

## **Guidelines for Montana Library Federations - Complying with the Open Meeting Law When Meeting and Voting**

### **Summary of Open Meeting Law**

- Please refer to MCA 2-3-201 through 2-3-203 for the actual text of the law.
- Montana has strict open meeting laws designed to give the public maximum opportunity to learn about and participate in what is happening throughout all levels of local and state government.
- Meetings can be closed, but the options are limited. Please refer to MCA 2-3-203 for more information about when meetings can be closed.
- Public entities or any agency, committee, or organization receiving public funds must comply with the open meeting law.

### **What is the definition of an open meeting?**

- An open meeting is a meeting where the public can attend and listen/comment on issues discussed at that meeting.
- To meet the definition of an open meeting the meeting must be noticed – meaning the public has some way of finding out the location of the meeting, the date and time of meeting, and if at all possible what the meeting will cover.

### **What does MSL recommend for noticing a meeting?**

- There are three major audiences to consider when noticing a meeting: the membership of the federation, other library affiliates who are interested in federation business, and the general public.
- The membership of the federation should be notified of the meeting as soon as possible. It is acceptable to use whatever normal procedure the federation follows to notify federation members of the upcoming meeting—at the very least we recommend sending an email to each public library within the federation as well as other non-public libraries who participate. Because the federation covers a wide geographic area we recommend giving as much notice as possible, so federation members can participate.
- Other libraries within the federation, trustees of the federation libraries, and even other libraries in Montana may be particularly interested in federation business. Because of this we recommend posting an announcement on wired-mt as a general way of reaching those libraries.
- If feasible we recommend informing the general public through local media. Not all cities in Montana have access to a newspaper, but if the city where the meeting is being held has a newspaper we recommend sending a press release to the paper. We also recommend that the federation coordinator's library announce the meeting on their website. Whatever library is hosting the meeting can also post an announcement and hopefully an agenda on their door. Please visit the Federation website for a sample template. The site address is [http://msl.mt.gov/For Librarians/For All Librarians/Federations/Federation Notebook/default .asp](http://msl.mt.gov/For_Librarians/For_All_Librarians/Federations/Federation_Notebook/default.asp)

### **How much lead time does the federation need to give when noticing a meeting?**

- The law does not mandate a specific period of time to notice a meeting. The court system has determined that it depends upon the issues covered at the meeting. If the meeting agenda will

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cover something controversial or of high interest the notice of the meeting should be given as soon as possible.

- If the agenda items are not covering controversial or high interest issues the meeting can be noticed closer to the time of the meeting. However MSL recommends a 2-3 week lead time if the federation is working on statewide issues, has a large number of members, or covers a wide geographic area.

#### **What needs to be included in the notice?**

- The name of the group meeting, the date, time, and location of the meeting are required. However we recommend posting an agenda whenever possible. This agenda requirement is especially helpful for federation members and other libraries in Montana.
- The agenda does not have to be posted at the same time as the meeting details, but should be posted as soon as possible.

#### **Voting Issues**

- MSL has become aware of some issues when it comes to voting and the open meeting law.
- The open meeting law protects the right of the public to hear discussions. It also protects the right of the public to listen in on the voting process and observe who votes and how they vote on a particular issue.
- If the federation is voting on something it needs to be sure that the vote allows for public observation. Voting by mail and/or voting by email do not appear to meet this definition.
- The federation should either vote on issues in person or utilize electronic meeting tools such as GoTo Meeting and/or other online conferencing that gives members of the public a chance to participate. MSL staff will be happy to work with a federation coordinator to set up a GoTo Meeting vote on an issue.
- Please remember that GoTo Meetings still need to comply with the notice requirements listed above.

#### **Questions?**

- Please contact the following MSL staff if you have questions:
  - Tracy Cook, [tcook@mtlib.org](mailto:tcook@mtlib.org) or 1-866-843-6524
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