was used by the city’s mayor for the budget conversation on Twitter. So each time someone submitted the form, WuFoo automatically tweeted the following message from the group’s Twitter handle:

“#PhoenixBudget: Jane Doe is #160 to support #Phx Public Libraries. Do you? http://bit.ly/YiKD6e”

**Facebook**

In order to build a Facebook page for your advocacy campaign or group, you must have a personal Facebook account. It’s best to have someone who already has a personal Facebook
account to manage your group’s page as he/she will already be familiar with using Facebook. However, if you need to create a page and don’t currently have a personal account, Facebook can walk you through the process:

http://www.facebook.com/help/

Facebook’s Pages site details the steps necessary to create a page:

http://www.facebook.com/pages/create

There are several options for creating a page. Your page can be a “local business or place” (library), “company, organization or institution” (nonprofit), or “cause or community.” What you are working toward and what you plan to do with the page will determine what your library/group chooses. The examples of pages featured below indicate under what category the pages were created.

Facebook also provides many resources for nonprofits:

http://www.facebook.com/nonprofits

including a very helpful, detailed guide for best practices for nonprofits and causes:


Below are some examples of advocacy campaigns that utilized Facebook pages, and their likes (as of May 2013). Each campaign uses different strategies, but in general successful pages:

1. Have a title that is a call to action (i.e., Save the Library, Vote Yes for the Library, etc.).
2. Provide clear instructions about how to take action and speak out for the library (when, what to say, who to contact, what events/rallies to attend, etc.).
3. Give timely updates on the campaign.
4. Engage with fans (through comments, polls, calls for volunteers, etc.).
5. Post pictures, graphics, etc. (Images are the most commonly shared posts.)
6. Post frequently.
7. Thank supporters and encourage them to spread the word about the campaign.

Examples of Facebook campaign pages:

Save the Los Angeles (Calif.) Public Library! (nonprofit organization)
http://www.facebook.com/savethelibrary
15,926 likes

Yes for Spokane (Wash.) Libraries (community)
http://www.facebook.com/YesforSpokaneLibraries
601 likes
Protect Dayton (Ohio) Metro Library (library)
http://www.facebook.com/pages/Protect-Dayton-Metro-Library/243947310695
1,860 likes

Save California Public Library and Literacy Funding (cause)
http://www.facebook.com/SaveCALibs?hc_location=stream
1,058 likes

Don’t close the Pomona (Calif.) Library! (community)
http://www.facebook.com/dontclosepomonalibrary
2,210 likes

Vote YES on Measure B! Save Fresno (Calif.) Libraries (community)
http://www.facebook.com/MeasureB
1,174 likes

In 2012, Multnomah County (Ore.) Library Levy Campaign Committee and consulting firm Winning Mark created and ran a “place-based” advocacy campaign to pass a library-preservation ballot measure. For information on the campaign, which incorporated social media tools such as Facebook, Foursquare, and Instagram, visit http://www.slideshare.net/Debask/libraries-yes-placebased-advocacy-campaign.
Background

In 1981 the Carson City Library, Churchill County Library, Douglas County Library, the Nevada State Library and the Western Nevada Community College Library formed the Cooperative Libraries Automated Network (CLAN) with the objective of leveraging technology to share resources. CLAN grew to include some 31 member libraries representing 60 locations. The organization acquired an online catalog, assisted member libraries in becoming automated and facilitated resource sharing. CLAN was originally a progressive and visionary project that significantly enhanced information access and library service for Nevada communities across the state.

Over time, members departed as the perceived value and return on investment of membership diminished. Automation became a baseline expectation of modern library service while technology, service and professional principles and resources exponentially proliferated beyond what CLAN offered. In Fall 2016, the long-time CLAN Coordinator retired and the single high-level position was split into an IT Tech IV and a Library Tech I (the replacement CLAN Coordinator). Both individuals neither had prior library experience nor received adequate changeover/orientation and thus service to the remaining members declined dramatically.

Despite concerns voiced by the membership, service continued to decline. In Spring 2017, the CLAN Board of Directors took action to defund the IT Tech IV position and utilize third-party IT support. In Summer 2017, the Board of Directors took action to change the name of the organization to Nevada Library Cooperative (the CoOp), intentionally maintaining a tie to the group’s origins while signaling the next phase of the organization’s life. Member frustration over the lack of response and support from the CoOp staff culminated in an agendized discussion of the issues during a Board meeting in October 2017, which was later found to be in violation of the Open Meeting Law. The Library Tech I submitted resignation notice in November 2017.

Current Conditions

Currently, the CoOp is comprised of 19 member libraries. The CoOp Coordinator position was filled by emergency appointment in January 2018 and expires on 27 March 2018. The organization requires significant operational repair, strategic recalibration and service expansion in order to restore faith and trust in the organization, to appropriately serve the membership and fulfill contemporary expectations and to develop the CoOp into a responsive, innovative and valuable organization that facilitates exceptional collaborative library services across the state.

SWOT

Strengths
- Born from innovation and vision
- Tight-knit professional community
- Motivated and committed CoOp Coordinator
- Substantial emergency/contingency fund balance
- Broad coverage of Nevada communities
- Engaged membership motivated for forward progress
Weaknesses
- Antiquated infrastructure
- Strategic plan outdated and out of compliance with NRS
- CoOp Coordinator position significantly misclassified and underpaid
- Inadequate staffing
- Inaccurate budgeting in the past
- Lack of legal support/oversight
- Lack of knowledge of state fiscal and personnel processes
- Misalignment between fiscal/personnel agency interlocal agreement and member expectations

Opportunities
- Califa contract: CoOp Coordinator training on consortium operation best practices, fiscal transparency and accountability, communication, etc.
- LSTA grant: $100,000 grant to launch formal strategic planning process to yield robust and responsive strategic plan reflective of current member expectations
- Membership expansion
- Service and support expansion including: leveraging collective purchasing power; delivering training and promulgating best practices; enhanced resource sharing, securing additional funding sources; evaluating new service and resource options; advocacy and marketing

Threats
- Rising costs of maintaining local hardware and associated IT support
- Fear of and aversion to change
- Inability to conduct business
- Inability to implement organizational change in alignment with member expectations
- Drastic decrease in library services across the state
- Organizational collapse

Possible Solutions

Governance Document Realignment: Bylaws and fiscal/personnel agency interlocal agreement amended to reflect current member expectations of both increased Board of Director engagement, ownership and responsibility and CoOp Coordinator accountability.

CoOp Staffing: Reclassify and properly compensate the CoOp Coordinator position to reflect the nuanced technical and operational tasks as well as the professional high-level executive functions performed by the position. Restore the number two position to ensure adequate and expeditious member support, seamless coverage for travel and sick/vacation and cross-training.

Formal Strategic Planning: Engage in a robust, authentic and sincere formal strategic planning project. The organization will remain a viable, value-added organization by 1) appropriately responding to member feedback by engaging in a comprehensive, inclusive strategic planning process; 2) accurately measuring, determining and reflecting member goals and priorities as well
as contemporary and progressive needs and expectations in a tailored and responsive strategic plan; 3) bringing itself into compliance with state law by creating and maintaining a current five year strategic plan.

**Training:** Implement the Califa contract so that the CoOp Coordinator will receive training from prominent consortia administrators, including best practices, process and procedure, communication, fiscal transparency, contract administration, etc.

**Director Development:** Key Board Directors’ engagement and interest will be leveraged to facilitate further education and development of the more remote and geographically isolated members. All Board Directors will be knowledgeable about CoOp business and be fully invested in their membership in, and ownership of, the organization.

**Legal Counsel:** Attain dedicated legal counsel to advise on agenda creation and OML, contract review, governing document review, meeting attendance and other matters that arise.

Respectfully Submitted,
Cynthia O
Nevada Library Cooperative Coordinator
CHAPTER 277 - COOPERATIVE AGREEMENTS: STATE, COUNTIES, CITIES, DISTRICTS AND OTHER PUBLIC AGENCIES

INTERLOCAL COOPERATION ACT

NRS 277.080 Short title.
NRS 277.090 Purpose.
NRS 277.100 Definitions.
NRS 277.103 Consolidation of governmental services; consolidation of two or more contiguous school districts; supplementary and prevailing provisions.
NRS 277.105 Establishment of permanent administrative entity to perform specific functions relating to consolidation of governmental services; negotiation concerning contributions to budget of entity; terms and conditions of agreement for consolidation of two or more contiguous school districts.
NRS 277.110 Joint exercise of powers, privileges and authority by public agencies; agreements.
NRS 277.120 Contents of agreement establishing separate legal or administrative entity; contents of other agreements.
NRS 277.130 Effect of agreement on legal obligations and responsibilities of public agency; certain legal entities created by agreement prohibited from operating in certain manner.
NRS 277.140 Authority of public agency to submit certain agreements to Attorney General for approval; failure to disapprove such agreements within certain period to be deemed approval; recording and filing of such agreements; authority of Attorney General to charge cost of timely performing determinations related to such agreements.
NRS 277.150 Approval of certain agreements by state officer or agency.
NRS 277.160 Agreement as interstate compact; liability of state; actions.
NRS 277.170 Appropriations; furnishing of property, personnel and services; issuance of securities.
NRS 277.180 Interlocal contracts.

NRS 277.110 Joint exercise of powers, privileges and authority by public agencies; agreements. Except as limited by NRS 280.105 and 711.175:

1. Any power, privilege or authority exercised or capable of exercise by a public agency of this State, including, but not limited to, law enforcement, may be exercised jointly with any other public agency of this State, and jointly with any public agency of any other state or of the United States to the extent that the laws of such other state or of the United States permit such joint exercise. Any agency of this State when acting jointly with any other public agency may exercise all the powers, privileges and authority conferred by NRS 277.080 to 277.170, inclusive, upon a public agency.

2. Any two or more public agencies may enter into agreements with one another for joint or cooperative action pursuant to the provisions of NRS 277.080 to 277.170, inclusive.

3. If it is reasonably foreseeable that a participating public agency will be required to:

   (a) Expend more than $25,000 to carry out such an agreement, the agreement:

      (1) Must be in writing.

      (2) Becomes effective only upon ratification by appropriate ordinance, resolution or otherwise pursuant to law on the part of the governing bodies of the participating public agencies.

   (b) Expend $25,000 or less to carry out such an agreement, each participating public agency shall maintain written documentation of the terms of the agreement for at least 3 years after the date on which the agreement was entered into.