

**ROCKINGHAM FREE PUBLIC LIBRARY
POLICY COMMITTEE MEETING
FEBRUARY 3, 2015**

MINUTES

Present: Carol Blackwood, Chairperson; Doreen Aldrich, L. Raymond Massucco, Trustees; Celina Houlne, Library Director

Absent: Carolyn Frisa

1. **Call to Order:** The Chair called the meeting to order at 6:19 p.m.
2. **Public Comment (3 minutes per person):** None
3. **Additions/Approval of Agenda:** The Chair apologized for forgetting to change the wording agreed upon at the last committee meeting, "Additions to the Agenda for Routine Administrative matters and/or Pressing Matters that will require ratification at a future meeting". She will get it on future agendas.
4. **Approval of Minutes Nov. 13, 2014 & Jan. 20, 2015:** Blackwood moved to accept the minutes of Nov. 13th as printed, seconded by Massucco. The motion passed. Aldrich moved to accept the minutes of Jan. as printed, seconded by Massucco. The motion passed.
5. **Communication Repository and Public Record Request Policy:** Houlne directed our attention to page two, #4 of the document and suggested it read "The need for consultation with an attorney rather than "the municipal attorney". All were in agreement. On page 3, 2nd paragraph, the first sentence "A copy of the actual cost charge and staff time rate schedule is attached" will be deleted. Aldrich moved to adopt the Communication Repository and Public Record Request Policy as changed and recommend to the full board for adoption. Massucco seconded and the motion passed. Houlne will make the changes and submit to Aldrich to include with these minutes.
6. **Trustee Standards of Conduct Policy :** Massucco moved to adopt the Code of Ethics Policy and recommend to the full board for adoption seconded by Aldrich. The motion passed.
7. **Trustee Rules of Procedure Policy:** Massucco presented the VLCT model with a few minor changes. Aldrich moved to adopt the Trustee Rules of Procedure Policy and recommend to the full board for adoption. Massucco seconded and the motion passed.
8. **New Business:** None
9. **Adjourn to Next Meeting (Date TBA):** The next Policy Committee Meeting will be April, to be announced. The Policy Committee Meeting adjourned at 7:18 p.m.

Respectfully submitted *Doreen Aldrich* 2/5/2015
Doreen Aldrich

Rockingham Free Public Library

Public Record Inspection, Copying and Transmission Policy

PURPOSE. The Vermont Public Records Act, 1 V.S.A. §§ 315-320, provides that the Rockingham Free Public Library is required to provide access to public records for inspection and copying unless the records are exempt by law from public access. The Library is authorized under section 316(j) of the Public Records Act to adopt and enforce reasonable rules to prevent disruption of operations in responding to records requests, to preserve the security of public records, and to protect public records from damage. This policy is intended to provide for timely action on requests for public records without unreasonable interruption of operations and to protect the integrity of the Library's public records.

APPLICABILITY. A public record is defined as any written or recorded information, regardless of physical form or characteristic, which is produced or acquired in the course of Library business. Public records, regardless of format, are available for inspection and copying unless there is a specific statute exempting the record from public disclosure. Those records exempt from public inspection and copying are set out at 1 V.S.A. § 317(c).

This policy applies only to requests for public records in the custody of the Rockingham Free Public Library. Other public records may be in the custody of other officers. In such cases where a public records request is made for a document that is not in the custody of the Rockingham Free Public Library, the person to whom the request is made will promptly forward the request to the proper custodian and inform the requestor who that custodian is.

PUBLIC RECORD REQUEST FORMS. It is not intended that every public record request require the requestor complete a form. However, when a request is made for a public record that is not readily accessible, may be exempt from public access, may not exist, or may result in charges for copying or staff time, the requestor will be required to complete a Public Records Request Form designated by the Rockingham Free Public Library.

INSPECTION OF PUBLIC RECORDS. Upon receipt of a request to inspect a public record, the custodian will produce the record for inspection within three business days of receipt of the request, subject to the following:

1. If the record does not exist under the name given by the requestor or by any other name known to the custodian, the custodian will inform the requestor of this fact in writing.
2. If the custodian considers the record to be exempt from public access, the custodian will inform the requestor of this fact in writing. The custodian will identify the record or portion of record withheld, the statutory basis for withholding the record, and a brief statement of the reasons and supporting facts for denial. The custodian will also inform the requestor of the right to appeal this determination.

3. If the record is in active use or in storage and therefore not readily available at the time of the request, the custodian will inform the requestor of this fact in writing and set a date and hour within one calendar week of the request when the record will be available for inspection.

For the purpose of this policy, a business day means a day that the Library is open to provide services.

In the following circumstances, the time limits described above may be extended up to ten business days from receipt of the request:

1. The need to search for and collect requested records from field facilities or other establishments that are separate from the Library;
2. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request;
3. The need for consultation with other Town officers or departments having a substantial interest in the determination of the request; or
4. The need for consultation with an attorney.

In responding to a request to inspect or copy a record, the custodian will consult with the requestor in order to clarify the request or to obtain additional information that will assist the custodian in responding to the request and in facilitating production of the requested record for inspection or copying. In the circumstances cited above, the custodian may request that a requestor seeking a voluminous amount of separate and distinct records narrow the scope of the public records request.

If the time limits described above must be extended, the custodian will inform the requestor of such fact in writing, setting forth the reasons for the extension and specifying the date upon which the custodian will respond to the request.

The custodian will not withhold any record in its entirety on the basis that it contains some exempt content if the record is otherwise subject to disclosure; instead, the custodian will redact the information the custodian considers to be exempt and produce the record accompanied by an explanation of the basis for denial of the redacted information.

COPIES OF PUBLIC RECORDS. Upon receipt of a request to make a copy of a public record, the custodian will make and produce a copy within 5 business days, subject to the following:

- I. **Charges.** Except where otherwise provided by law, the custodian will charge and collect the following costs for making a copy of a public record:
 - a. The actual cost charge for a copy of a public record as established by the Vermont Secretary of State.

- b. The cost of staff time associated with complying with a request for a copy of a public record when the time exceeds 30 minutes as determined by the uniform schedule of charges established by the Vermont Secretary of State.

Upon request, the custodian will provide an estimate of the cost of making a copy of a public record prior to complying with the request. All charges for copies and staff time must be paid in full prior to delivery of the requested copy.

2. **Standard formats.** The custodian will make a copy of a public record in the following standard format.

- a. For any public record maintained in paper form, a paper copy of the record.
- b. For any public record maintained in electronic form, either a hard copy print out of the record or an electronic copy of the record in the format in which the record is maintained, as directed by the requestor.

Any other format is non-standard and the custodian is not required to comply with the request. If the custodian agrees to provide a copy of a public record in a non-standard format (e.g., conversion of a paper public record to electronic format), the requestor will be charged the time involved in producing the record in a non-standard format when the time exceeds 30 minutes as such costs are established by the Vermont Secretary of State.

If the time limit set forth above must be extended, the custodian will inform the requestor of such fact in writing, setting forth the reasons for the extension and specifying the date upon which the custodian will produce the copy.

PROTECTION OF PUBLIC RECORDS REQUESTED FOR INSPECTION. In order that all public records in the custody of the Library may be protected from damage or loss, such records may only be inspected in locations in the Library designated by the custodian. No public record may be removed from a designated location, marked, altered, defaced, torn, damaged, destroyed, disassembled, or removed from its proper location or order. The custodian or other staff person may be present during the inspection of a public record. No person shall be allowed to copy a public record using copying equipment other than that owned by the Library unless approved by the custodian.

When inspection of an electronic record is requested and the inspection of the original electronic record would create a disruption in operations of the Library or would jeopardize the security of the original record, the custodian will provide an electronic copy of the original record in read only format, less any exempt information redacted from the record, at no cost to the requestor.

CREATION OF PUBLIC RECORDS. The Library is not legally obligated to create a public record that does not otherwise exist. If the Library agrees to create a public record that does not

exist, the Library will charge the requestor the cost associated with creating the record. Requests for creating a record must be made in writing and all charges must be paid prior to delivery of the record. Upon request, the Library will provide an estimate of the cost of creating a public record prior to complying with the request.

TRANSMISSION OF PUBLIC RECORDS. The custodian is not legally obligated to transmit any public record by mail, facsimile, e-mail or any other means. If the custodian agrees to transmit a public record, the custodian will charge the requestor the costs associated with doing so. Requests for transmission of a record must be made in writing and all charges must be paid prior to delivery of the record. Upon request, the custodian will provide an estimate of the cost of transmitting a public record prior to complying with the request.

DENIAL OF A PUBLIC RECORD REQUEST. If the custodian denies a public record request in whole or in part, the denial may be appealed to Rockingham Free Public Library Board of Trustees. In accordance with 1 V.S.A. § 318(c)(1), Rockingham Free Public Library Board of Trustees will make written determination on the appeal within five business days after receipt of the appeal.

The foregoing Policy is hereby adopted by the Rockingham Free Public Library Board of Trustees, this _____ day of _____, 2015 and is effective as of this date until amended or repealed.

Rockingham Free Public Library Board of Trustees

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Rockingham Free Public Library

Request for Public Record Copies

Date: _____

To: _____

Pursuant to the Vermont Public Record Act, 1 V.S.A. §§ 315-320, I hereby request copies of the following public records:

I am addressing this request to you in the belief that you are the custodian of such documents. If you are not the custodian, please forward my request to the proper custodian of such documents and inform me of who that person is.

I hereby agree to pay reasonable and customary costs for these photocopies.

If the law does not allow me to have access to some of these records, please so inform me within three business days, as provided by law, and inform me of the specific exemption that applies to each record or portion of a record being withheld. If an otherwise public record has a portion that is exempt from disclosure, I request that you block out the exempt portion and release a copy of the rest of the document together with a notation of the specific exemption that applies to the portion withheld.

If some or all of my request is denied, please tell me the title and name of the person responsible for the denial and, as the law requires, please inform me of the appeal procedures available to me and the name of the person to whom appeal may be made.

If you have questions about this request, please call me at: _____

Name (please print): _____ Contact # _____

Signature: _____

Rockingham Free Public Library

**Certification of Partial Denial Access to Public Records
1 V.S.A. § 318 (a)(2)**

On _____, the Rockingham Free Public Library received a request from:

for access to the following public record(s):

In response to this request, the custodian is making available the following record(s):

Certain portions of this record(s) have been withheld pursuant to _____

This exemption applies to the record withheld because:

Therefore, the request for access to the above-described record(s) is partially denied.

This denial may be appealed to the Rockingham Free Public Library Board of Trustees. In accordance with 1 V.S.A. § 318(c)(1), the Library Board of Trustees will make written determination on the appeal within five business days after receipt of the appeal.

_____ Date signed: _____

Rockingham Free Public Library

Certification of Partial Denial Access to Public Records
1 V.S.A. § 318 (a)(2)

On _____, the Rockingham Free Public Library received a request from:

for access to the following public record(s):

In response to this request, the custodian is making available the following record(s):

These records are being withheld pursuant to _____

This exemption applies to the record withheld because:

Therefore, the request for access to the above-described record(s) is denied.

This denial may be appealed to the Rockingham Free Public Library Board of Trustees.
In accordance with 1 V.S.A. § 318(c)(1), the Library Board of Trustees will make written
determination on the appeal within five business days after receipt of the appeal.

_____ Date signed: _____

Rockingham Free Public Library Board of Trustees

Code of Ethics Policy

- The Duty of Care or Diligence: Trustees must act with the care that a reasonably prudent person in a similar position would use under similar circumstances. They must perform their duties in good faith and in a manner they reasonably believe to be in the best interests of the organization. Prior to making a business decision, trustees must inform themselves of all material information reasonably available to them. This duty requires not only reasonable behavior with respect to matters submitted for approval, but also requires reasonable inquiry and monitoring of organizational affairs. Although trustees are not insurers of the integrity of their employees or of general organization performance, they are required to implement reasonable programs to promote appropriate conduct and to identify improper conduct.
- Duty of Loyalty: Trustees are required to refrain from engaging in personal activities which would injure or take advantage of the organization. They are prohibited from using their position of trust and confidence to further their private interests. This duty requires an undivided and unselfish loyalty and demands that there be no conflict between one's duty to the organization and self-interest.
- Duty of Obedience: Trustees are required to perform their duties in accordance with applicable statutes and the terms of the organization's charter and by-laws. Trustees may be liable if they authorize an act which is beyond the powers conferred upon an organization by its charter or by the laws of the state.

VLCT MODEL RULES OF PROCEDURE FOR MUNICIPAL BOARDS, COMMITTEES, AND COMMISSIONS

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A. PURPOSE.

The [board, council, committee, or commission] of [municipality], is required by law to conduct its meetings in accordance with the Vermont Open Meeting Law. 1 V.S.A. §§ 310-314. Meetings of the [board, council, committee, or commission] of [municipality] must be open to the public at all times, except as provided in 1 V.S.A. § 313.

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B. APPLICATION.

This policy setting forth rules of procedure shall apply to the [board, council, committee, or commission] of the [municipality], which is referred to below as "the body." These rules shall apply to all regular, special, and emergency meetings of the body.

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C. ORGANIZATION.

1. The body shall annually elect a chair and a vice-chair. The chair of the body or, in the chair's absence, the vice-chair shall preside over all meetings. If both the chair and the vice-chair are absent, a member selected by the body shall act as chair for that meeting. Additional elections may be conducted during the year if one of the officers resigns, or the Library Board of Trustees votes to elect a new officer or the office otherwise becomes vacant. SIMILAR TO BY-LAWS

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2. The chair shall preserve order in the meeting and shall regulate its proceedings by applying these rules and making determinations about all questions of order or procedure.

3. ~~A~~ majority of the members of the body shall constitute a quorum. ^{as defined in the By-Laws} If a quorum of the members of the body is not present at a meeting, no meeting shall take place. SIMILAR TO BY-LAWS

4. No single member of the body shall have authority to represent or act on behalf of the body unless, by majority vote, the body has delegated such authority for a specific matter at a duly-noticed meeting and such delegation is recorded in the meeting minutes.

Keep 5. Motions made by members of the body [do/do not] require a second. The chair of the body may make motions and may vote on all questions before the body. A motion will only pass if it receives the votes of a majority of the total membership of the body. SIMILAR TO BY-LAWS

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6. There is no limit to the number of times a member of the body may speak to a question. A member may speak or make a motion [only after/without] being recognized by the chair. Motions to close or limit debate [will/will not] be entertained.

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~~7. Any member of the body may request a roll call vote.~~

~~8. Meetings may be recessed to a time and place certain.~~

9. These rules may be amended by [unanimous/two thirds/majority] vote of the body, and must be readopted annually.

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NOTE: Unable to reach R. Massucco for corrected policy before Policy Meeting Minutes had to be posted.

D. AGENDAS.

1. Each regular and special meeting of the body shall have an agenda, with time allotted for each item of business to be considered by the body. ~~Those Members of the body~~ who wish to be added to the meeting agenda shall contact the [chair/municipal manager/municipal administrator/municipal clerk] to request inclusion on the agenda. The chair shall determine the final content of the agenda.
2. ~~At least 48 hours prior to a regular meeting, and at least 24 hours prior to a special meeting, a Meeting Agenda shall be posted in or near the municipal office and at the following designated public places in the municipality: [location of at least two public places in municipality]. [IF THE PUBLIC BODY/MUNICIPALITY HAS A DESIGNATED/MAINTAINED WEBSITE, INSERT THE FOLLOWING: "At least 48 hours prior to a regular meeting, and at least 24 hours prior to a special meeting, a meeting agenda shall be posted on [identify the website]."] The agenda must also be made available to any person who requests such agenda prior to the meeting.~~
Meeting Agenda shall be posted in or near the municipal office and at the following designated public places in the municipality: [location of at least two public places in municipality]. [IF THE PUBLIC BODY/MUNICIPALITY HAS A DESIGNATED/MAINTAINED WEBSITE, INSERT THE FOLLOWING: "At least 48 hours prior to a regular meeting, and at least 24 hours prior to a special meeting, a meeting agenda shall be posted on [identify the website]."] The agenda must also be made available to any person who requests such agenda prior to the meeting.
3. All business shall be conducted in the same order as it appears on the noticed agenda, except that any addition to or deletion from the noticed agenda must be made as the first act of business at the meeting. No additions to or deletions from the agenda shall be considered once the first act of business at the meeting has commenced. Any other adjustment to the noticed agenda, for example, changing the order of business, postponing or tabling actions, may be made by [unanimous/two-thirds/majority] vote of the body. ADD STANDARD LANGUAGE AT THE BEGINNING OF EVERY AGENDA RE: NEW ITEMS.

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E. MEETINGS.

1. Regular meetings shall take place on [day and time, for instance, the first and third Tuesday of the month at 7 p.m.] at [location].
2. *2* Special meetings shall be publicly announced at least 24 hours in advance by giving notice to all members of the body unless previously waived; to an editor, publisher or news director, or radio station serving the area; and to any person who has requested notice of such meetings. In addition, notices shall be posted in the municipal clerk's office and at the following designated places in the municipality: [location of at least two public places in municipality]. BY-LAWS CALL FOR 3 DAYS FOR SPECIAL MEETINGS AND 24 HOURS FOR EMERGENCY MEETINGS; STATUTE DOES NOT REQUIRE PRIOR NOTICE FOR EMERGENCY MEETINGS
3. *3* Emergency meetings may be held without public announcement, without posting of notices, and without 24-hour notice to members, provided some public notice thereof is given as soon as possible before any such meeting. Emergency meetings may be held only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the public body. SEE #2
4. A member of the body may attend a regular, special, or emergency meeting by electronic or other means without being physically present at a designated meeting location, so long as the member identifies him or herself when the meeting is convened, and is able to hear and be heard throughout the meeting. Whenever one or more members attend electronically, voting must be done by roll call. If a quorum or more of the body attend a meeting without being physically present at a designated meeting location, the following requirements shall be met:

- a. At least 24 hours prior to the meeting, or as soon as practicable prior to an emergency meeting, the body shall publicly announce the meeting and post notice of the meeting in or near the municipal clerk's office and [location of at least two public places in municipality].
- b. The public announcement and posted notice of the meeting shall designate at least one physical location where a member of the public can attend and participate in the meeting. At least one member of the body, or at least one staff or designee of the body, shall be physically present at each designated meeting location.

F. PUBLIC PARTICIPATION.

- 1. All meetings of the body are meetings in the public, not of the public. Members of the public shall be afforded reasonable opportunity to express opinions about matters considered by the body, so long as order is maintained according to these rules.
- 2. ~~At the beginning of each meeting, public comments may be taken on non-agenda items, subject to reasonable time limits. At the [beginning/end of/conclusion of] each agenda item, but before any action is taken by the public body at each meeting, there may be [number] minutes afforded for open public comment. By [unanimous/two-thirds/majority] vote, the body may increase the time for open public comment and its place on the agenda. No member of the public may concede their time to comment to any other member of the public.~~ ^{After} ~~the~~ ~~beginning~~ ~~of~~ ~~end~~ ~~of~~ ~~conclusion~~ ~~of~~ each agenda item, but before any action is taken by the public body at each meeting, there may be [number] ^{time} minutes afforded for open public comment. By [unanimous/two-thirds/majority] vote, the body may increase the time for open public comment and its place on the agenda. ~~No member of the public may concede their time to comment to any other member of the public.~~
- 3. Comment by the public or members of the body must be addressed to the chair or to the body as a whole, and not to any individual member of the body or public.
- 4. Members of the public must be acknowledged by the chair before speaking.
- 5. If a member of the public has already spoken on a topic, he or she may not be recognized again until others have first been given the opportunity to comment.
- 6. Order and decorum shall be observed by all persons present at the meeting. Neither members of the body, nor the members of the public, shall delay or interrupt the proceedings or the peace of the meeting or interrupt or disturb any member while speaking. Members of the body and members of the public are prohibited from making personal, impertinent, threatening, or profane remarks.
- 7. Members of the body and members of the public shall obey the orders of the chair or other presiding member. The chair should adhere to the following process to restore order and decorum of a meeting, but may bypass any or all steps when he or she determines in his or her sole discretion that deviation from the process is warranted:
 - a. Call the meeting to order and remind the members of the applicable rules of procedure.
 - b. Declare a recess or table the issue.
 - c. Adjourn the meeting until a time and date certain.
 - d. Order the constable to remove disorderly person(s) from the meeting.

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ADOPTED: _____