



Maine Library TRUSTEE HANDBOOK

2021 EDITION



Table of Contents

Introduction	1
1. What is a Library?	2
The Maine Library Landscape	6
2. The Library’s Legal Basis of Operation	9
3. Relevant Laws and Regulations for Libraries	13
4. Library Standards	22
5. Types of Library Boards	24
6. Essential Board Governance Documents	28
Trustee Ethics Statement	31
Sample Conflicts of Interest Disclosure Form.....	34
Sample Governing Board Bylaws	35
Sample Advisory Board MOA	40
Sample Memoranda of Understanding (MOU/MOA)	44
7. Effective Board Meetings and Trustee Participation.....	50
Sample Meeting Agendas	55
Sample Board Calendar	57
8. Trustee Job Description	61
Checklist for Effective Library Trustees	67
Board Recruitment Chart	69
9. New Trustee Orientation and Board Development	71
Sample Trustee Orientation Outline	74
Sample Board Assessment Worksheets	77
Sample Individual Trustee Self-assessment	78
10. Who Runs the Library? (Roles and Responsibilities)	81
Board and Director Duties & Responsibilities Chart	91
Board, Director, and Friends Roles & Responsibilities Chart.....	96
11. Hiring and Evaluating a Library Director	98
Sample Interview Questions	102
Sample Performance Appraisal Form	113

12. Developing Essential Library Policies 118
 Sample Form- Request for Reconsideration of Materials 124

13. Planning for the Library’s Future130
 Sample Library Service Responses 137
 Community Conversation Worksheet 139

14. Developing the Library Budget 140
 Sample library budget 146

15. Managing the Library’s Money147
 Sample Audit Committee Responsibilities152
 Sample Auditor’s Letter 154
 Sample Donation/Gift Acceptance Policy 156

16. Library Advocacy 158

17. Library Building/Renovation Projects 162
 Elements of a Request for Proposal (RFP) 172

Appendix173
 Acronyms and Definitions 173
 ALA Library Bill of Rights 178
 ALA Freedom to Read Statement 179
 ALA Freedom to View Statement184
 Access to Digital Information, Services, and Networks:
 An Interpretation of the Library Bill of Rights 185



Introduction

A trustee is part of a decision-making team that includes the rest of the board and the library director. For a board to function effectively, all members must bring enthusiasm, preparation and dedication to the task as well as a firm understanding of the different roles played by the board, the director, and staff.

This handbook consists of basic information needed by you, the trustee, to be an effective board member and library advocate. Each chapter includes sources of additional information that can help if you run into an issue or question not addressed.

Since the governance models of Maine libraries are quite varied, the information supplied in various chapters won't necessarily apply to your type of library. It is also important to remember the information in this handbook should not be considered legal advice. Library boards should consult with an attorney for legal information pertinent to their specific situations.

How to use this handbook

- As an orientation tool for new board members
- As a reference for specific questions:
 - Laws and governance of libraries
 - Roles and responsibilities of trustees
 - Library professional ethics
 - Community engagement and advocacy
- Explore it chapter by chapter as discussion starters on topics that the board is interested in learning more about
- As a guide to further resources on specific topics

We hope you and your board find this handbook useful as you work to guide the library to better meet community needs now and into the future.

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1

CHAPTER ONE

What is a Library?

[Disclaimer: *The information in this handbook is not legal advice. We recommend that you consult an attorney if you have any questions about how the laws apply to your library.*]

Mission

The library's mission is to provide access to the world of information and ideas. In the past, that information was in manuscripts or books. Because the first libraries opened before the invention of the printing press and books were painstakingly copied out by hand, they were scarce and expensive. Libraries served as archives and even chained rare volumes to tables.

Times have changed. We are now inundated with information 24 hours a day. Today's libraries focus on providing access to information, learning opportunities, and creative tools rather than serving as guardians of scarce resources.

The modern library is about community impact more than collections. Today's libraries are learning centers and community builders connecting people to ideas, people to people, and people to community. Libraries facilitate knowledge creation and are places of social engagement and continuing education. Library patrons and community members should see opportunities to contribute and have a voice in the library. In the words of David Lankester "Bad libraries build collections, good libraries build services, great libraries build communities."

The Institute of Museum and Library Services (IMLS), the federal agency that oversees federal funding for libraries in the United States, recognizes public libraries as providing, at a minimum:

- Organized collection of printed or other library materials, or a combination thereof;
- Paid staff;
- Established schedule in which services of the staff are available to the public;

- Facilities necessary to support such a collection, staff, and schedule; and
- Supported in whole or in part with public funds

The Maine Library Commission has expanded on the IMLS definition to also include:

- The library is either a town department or an organization with a governing board that has written bylaws, hires or appoints the library director and delegates to the director full responsibility for administering and managing the library, and ensures that library statistics and financial records are kept
- Creates and adheres to basic library policies
- Has a mission statement
- Is a member of the Maine Regional Library System
- The director plans, organizes, manages and directs a program of services that meets the needs of all members of the community
- The library director submits the Public Library Annual Report to the Maine State Library each year
- The facility complies with building, fire, safety, sanitation and other federal, state and local codes and legal requirements with at least one well maintained public restroom, the services of staff are available to the public year round for no less than 12 hours per week, has an exterior sign that clearly identifies the building as a library, has telephone service and a published telephone number, provides public internet access and offers designated public access computers and provides an up to date bibliographic card catalog or automated cataloged
- Offers regularly scheduled public programming such as story times, book clubs, etc.

Core Principles

Libraries across the world adhere to a set of core principles:

Access

All information resources that are provided directly or indirectly by the library, regardless of technology, format, or methods of delivery, should be readily, equally, and equitably accessible to all library users. Local libraries can best provide

community access to needed materials through participation in interlibrary loan consortia, regional and statewide cooperative networks, and local reciprocal lending collaboratives.

Confidentiality/Privacy

Protecting patron privacy and confidentiality is necessary for intellectual freedom and fundamental to the ethics and practice of librarianship.

Democracy

A democracy presupposes an informed citizenry. The First Amendment mandates the right of all persons to free expression, and the corollary right to receive the constitutionally protected expression of others. The publicly supported library provides free and equal access to information for all.

Diversity

Libraries value our nation's diversity and strive to reflect that diversity by providing a full spectrum of resources, services and staff to the communities they serve. They are committed to inclusivity and social justice.

Education and Lifelong Learning

Libraries promote the creation, maintenance, and enhancement of a learning society, encouraging its members to work with educators, government officials, and organizations in coalitions to initiate and support comprehensive efforts to ensure that school, public, academic, and special libraries in every community cooperate to provide lifelong learning services to all.

Intellectual Freedom

Libraries uphold the principles of intellectual freedom and resist all efforts to censor library resources; the right of every individual to both seek and receive information from all points of view without restriction. They provide for free, access to all expressions of ideas through which any and all sides of a question, cause, or movement may be explored. Intellectual freedom encompasses the freedom to hold, receive and disseminate ideas.

Censorship

Censorship is the suppression of ideas and information that certain persons- individuals, groups or government officials – find objectionable or dangerous. The censor wants to prejudge materials for everyone. The United States Supreme Court has ruled that there are certain narrow categories of speech that are not protected by the First Amendment: obscenity, child pornography, defamation and “fighting words” or speech that incites immediate imminent lawless action. The government is also allowed to enforce secrecy of some information when it is considered essential to national security, like troop movements in time of war.

The First Amendment

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people to peaceably assemble and to petition the government for redress of grievances.

The American Library Association (ALA) endorses the Library Bill of Rights, the Freedom to Read Statement, and the Freedom to View Statement. Copies of these statements are in the appendix. The core principles, embodied in the ALA documents, remain the foundation of libraries worldwide.

In addition to these principles, libraries must also adhere to federal and state laws such as copyright compliance, the Americans with Disabilities Act (ADA), the USA Patriot Act and the Children’s Internet Protection Act (CIPA). You will find more information about these in Chapter 3.

The Public Good

Libraries are an essential public good and are fundamental institutions in democratic societies.

Preservation

Preservation of information resources, including local historical and cultural resources, is central to libraries and librarianship.

Service

Libraries provide the highest level of service to all users. They strive for excellence in the profession by maintaining and enhancing staff knowledge and skills, by encouraging the professional development of co-workers, and by fostering the aspirations of potential members of the profession.

As a trustee and steward of a public library, one of your duties is to ensure that your library embraces these principles and follows federal, state and local laws.

The Maine Library Landscape

Below are descriptions of some components of the Maine library community infrastructure. These organizations work together to provide Maine residents access to needed services and resources:

The Maine Regional Library System (MRLS)

Was established in by the Maine State Legislature in 1973 (*Title 27, Chapter 4 Subsections 113-117*). The mission of the MRLS is to promote and improve access to library services for all Maine residents. A public library may join the MRLS if it meets the Maine Library Commission's definition of a public library and adheres to the Public Library Standards discussed in Chapter 4.

The Maine Library Commission (MLC)

<https://www.maine.gov/msl/about/commission/index.shtml>

A board appointed by the Governor, broadly representative of the state's library community. The Commission establishes the policies and monitors the operations of the state library, advises on the expenditure of state and federal funds, and establishes guidelines and policies for statewide library programs. Composition of the Maine Library Commission is defined in *MRSA 27, Section 111*.

The Maine State Library (MSL)

<https://www.maine.gov/msl/>

Was established by the Legislature in 1836 and is located in the Maine Cultural Building on the Capitol campus. The state library's public facility serves all citizens and visitors, providing access to its collections, services, and programs in order to meet educational, informational, recreational and cultural needs. Other state library divisions support local library development and lead digitization and preservation efforts of special collections.

The Maine Library Advisory Council (MLAC)

<https://www.maine.gov/msl/libs/StatewideBoard.shtml>

Was established to improve communications of regional library needs and recommendations between the Maine State Library (MSL), the Maine Library Commission (MLC) and local libraries. Each of the nine MRLS regions elect a representative to the Council from all types of libraries. The representatives work closely with MSL regional liaisons to communicate needs and provide feedback on State Library services such as Area Reference and Resource Center (ARRC) services and interlibrary loan (ILL). The Council also assists the state library with its long-term planning and continuing education program planning, including Spring and Fall Council conferences.

The Area Reference and Resource Centers (ARRCs)

Coordinate back-up reference and ILL services in the northeastern, central, and southern Maine library districts. The ARRC libraries are Bangor Public Library (northeastern), Maine State Library and Lewiston Public Library (central), and Portland Public Library (southern). Local libraries work with their ARRC libraries to facilitate statewide resource sharing and ensure access to needed library services for all Maine residents.

Maine InfoNet

<https://www.maineinfonet.org/>

Is a library collaborative funded by the University of Maine Fogler Library, the Maine State Library, and participating libraries. Maine InfoNet manages the technical aspects of resource sharing infrastructure for the Maine library community. They oversee administration of the MaineCat and URSUS online catalogs as well as the Minerva and MILS consortia's integrated library systems, the Digital Maine Library, and Download Library of e-books and e-audiobooks.

NetworkMaine

<https://networkmaine.net/>

Is a unit of the University of Maine System that provides high-speed bandwidth access for the Maine School Library Network (MSLN), the low to no-cost Internet connections at most schools and libraries in the state.

Note: Learn about other library organizations and terms with the "Acronyms and Definitions" list in the Appendix.

Through participation in regional and statewide cooperative resource sharing networks, engagement with other library professionals, and collaboration with neighboring libraries, your library will be able to extend access to essential information services and materials for its community members. Operating as part of a larger library network will increase your library's capacity to provide high quality, cost-effective services to the public, students, and businesspeople in your area, including some services that would not even be possible without cooperation.

Resources

- Your Maine State Library regional liaison
<https://www.maine.gov/msl/libs/districts/index.shtml>
- Lankes, David R. *Expect More: Demanding Better Libraries for Today's Complex World*. San Bernardino, CA: R. David Lankes, 2012. <https://davidlankes.org/new-librarianship/expect-more-demanding-better-libraries-for-todays-complex-world/>
- Aspen Institute. *Rising to the Challenge: Re-Envisioning Public Libraries*, 2014.
<https://csreports.aspeninstitute.org/documents/AspenLibrariesReport.pdf>
- Zurinski, Stephanie, Valerie Osborne, Mamie Anthoine-Ney, and Janet McKenney. "Libraries in the Community: Changing Opportunities." *Maine Policy Review* 22.1 (2013): 71 -79,
<http://digitalcommons.library.umaine.edu/mpr/vol22/iss1/16>.
- Edwards, Julie Biando, Melissa S. Rauseo, & Kelley Rae Unger. "Community Centered: 23 Reasons Your Library is the Most Important Place in Town." *Public Libraries* Apr. 30, 2018.
<http://publiclibrariesonline.org/2013/04/community-centered-23-reasons-why-your-library-is-the-most-important-place-in-town/>
- Klinenberg, Eric. *Palaces for the People: How Social Infrastructure Can Help Fight Inequality, Polarization, and the Decline of Civic Life*, 2019.
- Maine Library Commission Definition of a Public Library
www.maine.gov/msl/libs/standards/definition.htm



2

CHAPTER TWO

The Library's Legal Basis of Operation

[**Disclaimer:** *The information in this handbook is not legal advice. We recommend that you consult an attorney if you have any questions about how the laws apply to your library.*]

Law and Governance for Nonprofit Organizations

Almost two thirds of Maine's libraries are nonprofit entities with **governing boards**. Governing boards have different legal responsibilities compared to advisory boards for municipal libraries. This chapter will outline Maine laws related to nonprofit organizations, including 501(c)(3) libraries.

It is the responsibility of each Maine library board to understand its legal status for operation based on its establishment documents. If you are unsure of your status you can:

- Contact the Secretary of State's office or search their database (<https://icrs.informe.org/nei-sos-icrs/ICRS?MainPage=x>)
- Search for your library's source documents at your town hall (charter, wills, MOAs, special law, etc.)
- Search the IRS database (look under "Organizing Documents" at <https://www.irs.gov/charities-non-profits/charitable-organizations/charities-and-nonprofits-a-z-site-index-k-o>)
- Contact Maine Association of Nonprofits for guidance (<https://www.nonprofitmaine.org/>)

Types of Charitable Corporations

The State of Maine defines two types of charitable corporations: *public benefit* and *mutual benefit*. Public benefit corporations form for charitable purposes and usually have IRS 501 (c) (3) tax exemption. These organizations collect, hold and expend funds solely for public benefit. Public libraries would fall under this category. Mutual benefit corporations are organized to benefit their members, not the general public.

Public benefit corporations must have at least three board members. No matter the size of the board, the majority of the members cannot have a financial interest in the organization which means that neither they nor their relatives can be employed by the organization.

Liability Issues

Generally, library trustees need fear no personal loss or liability for the honest performance of their official duties and exercise of powers granted by law. Maine Statutes Title 14, Pt. 1, Chap. 7, 158-A, #2 <http://legislature.maine.gov/statutes/14/title14sec158-A.html> provides that Board directors are immune from individual liability for actions performed within the scope of their office but personal liability is still possible for intentional or careless injuries or damages, or the illegal use of public funds or authority. Thus, it is recommended that the board considers purchasing Directors and Officers (D&O) Liability Insurance.

Library boards must also avoid taking actions that violate rights guaranteed by the state or federal constitution or federal law. Special care must be exercised in actions that concern discrimination laws, employment laws, and First Amendment rights. Before taking any actions that may jeopardize these rights, it is strongly recommended that the board seek the advice of an attorney. Employment Practices Liability Insurance (EPLI) is another type of insurance that would protect your organization against claims by workers that their legal rights as employees of the organization have been violated.

Protections from Liability

You can greatly lessen the possibility of liability if you, and your fellow board members, do all of the following:

- Become knowledgeable about the various laws that apply to library board actions and library operations.
- Adopt written policies for operating the library and review all library policies on a regular cycle, ensuring that all policies (including the personnel policy) are reviewed at least every three years.
- Exercise care and diligence in board consideration of new or revised policies. Review each policy in light of ensuring it is “legally defensible.”

- Vote against any proposed board action that you believe is illegal or improper. Vote to table an issue if you believe insufficient information has been provided on which to base an informed opinion. Make sure the minutes reflect your vote.
- Act and speak for the library only when authorized to do so by the full board.
- Avoid even the appearance of conflict of interest. Consult with your regional consultant and/or the municipality or an attorney if you have concerns about the legality of any action or failure to take an action.

Your Rights as a Board Member

In order for board members to make informed decisions, the law guarantees board members the right to reasonably rely on the information you receive, such as financial reports or other staff reports, or advice from outside consultants. You also have the right to request this information if you aren't being provided with enough information to make informed decisions.

Reporting Requirements

Public benefit corporations must file an annual return with the Internal Revenue Service and the Office of the Attorney General. The corporation must also file an annual report with the Secretary of State by June 1 of each year. Additionally, major changes in the articles of incorporation, mission, or bylaws must also be filed with the Secretary of State and IRS.

Tax-exemptions

Most Maine public libraries are exempt from collecting sales tax: "Sales to any nonprofit free public lending library that is funded in part or wholly by the State or any political subdivision or the federal government and sales by any such library or a nonprofit corporation organized to support that library as long as the proceeds from the sales are used to benefit the library.

[2013, c. 420, §1 (AMD) .]"

Sources of Additional Information

- Your Maine State Library Regional Liaison
<https://www.maine.gov/msl/libs/districts/index.shtml>
- Text of Title 13-B Maine Nonprofit Corporation act:
<http://legislature.maine.gov/statutes/13-B/title13-Bch0sec0.html>
- Text of Title 27, Chapter 3 on Public Libraries
<http://legislature.maine.gov/statutes/27/title27ch3sec0.html>
- Maine Association of Nonprofits Guiding Principles and Practices Basic Infrastructure Checklist for 501 (c) (3) Nonprofit Organizations in Maine http://www.nonprofitmaine.org/wp-content/uploads/2013/01/PP_Checklist_Final_4thEdition.pdf
- Maine Attorney General’s Guide for Members of Charitable Corporations
https://www.maine.gov/ag/consumer/charities/guide_charities.shtml
- Maine Secretary of State Bureau of Corporations
<https://www.maine.gov/sos/cec/corp/index.html>
- Internal Revenue Service <https://www.irs.gov/>
- Maine Revenue Services: tax-exempt organizations
<https://www.maine.gov/revenue/taxes/sales-use-service-provider-tax/tax-exempt-organizations>
- Annual required filings
<https://www.nonprofitmaine.org/blog/nonprofit-help-desk-faq-filing-requirements/>
- Self-declared 501 (c) (3)s
<https://www.nonprofitmaine.org/answer/self-declared-501c3-nonprofits/>
- Reasons for Tax-exemption (MANP)
<https://www.nonprofitmaine.org/about-nonprofits/nonprofit-faqs/reasons-for-tax-exemption/>
- Your municipal attorney, your organization attorney, or the Maine Attorney General



3

CHAPTER THREE

Relevant Laws and Regulations for Libraries

[Disclaimer: *The information in this handbook is not legal advice. We recommend that you consult an attorney if you have any questions about how the laws apply to your library.*]

There are many federal, state, and local laws, statues, and regulations that relate to public libraries. A few of these will be explained more in depth following this non-exhaustive list from the Chief Officers of State Libraries Agencies (COSLA):

Federal Laws

Numerous federal laws affect public libraries. A small selection of important federal laws is included here:

- American with Disabilities Act (ADA) – Civil rights legislation that makes it illegal to discriminate against people with physical, mental, or emotional disabilities.
- Children’s Internet Protection Act (CIPA) – Libraries that receive E-Rate discounts or LSTA grants for Internet connectivity or computers must filter all computers for defined categories of images.
- E-Rate - E-Rate is the commonly used name for the Schools and Libraries Program of the Universal Service Fund, which is administered by the Universal Service Administrative Company (USAC) under the direction of the Federal Communications Commission (FCC). The program provides discounts to assist schools and libraries in the United States to obtain affordable telecommunications and Internet access.
- Employment Laws – Libraries must abide by federal and state laws that prohibit discrimination in relation to hiring, promotion, and all other working conditions of employment.
- Fair Labor Standards Act (FLSA) - FLSA establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and in Federal, State, and local governments.

- Intellectual Freedom - The First and Fourth Amendments to the U.S. Constitution are integral to American librarianship. They are the basis of the concept librarians call intellectual freedom. Intellectual freedom accords to all library users the right to seek and receive information on all subjects from all points of view without restriction and without having the subject of one's interest examined or scrutinized by others.
- Intellectual Property and Copyright Law – Title 17 provides guidance on protecting intellectual property and libraries, including what constitutes Fair Use (Section 107).
- Library Services and Technology Act - A means of national funding for public library development and other related programs administered by the Institute of Museum and Library Services (IMLS). The Grants to States program, awarded by IMLS to state library administrative agencies, is the largest source of federal funding support for library services in the U.S.
- US Patriot Act - A set of federal anti-terrorism measures that lowers the standards of probable cause for obtaining intelligence warrants against suspected spies, terrorists, and other enemies of the United States.

Maine State Statutes

The formation and operation of libraries are usually governed by state laws and regulations. Trustees should be aware of the state laws that pertain to their library. Be aware that some statutes may apply only to private nonprofit 501(c)(3) organizations. Types of laws can include the following:

- Establishment and governance of types of 501(c)(3) public libraries (see Chap. 2)
- Funding types, limitations and methods (see Chap. 2)
- Records retention requirements (see Chap. 2)
- Audit and annual report requirements (see Chap. 15)
- Open meetings act requirements (see Chap. 2)
- Freedom of Access Act (FOAA) requirements (below)
- State labor laws and prevailing wage laws (below)
- Library records confidentiality requirements (below)
- Theft of library materials (below)
- Patron records privacy (below)

Local Statutes

There can also be local laws and regulations that apply to libraries. Trustees should be aware of these local requirements. Types of local laws can include the following:

- Municipal or city code requirements
- Local taxing limitations or requirements
- Home rule limitations

Labor Laws

As employers, both private nonprofit and municipal boards must comply with Maine Labor Laws. Under Maine Revised Statutes Title 26 <http://legislature.maine.gov/statutes/26/title26ch0sec0.html>, these laws cover hours and wages, paid leave, and worker safety. A link to summaries of Maine labor laws is included in the resources list below.

Open Meetings and Public Records Law

Maine's Freedom of Access Act (FOAA) (Title 1, Chapter 13, Subchapter 1 <http://legislature.maine.gov/statutes/1/title1ch13sec0.html>), which includes open meetings and access to public records, supports the principle that the public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of government business. To this end, all meetings of all state and local government bodies (including municipal library boards) must be held in places reasonably accessible to members of the public and must be open to the public, except as expressly provided by law. Maine's open meetings law provides specific requirements for meeting notice, accessibility of meetings, the conduct of meetings, and legally holding closed sessions. Violations carry significant penalties, so careful adherence to these requirements is essential.

Libraries organized as nonprofit organizations are generally exempt from following these requirements. However, we recommend that all libraries who receive any funding from their municipalities open their meetings to the public.

To properly follow open meeting and public records laws:

- Public notice of all library board and library committee meetings, including the time, the date, and place, meetings is required in ample time to allow public attendance and disseminated in a manner that will reasonably notify is required to allow ample time for public attendance.

- Notice must be disseminated in a manner that will responsibly notify the general public in the jurisdiction. In the event of an emergency meeting, local representatives of the media are to be notified by the same or faster means used to notify the members of the board.
- Meetings are open to all members of the public
- Records of the public proceedings must be made within a reasonable amount of time and available for public inspection. This record must include the date, time and place of the meeting, a record of the members present or absent, and all motions and votes taken by individual members if there is a roll call vote. An audio, video or electronic recording may serve as the public record.
- Meeting records are subject to Records Retention Requirements (Title 5, Chapter 6).
- Executive sessions may be called by a motion that indicates the precise nature of the business to be conducted. Only matters contained in the motion may be considered in the executive session. Executive sessions can only be held to discuss matters of employment, real or personal property, labor contracts, or consultation with the body's attorney.

Maine's Public Records Law:

- Provides that a person has the right to inspect and copy any public record within a reasonable time of making the request. Documents should be available during reasonable office hours and at no charge unless the information must be converted or compiled in some way. A fee schedule is provided in the law.
- Failure to comply with this requirement is considered a civil violation and a penalty of not more than \$500 may be assessed.

Privacy of Patron Records:

Library records that contain patron personal information or borrowing history are confidential. Maine Statute Title 27, Chapter 4-A, section 121 codifies the privacy and confidentiality of library patron records.

Theft of Library Materials:

Under Maine Statute Title 17-A, Part 2, Chap. 15, libraries may request law enforcement assistance to recover stolen materials if borrowers do not return them five days after being issued a return notice.

ADA Compliance:

Library Building and Services Accessibility

All libraries, whether municipal or private association, are considered “places of public accommodation” and should adhere to the principles of the ADA.

ADA Background on Building Compliance and Accessible Services

The Americans with Disabilities Act is a federal law passed in 1990. It is a civil rights law for people with disabilities that ensures people are not discriminated against because they have a disability. Two parts of the law apply particularly to public libraries. Title I requires equal employment opportunities for individuals with disabilities. Title II prohibits discrimination on the basis of disability in state and local government services (including public library buildings and services).

General Building Access Issues

Below is a general overview of the requirements of the law. For details on each requirement, please refer to the Americans with Disabilities Act Technical Assistance Manual or contact the New England ADA Center. All buildings open to the public must meet federal specifications. There are some specific regulations for public libraries, which are discussed later in this chapter. There are also some exceptions for designated historical buildings.

Outside the Library

- Appropriate curb cuts at the sidewalk
- Adequate parking reserved for people with disabilities with correctly painted and labeled signage
- Signage at the accessible entrance
- Ramp or a new entrance to avoid steps
- A doorbell or some other way for the person who uses a wheelchair or who cannot open the door to signal a need for assistance.
- Specified weight limit for the door
- Type of door handles that must be used

Inside the Library

- All public areas of the building should be accessible to those with physical disabilities
- Accessible paths with the proper width doorways and aisles, turn radius, floor surface, bathroom design,
- Placement and design of water fountains
- Height of service desks
- Lever door handles instead of round doorknobs
- All levels of the building must be accessible, as well as all meeting rooms.
- Certain types of permanent directional signs must have certain font size and spacing, tactile characters and Braille, contrast, and positional mounting

Specific ADA Regulations for Public Libraries

Public libraries must meet all the general requirements indicated above and address the following areas as well:

Reading and Study Areas

A certain percentage of the seating area must be accessible to people using wheelchairs so that they can sit at a table. Specific clearances must be allowed between pieces of furniture so people who use wheelchairs can move between them.

Checkout Areas

At least one part of the checkout desk has to be a specific height for people who use wheelchairs. Security gates must accommodate wheelchairs.

Library Catalogs

There must be accessible workstations for use of an online catalog.

Magazine and Reference Areas

There must be access to these areas for people who use wheelchairs, and there is a maximum height for shelving in these areas.

Book Stacks

There is not a maximum height for the general book stacks, but the library staff must accommodate people by helping them get the materials they need. There are width specifications between the book stacks and there must be a turn radius at the end of each one.

Types of Disabilities that May Require Accommodations to Make Library Services Accessible:

Mobility Limitations

People who use wheelchairs or have difficulty walking may have difficulty accessing library services, even if they can get into the building.

Blind and Low Vision

People needing Braille, high contrast, larger print or print magnification, or audio reading services.

Deaf and Hard of Hearing

People who may need sign language interpretation, audio amplification, Telecommunications Device for the Deaf (TDD or TTY) or Video Relay Interpretation (VRI)

Service animals

Service animals recognized under the ADA include individually trained dogs or miniature horses that perform tasks for individuals with disabilities and must be allowed to accompany their owners in public buildings. A service animal is not a support animal or pet and library staff may ask patrons if their animals are service animals required because of a disability. They may also ask what work or task the animals have been trained to perform. Staff may not ask a service animal be removed from the premises unless it is not being kept under control by the owner or is not housebroken. Check ADA revised requirements for further clarifications on use of service animals.

Communication with dignity and respect

All library patrons, including those who have any type of disability, should be welcomed and staff should make accommodations in services and programs to help every library visitor comfortable, accepted, and an active participant.

Additional Resources

- Your Maine State Library Regional Liaison
<https://www.maine.gov/msl/lib/districts/index.shtml>
- Public records Frequently Asked Questions (FAQ) information from the Maine Office of the Attorney General
www.maine.gov/foaa/faq/
- Maine Association of Nonprofits Frequently Asked Questions (FAQ) www.nonprofitmaine.org/wp-content/uploads/2010/11/FAQDisclosureRequirementsBoardMeetings.pdf
- Copyright law relating to libraries
<https://www.copyright.gov/title37/201/37cfr201-14.html>
- American Library Association. The Librarian's Guide to Intellectual Property in the Digital Age: Copyrights, Patents, and Trademarks by Timothy Lee Wherry. ©2002: Explanation of copyright "fair use."
http://www.ala.org/aboutala/sites/ala.org.aboutala/files/content/publishing/editions/samplers/wherryt_IP.pdf
- ALA: Intellectual Freedom Issues and Resources
<http://www.ala.org/advocacy/intfreedom>
- CIPA consumer's guide
<https://www.fcc.gov/consumers/guides/childrens-internet-protection-act>
- Sample CIPA policies for libraries
<https://www.maine.gov/msl/erate/cipa.htm>
- E-rate guide <https://www.fcc.gov/consumers/guides/universal-service-program-schools-and-libraries-e-rate>
- E-rate filing <https://www.maine.gov/msl/erate/index.shtml>
- Summary of major U.S. employment laws
<https://www.dol.gov/general/aboutdol/majorlaws>
- Employment: Fair Labor Standards Act
[https://www.dol.gov/agencies/whd/flsa#:~:text=The%20Fair%20Labor%20Standards%20Act%20\(FLSA\)%20establishes%20minimum%20wage%2C,%2C%20State%2C%20and%20local%20governments.&text=Many%20states%20also%20have%20minimum%20wage%20laws.](https://www.dol.gov/agencies/whd/flsa#:~:text=The%20Fair%20Labor%20Standards%20Act%20(FLSA)%20establishes%20minimum%20wage%2C,%2C%20State%2C%20and%20local%20governments.&text=Many%20states%20also%20have%20minimum%20wage%20laws.)
- Prohibited Employment Policies/Practices
<https://www.eeoc.gov/prohibited-employment-policiespractices>

- IMLS- LSTA grants to states
<https://www.ims.gov/grants/grant-programs/grants-states>
- Maine Municipal Association <https://memun.org/>
- Legislation Relating to Maine Libraries
<https://www.maine.gov/msl/libs/legislation.htm>
- Theft of Library Materials (Maine Revised Statutes)
<https://legislature.maine.gov/statutes/17-A/title17-Asec360.html>
- ALA- U.S. Patriot Act and Libraries
<http://www.ala.org/advocacy/patriot-act>
- Americans with Disabilities Act. The most helpful section for building accessibility questions is the Title II Technical Assistance Manual available at www.ada.gov/taman2.html.
- ADA Title III Technical Assistance Manual
www.ada.gov/taman3.html
- New England ADA Center www.newenglandada.org/
- Disability Law Center ADA Checklist for Libraries
<http://disabilitylawcenter.org/wp-content/uploads/publications/ada%20checklists/ADA%20Library%20Checklist.pdf>
- Maine Human Rights Commission Laws and Guidance
<https://www.maine.gov/mhrc/laws-guidance>
- GSA Government-wide IT Accessibility Program (Section 508)
<https://section508.gov/manage/laws-and-policies>
- US Department of Justice, Civil Rights Division, Disability Rights Section “ADA 2010 Revised Requirements: Service Animals”
www.ada.gov/service_animals_2010.htm
- Maine Labor Laws
https://www.maine.gov/labor/labor_laws/wagehour.html
- Maine State Library website: Legal Resources for Libraries
www.maine.gov/msl/libs/admin/legalresources.shtml
- Your municipal attorney, your district attorney, or the Maine Attorney General



4

CHAPTER FOUR

Library Standards

[**Disclaimer:** *The information in this handbook is not legal advice. We recommend that you consult an attorney if you have any questions about how the laws apply to your library.*]

The development of the Maine Public Library Standards (available at www.maine.gov/msl/libs/standards) was guided by the belief that Maine’s public libraries play a critical role in providing free access to knowledge, information, and diversity of ideas to all residents of the state. All Maine residents need and deserve at least a basic level of library service. The Standards feature three tiers of service quality, providing a way to measure a core level of quality for public libraries as well as a pathway for libraries to pursue service excellence. Due to tremendous advances in information technology and to the cooperation of all types of libraries in Maine, even the smallest library can offer access to an almost unimaginable quantity of both electronic and print information resources. But while this new environment presents great opportunities, it also presents great challenges. Today’s library staff must master not only the skills and knowledge necessary to provide traditional library services, but also the new and constantly changing skills and knowledge required to utilize the latest in information technologies and e-resources.

Maine Public Library Standards attempts to cover the services, resources, and other requirements for core library service that should be available to all residents of the state, including those who face physical or other barriers to their use of public libraries. Libraries are required to validate and reaffirm that they meet the standards to continue to receive LSTA-funded support. In the near future, libraries that do not meet at least the “Required” level of standards may lose support and funding from the Maine State Library.

How to Use the Standards

The simplest way to use the Standards is to provide a photocopy of the checklists in the Standards document to each library board member and review those checklists at your board meetings. If your library does not meet certain standards, you can work with your

library director to develop a plan to work toward achieving those standards in the future.

Library Planning and the Standards

It is most effective to use the Standards as a tool to assist with the strategic planning process. Your planning committee can use the checklists to gather information about the library and the community during the community assessment phase of the planning process. The Standards can also help the planning committee establish service improvement objectives for the plan.

Sources of Additional Information

- Your Maine State Library Regional Liaison
<https://www.maine.gov/msl/libs/districts/index.shtml>
- Maine Public Library Standards
www.maine.gov/msl/libs/standards/
- Maine Library Commission's definition of a Maine Public Library
<https://www.maine.gov/msl/libs/standards/definition.htm>
- Maine Library Annual Report data
<https://www.maine.gov/msl/libs/data/annualreportstats.shtml>



5

CHAPTER FIVE

Types of Library Boards

[Disclaimer: *The information in this handbook is not legal advice. We recommend that you consult an attorney if you have any questions about how the laws apply to your library.*]

There are two types of boards of trustees—**governing** boards for private nonprofit 501(c)(3) libraries and **advisory** boards for municipal libraries.

Governing Boards

A governing board is one that has the final authority and responsibility for the library and its services. The governing board has both legal and fiduciary responsibilities and is directly accountable to the public.

Board trustees have a:

Duty of Care- To use on their expertise and best judgement to help improve the library.

Duty of Loyalty- To put the library's interests ahead of their own and represent the library in a positive light, supporting decisions made by the board.

Duty of Obedience- To follow the bylaws, state statutes, and federal laws and regulations, as well as stay informed on current trends affecting the library.

The core responsibilities of the governing board are:

- Determining the mission
- Establishing the vision and strategic direction
- Monitoring the library's work
- Assuring legal and bylaws compliance
- Setting policy
- Overseeing the library's finances and protecting its assets
- Fundraising
- Community relations and advocacy
- Selecting, supporting and evaluating the director
- Building the competency of the board

Roles and responsibilities of the governing board are described in more detail in *Chapter 10*.

Advisory Boards

If the library is a municipal department, it is very likely that the board will be an advisory board. The director will be hired by the town/city manager and will be directly accountable to him/her as a department head. This is generally true of a library that is established by town charter.

An advisory board is typically appointed by the governing authority, such as the town council, and has the responsibility to give input into the library's planning process, policy setting, and marketing plan. An advisory board does not have the same legal and fiduciary responsibilities as a governing board, but the members are still representatives of the community and can be extremely important volunteers and advocates for the library.

Some advisory boards may have more authority granted to them (such as hiring and firing the library director) due to local agreements, circumstances, and history. Written agreements with the local governing entity are the best way to assure that a library board continues to exercise the power it believes it has. There should be a Memorandum of Understanding (MOU) or Memorandum of Agreement (MOA) between the municipal governing body and the board of trustees that delineates the responsibilities and deliverables of each entity. This document helps all concerned in the carrying out of their duties. This agreement should be reviewed at least every five years.

The core responsibilities of an Advisory Board are:

- Providing input and recommendations, when invited and as appropriate, in support of the governing entity's interviewing, selection, and performance evaluation of the library director.
- Supporting library management initiatives and decisions
- Providing input on library policies and budget proposals
- Assisting the library director in determining the library's mission and vision
- Participating in short and long-range strategic planning
- Advocating for adequate resources through the municipal budgeting process

- Being familiar with and assisting the library to promote the library's resources, services and public image
- Providing a forum for public communication on library issues
- Assisting the library in community needs assessment
- Reporting library activities and issues back to the governing entity
- Assisting in succession planning for new board members by identifying and motivating others to serve on the advisory board when openings occur
- Being knowledgeable about existing and new populations in the community
- Staying aware of current trends affecting the library as well as foundations and trends in librarianship

Selection and Makeup of the Board

The methods by which board members are selected vary. They may be appointed by a local government body, elected by the membership of a local library association or corporation, elected by public vote, selected through an application process, or named by the board itself. Anyone is potentially qualified to be an outstanding library trustee, but trustees who run for a seat on the board or are appointed in some way should be elected or selected for the special talents that they might contribute. Representatives to the board should bring expert knowledge such as accounting, public relations, legal expertise and represent the diversity of the community they serve. Potential or new trustees need to know that service on the library board will take time and energy. Trustees most frequently serve without compensation but may be reimbursed for trustee education or library-related business.

Whether elected or selected by municipal officials, the new library trustee should bring a strong interest in the library and its welfare. Board members need to have personal experience, skills and talents that will benefit the library and its services to the community. Balanced representation should characterize the library board with a representation of both men and women and representation from all community groups and ages.

Typically, a library board of trustees is composed of five to nine members, although the municipal governing body, corporation bylaws, tradition, or the board's functions may determine its size. The chair position should be rotated among board members. One good way to involve board members in the work of the library is to appoint

members to standing committees reflecting the authority of the board. Ad hoc committees may be appointed to deal with special situations.

Regardless of whether the board is governing or advisory, both boards do have some responsibilities in common. Both should know and understand the local ordinances and state laws that impact the library and its operations. Both boards should be familiar with the library's budget and where the funding is derived. Both boards should promote the library's budget to the funding authorities. Both boards should be involved in the long-term planning process and both should have input into the developing of library policy. The most important role, however, is that both boards should be strong library advocates.

Additional Resources

- Moore, Mary Y. *The Successful Library Trustee Handbook*, 2nd ed. Chicago: American Library Association, 2010.
- Reed, Sally Gardner and Jill Kalonick. *The Complete Library Trustee Handbook*. New York: Neal-Schuman Publishers, Inc., 2010.
- Diversity on Nonprofit Boards
<https://www.councilofnonprofits.org/tools-resources/diversity-nonprofit-boards>
- Board Engagement <https://www.councilofnonprofits.org/tools-resources/board-engagement>
- United for Libraries www.ala.org/united/
- The Trustee Listserv MELIB-Trustee@lists.maine.edu
- Sample Memoranda of Understanding (at end of Chapter 6)
- Sample Governing Board Bylaws (at end of Chapter 6)
- Sample Advisory Board Bylaws (at end of Chapter 6)



6

CHAPTER SIX

Essential Board Governance Documents

[Disclaimer: *The information in this handbook is not legal advice. We recommend that you consult an attorney if you have any questions about how the laws apply to your library.*]

Governing Board Bylaws

Private Nonprofit 501 (c)(3) library board bylaws are the rules established by the library board that govern the board's own activities. Well-crafted bylaws help provide for the smooth and effective functioning of the library board.

Board bylaws must comply with all relevant statutes. In addition, we recommend that all board meetings and board committee meetings comply with Maine's Open Meetings Law. State and federal laws supersede any local library bylaws provisions.

At a minimum, library board bylaws should spell out:

- The library board officers to be elected, how they are elected, the length of their term and the powers and responsibilities of each officer
- When meetings are held, and how meetings are conducted. It is suggested that the board meet monthly, but at the very least quarterly
- Definition of a quorum and attendance requirements
- What standing committees are appointed, how they are appointed, and what they do (examples: governance and finance)
- Provision for amending bylaws
- Provision for term limits
- Provisions for calling special meetings, virtual meetings, and executive sessions
- Provision for removing a board member
- Provision for reviewing bylaws at least every three years

Crafting Your Library Board's Bylaws

Because bylaws are so fundamental to effective (and legal) library board operations, great care must be taken when developing new bylaws or amending existing bylaws. Bylaw language must be clear and unambiguous. Imprecise language can result in confusion and disorder.

For example, confusion can result if it is unclear who has the authority to make decisions for the library. Library board bylaws should make clear that actions by board committees are advisory only. A library board committee cannot act on behalf of the full board—only actions by the full board have legal authority.

Likewise, individual board members and board officers can perform official actions on behalf of the board only with specific authorization from the full board.

If your board wants to develop new bylaws or amend existing bylaws, it is recommended that a special committee be appointed to develop drafts for full board review. To change your bylaws, you must follow any procedures required by your current bylaws. Maine State Library staff may be available to review drafts of new or amended bylaws.

An organization that is exempt from federal income tax, as described in Internal Revenue Code 501(c)(3), is required to report changes to its bylaws and other governing documents annually to the IRS on the organization's IRS Form 990.

Substantial changes to a tax-exempt organization's character, mission, or methods of operation should be reported to the IRS as soon as possible because such changes, if inconsistent with the organization's tax exemption, could affect the organization's tax-exempt status. For minor changes, just report them on your organization's next annual Form 990.

Check with Maine's Bureau of Corporations, Elections, and Commissions in the Office of the Secretary of State about its regulations for reporting changes to your bylaws.

Board Policies

To ensure your board is well-governed and capable of meeting challenges that may arise, it is recommended to establish clear board governance policies including:

- Maintaining agendas and minutes of all board meetings and any committee meetings where that committee has been granted the authority to act in place of the full board.
- Annual review of the board's Conflicts of Interest policy and signing of the disclosure form by all board members.
- Annual review of the library director's compensation package with documentation on how it was determined to be fair and appropriate.
- Requiring the annual IRS Form 990 to be reviewed by the full board before filing. It is important board members understand what is being reported in the form.
- Disclosing to the public the last three years of IRS returns by the library as well as its tax-exemption application with related documentation.
- Whistleblower protection policy to ensure employees and organization members can report possible inappropriate conduct without fear of retaliation.
- Written document retention/ destruction policy to maintain organization legal, financial, and personnel documentation for the appropriate length of time required by law as well to provide for the secure discard of records.
- Development policy to manage large monetary gifts received through active fundraising for library financial sustainability. This may include endowments, legacy gifts, and other large monetary donations which could be invested. Smaller monetary and materials gifts can be handled via the library's operational gift policy.
- Personnel (HR) policy to outline employee wage structure and benefits, as well as internal grievance, progressive discipline, and performance review processes.
- Grievance policy to provide a process for handling public complaints against the organization or its employees.
- Joint venture policy to ensure any for-profit partners of the library would not misuse or jeopardize the library's tax-exempt status.
- Public relations and media policy to assign routine public relations and crisis communications duties, such as who speaks with the media on behalf of the organization under specific circumstances. This policy may outline how the board will respond when confronted with an emergency situation or an

attack on the reputation of the library, as well as how library services and programs will be publicized.

Note: There are links to sample board governance policies in the resources list at the end of this chapter.

Public Library Trustee Statement of Ethics

Official Statement from the ALA's United for Libraries

[Along with the conflicts of interest disclosure form (at end of chapter), it is recommended all trustees sign the following statement upon appointment to the board and then annually.]

- Public library Trustees are accountable for the resources of the library as well as to see that the library provides the best possible service to its community. Every Trustee makes a personal commitment to contribute the time and energy to faithfully carry out his/her duties and responsibilities effectively and with absolute truth, honor and integrity.
- Trustees shall respect the opinions of their colleagues and not be critical or disrespectful when they disagree or oppose a viewpoint different than their own.
- Trustees shall comply with all the laws, rules and regulations that apply to them and to their library.
- Trustees, in fulfilling their responsibilities, shall not be swayed by partisan interests, public pressure or fear of criticism.
- Trustees shall not engage in discrimination of any kind and shall uphold library patrons' rights to privacy in the use of library resources.
- Trustees must distinguish clearly in their actions and statements between their personal philosophies and attitudes and those of the library, acknowledging and supporting the formal position of the Board even if they disagree.
- Trustees must respect the confidential nature of library business and not disclose such information to anyone. Trustees must also be aware of and in compliance with Freedom of Information laws.
- Trustees must avoid situations in which personal interests might be served or financial benefits gained as a result of their position or access to privileged library information, for either themselves or others.

- A Trustee shall immediately disqualify him/herself whenever the appearance of or a conflict of interest exists.
- Trustees shall not use their position to gain unwarranted privileges or advantages for themselves or others from the library or from those who do business with the library.
- Trustees shall not interfere with the management responsibilities of the director or the supervision of library staff.
- Trustees shall support the efforts of librarians in resisting censorship of library materials by groups or individuals.

Signature _____ Date _____

Approved by the United for Libraries Board in January 2021

Memoranda of Understanding or Agreement

Both municipal and private association libraries may develop a Memorandum of Understanding (MOU) or Memorandum of Agreement (MOA) with their municipalities. These formal agreements outline the responsibilities and deliverables each party will provide to ensure quality library services for the community. An MOU is not legally binding but represents the intent and expectations of the collaboration. Sample MOUs may be found at the end of the chapter.

Library/Municipal MOU items may address:

- Municipal support services for library (payroll, building & grounds upkeep, financial audits, IT support, liability insurance, legal support, etc.)
- Library's mission and general services for residents
- Board will submit a strategic plan
- Governing board's power to fundraise and spend library's money
- Funding expectations (budget proposal procedure, consistent municipal appropriation for library staffing and operations expressed as a percentage of total operating expenses required to accomplish strategic plan)
- Municipality has no say in policy development and operations including collection development, hiring, programs, etc.
- Guarantee of open library board meetings
- Board will follow Maine Public Library Standards and ALA standards
- Process to follow if either party wants to end the MOU

Additional Resources

- *Robert's Rules of Order* (chapter on the development and amendment of bylaws) or *The Standard Code of Parliamentary Procedure* by Alice F. Sturgis
- Maine Association of Nonprofits *Guiding Principles and Practices Checklist for 501 (c) (3) Nonprofit Organizations in Maine* www.nonprofitmaine.org/learn/resources/our-publications/guiding-principles-practices-for-nonprofit-excellence-in-maine/
- MANP: Annual Filing Requirements <https://www.nonprofitmaine.org/blog/nonprofit-help-desk-faq-filing-requirements/>
- IRS 990 form instructions <https://www.irs.gov/pub/irs-pdf/i990.pdf>
- IRS 990 Form <https://www.irs.gov/pub/irs-pdf/f990.pdf>
- Sample Whistleblower Protection Policy <https://www.councilofnonprofits.org/sites/default/files/Sample%20WhistleblowerPolicy%202.2010.pdf>
- Sample Whistleblower Policy <https://blueavocado.org/hr-and-employment-issues/sample-whistleblower-policy/>
- Sample grievance policy <https://www.kennebunklibrary.org/kennebunk/documents/policies/grievance%20policy%20final%201009.pdf>
- Joint ventures with For-profits: Four Things You Need to Know <http://massnonprofitnet.org/blog/nonprofit-411-joint-ventures-profits-four-things-need-know/>
<https://wagenmakerlaw.com/blog/control-question-nonprofit-joint-ventures-what-enough>
- Joint venture policy link <https://www.reacpa.com/wp-content/uploads/2015/02/sample-policies-joint-venture-2008.pdf>
- Sample Public Relations and Media Policy <https://www.ypsilibrary.org/about/policies/library-public-relations-and-media-policy/>
- National Council of Nonprofits. "Good Governance Policies for Nonprofits" <https://www.councilofnonprofits.org/tools-resources/good-governance-policies-nonprofits>
- Maine Association of Nonprofits <https://www.nonprofitmaine.org/>



**SAMPLE BOARD OF TRUSTEES AND LIBRARY EMPLOYEE
CONFLICT OF INTEREST POLICY**

Officers, Board Members and Employees

No Board member or committee member of the Anytown Public Library shall derive any personal profit or gain, directly or indirectly, by reason of his or her participation on the Board. Other than compensation, no employee shall derive any personal profit or gain, directly or indirectly, by reason of his or her employment by the Anytown Public Library except through activities that may facilitate professional advancement or contribute to the profession such as publications and professional service and have been fully disclosed to the Board.

Each individual shall disclose annually to the Board any personal interest which he or she may have in any matter pending before the Board and shall refrain from participation in any decision on such matter.

Members of Anytown Public Library Board, committees, and staff shall refrain from obtaining any list of library patrons that results in personal benefit.

Statement of Associations

This is to certify that I, except as described on the reverse of this sheet, am not now nor at any time during the past year have been:

A participant, directly or indirectly, in any arrangement, agreement, investment, or other activity with any vendor, supplier, or other party doing business with Anytown Public Library that has resulted or could result in personal benefit to me.

Any exceptions to the above are stated on the reverse of this sheet with a full description of the transactions, whether direct or indirect, which I have (or have had during the past year) with persons or organizations having transactions with Anytown Public Library.

Signature: _____

Printed name: _____

Position with Library: _____

Date: _____

Sample Board Bylaws for Governing Boards

Below are sample library board bylaws that can be adapted to local library use. (**Note:** Material in brackets [] is for purposes of explanation and should be removed from the final bylaws approved by the board.)

Article I. Identification

This organization is the Board of Trustees of the _____
Library, located in _____ Maine.

Article II. Membership

Section 1. Appointments and Terms of Office. The board shall consist of . . . members who shall be elected/appointed by . . . and shall serve for a term of . . . years.

Section 2. Meeting Attendance. Members shall be expected to attend all meetings except as they are prevented by a valid reason.

Article III. Officers

Section 1. The officers shall be a president, a vice president, a secretary, and a treasurer, elected from among the appointed trustees at the annual meeting of the Board. No member shall hold more than one office at a time. No member shall be eligible to serve more than two consecutive terms in the same office. Vacancies in office shall be filled by vote at the next regular meeting of the Board after the vacancy occurs.

Section 2. A nominating committee shall be appointed by the president three months prior to the annual meeting and shall present a slate of officers at the annual meeting. Additional nominations may be made from the floor at that time.

Section 3. Officers shall serve a term of one year from the annual meeting at which they are elected and until their successors are duly elected.

Section 4. The president shall preside at meetings of the Board, authorize calls for special meetings, appoint all committees, execute all documents authorized by the Board, serve as an ex-officio voting member of all committees except the nominating committee, co-sign all checks drawn on funds held in custody of the library (independently of the municipality), and generally perform all duties associated with the office of president.

Section 5. The vice president, in the event of the absence or disability of the president, or of a vacancy in that office, shall assume and perform the duties and functions of the president.

Section 6. The secretary shall keep true and accurate minutes of all meetings of the Board, shall issue notice of all regular and special meetings, and shall perform such other duties as are generally associated with the office of secretary. The library director or a member of the staff may be designated by the Board to perform any or all of the above duties.

Section 7. The treasurer shall co-sign all checks drawn on funds held by the library, sign all bills/invoices for disbursements from the library fund, and perform such duties as are generally assigned to the office. The treasurer shall be bonded in an amount as may be required by a resolution of the Board, and not less than the value of any property held by him or her. The treasurer shall make monthly reports to the Board showing in detail the amount and investment of, and income and disbursements from, the funds in his or her charge.

Article IV. Meetings

Section 1. Regular Meetings. The regular meetings shall be held each month, the date and hour to be set by the Board at its annual meeting.

Section 2. Annual Meeting. The annual meeting, which shall be for the purpose of the election of officers, shall be held at the time of the regular meeting in _____ (month) of each year.

Section 3. Agendas and Notices. Meeting agendas and notices shall indicate the time, date, and place of the meeting and indicate all subject matters intended for consideration at the meeting.

Section 4. Minutes. Minutes of all meetings shall, at a minimum, indicate board members present, all items of business, all motions (except those that were withdrawn), and the result of all votes taken. Current board minutes shall be posted on a bulletin board in the library and at the library's website.

Section 5. Special Meetings. Special meetings may be called at the direction of the president and shall be called at the written request of _____ members, for the transaction of business as stated in the call for the meeting. Except in cases of emergency, at least 48 hours notice shall be given. In no case may less than two hours' notice be given.

Section 6. Quorum. A quorum for the transaction of business at any meeting shall consist of _____ members of the Board attending the meeting.

Section 7. Open Meetings Law Compliance. All Board meetings and all committee meetings shall be held in compliance with Maine's Open Meeting Law as it applies to your type of library. (Consult your attorney for clarification).

Section 8. Parliamentary Authority. The rules contained in Robert's Rules of Order, latest revised edition [or The Standard Code of Parliamentary Procedure by Alice F. Sturgis], shall govern the parliamentary procedure of the meetings, in all cases in which they are not inconsistent with these bylaws and any statutes applicable to this Board.

Article V. Committees

Section 1. Standing Committees. The following committees: _____, shall be appointed by the president promptly after the annual meeting and shall make recommendations to the Board as pertinent to Board meeting agenda items. [Examples of possible standing committees are Finance, Governance, and Development].

Section 2. Nominating Committee. (See Article III, Section 2.)

Section 3. Ad Hoc Committees. Ad hoc committees for the study of special problems or accomplishment of special tasks shall be appointed by the president, with the approval of the Board, to serve until the final report of the work for which they were appointed has been filed. These committees may also include staff and public representatives, as well as outside experts. [Examples of possible ad hoc committees are Planning and New Director Search.]

Section 4. No committee shall have other than advisory powers.

Article VI. Duties of the Board of Trustees

Section 1. Legal responsibility for the operation of the _____ Public Library is vested in the Board of Trustees. Subject to state and federal law, the Board has the power and duty to determine rules and regulations governing library operations and services.

Section 2. The Board shall select, appoint and supervise a properly certified and competent library director, and determine the duties and compensation of all library employees.

Section 3. The Board shall approve the budget and make sure that adequate funds are provided to finance the approved budget.

Section 4. The Board shall implement internal financial controls for all moneys collected, donated or appropriated for the library fund and shall review and approve library expenditures.

Section 5. The Board shall 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.

Section 6. The Board shall study and support legislation that will bring about the greatest good to the greatest number of library users.

Section 7. The Board shall cooperate with other public officials and boards and maintain vital public relations.

Section 8. The Board shall remain aware of programs and services offered by the library and submit annual reports to the municipality and state library commission as required.

Article VII. Library Director

The library director shall be appointed by the Board of Trustees and shall be responsible to the Board. The library director shall be considered the executive officer of the library under the direction and review of the Board, and subject to the policies established by the Board. The director shall act as technical advisor to the Board. The director shall be invited to attend all Board meetings (but may be excused from executive sessions) and shall have no vote.

Article VIII. Conflict of Interest

Section 1. Board members may not in their private capacity negotiate, bid for, or enter into a contract with the _____ Public Library in which they have a direct or indirect financial interest.

Section 2. A board member shall withdraw from Board discussion, deliberation, and vote on any matter in which the Board member, an immediate family member, or an organization with which the Board member is associated has a substantial financial interest.

Section 3. A board member may not receive anything of value that could reasonably be expected to influence his or her vote or other official action.

Article IX. General

Section 1. An affirmative vote of the majority of all members of the Board present at the time shall be necessary to approve any action before the Board. The president may vote upon and may move or second a proposal before the Board.

Section 2. Any rule or resolution of the Board, whether contained in these bylaws or otherwise, may be suspended temporarily in connection with business at hand, but such suspension, to be valid, may be taken only at a meeting at which two-thirds (_____) of the members of the Board are present and two-thirds of those present so approve.

Section 3. These bylaws may be amended at any regular meeting of the Board by majority vote of all members of the Board, provided written notice of the proposed amendment shall have been mailed to all members at least ten days prior to the meeting at which such action is proposed to be taken. Adopted by the Board of Trustees of the _____ Library on the ____ day of _____.

Article X. Dissolution

In the event of dissolution of the library, the board of trustees shall, after paying and making provisions for the payment of all liabilities, distribute all the assets of the corporation over to an organization dedicated to charitable and/or educational purposes and which has been recognized as a 501(c)(3) organization by the Internal Revenue Service.

General Outline for **Advisory Board MOA**

ARTICLE I

Name

As authorized by the (City, Town) Charter _____ ,
Ordinance number _____ , or MOA (Memorandum of
Agreement) dated _____ this body shall be known as the
_____ Public Library Advisory Board.

ARTICLE II

Meetings

Section 1.

The regular meeting of the library board shall be held at a time designated by the board in the library or such other place as the board may determine.

Section 2.

Special meetings may be called by the chair or at the call of any two members of the board, provided that notice thereof be given to all board members and the library director.

Section 3.

A simple majority of the members shall constitute a quorum at all meetings of the board. A meeting may be held without a quorum but is identified as such in minutes and board communiques.

Section 4.

All questions presented for a vote of the library board shall be decided by a simple majority of the quorum. *(The vote may or may not include the vote of the chair.)*

Section 5.

Any member of the board who misses three consecutive meetings without good cause shall be deemed to have resigned, and the board will recommend to the governing entity that a replacement be appointed for the balance of the unexpired term. *(The board should determine, in consultation with the library director, if board members appointed to fill out terms are then eligible for appointment to the board given term limits.)*

Section 6.

Board business should be conducted according to parliamentary procedure or rules of order. The process should be chosen by the board and the latest edition of the rules should be used to conduct business in all business meetings and board forums. *(Boards should*

work within the town structure to determine if specific parliamentary rules are required or if they may choose another.)

ARTICLE III

Officers

Section 1.

The officers of the board shall be a chairperson, vice-chairperson and a secretary.

Section 2.

Officers shall be elected and take office at the first regular meeting after new board members have been appointed and sworn in.

Section 3.

Vacancies in office shall be handled as follows:

- (a) In the event of resignation or incapacity of the chair, the vice-chair shall become the chair for the unexpired portion of the term.
- (b) Vacancies of officers other than the chair shall be filled for the unexpired term by special election.

Section 4.

Duties of the officers shall be as follows:

(a) Chair

- Presides at all meetings
- Represents the library board at public functions of the town and at events such as special library events, local, state or national advocacy activities for the library or for local, state or national association activities
- Appoint standing, special or ad hoc committees
- Assist the library director in establishing the agenda for each meeting. Agenda items requested by any board member should be included.
- Liaison with the governing entity regarding library issues.

(b) Vice-Chair

- Assist the chair in directing the affairs of the board and act in the chair's absence
- Serve as chair of ad hoc or special committees or projects such as chair of an advocacy initiative.

(c) Secretary

- Be responsible for the accuracy and posting of the minutes of the board meetings and bring any corrections to the attention of the board at its next meeting. The secretary shall sign the approved minutes and complete recordkeeping activities as required by the town.

ARTICLE IV

Committees

Committees may be appointed for completing regular business of the board and/or special purposes by the chair and by special request of the library director or the governing authority. Committees, following requests, are formed with the consent of the majority of the board. All committees will have at least one library member serving on them. Standing committees are typically formed annually and reviewed for continuation annually. Ad hoc or special committees are automatically dissolved upon completion of the activity or project.

ARTICLE V

Librarian

The library director serves as an ex-officio member of the board.

ARTICLE VI

Powers and duties of board members

Library board members provide opinion, support and expertise as needed, but do not have governing authority. Board members shall:

- (a) Abide by applicable ordinances of the Town of _____.
- (b) Act in an advisory capacity to the library director and the (select board, city council, city manager) of _____ Town.
- (c) Review existing policies and recommend new ones to govern the operation and program of the library
- (d) Review the Public Library Annual Report and Maine Public Library Standards each year for the purpose of assessment, strategic planning and advocacy
- (e) Assist in strategic planning
- (f) Provide opinion and guidance, as appropriate, for special issues to include, but not be limited to, new facilities, the expansion of existing library facilities, and the performance evaluation of the library director.
- (g) Provide opinion and guidance, as appropriate, for new library services
- (h) Assist in interpreting the policies and functions of the library to the public

- (i) Encourage in every possible way the development and advancement of the public library at local, regional, state and national levels
- (j) Participate in advocacy initiatives including, but not limited to, local issues, including funding issues and requests, state advocacy requests, and federal advocacy initiatives.

ARTICLE VII

Amendments Section

These bylaws may be amended by a majority vote at any regular meeting, provided all members have been notified of the proposed amendment at least _____ days prior to such a meeting. Such amendment would then be subject to the approval of the town.

Sample General Memorandum of Understanding (MOU)

Town of ABC

XYZ Library

Memorandum of Understanding

The Town of _____ (the Town) and the _____ Library (the Library) both acknowledge that the two organizations serve the same constituency and have the same goals and objectives. Both organizations want to maximize service to the _____ residents and patrons of the Library.

The Town and the Library also acknowledge that the Town has the capacity to provide certain services that the Library needs. Examples of these services include payroll processing and accounts payable processing. Both organizations acknowledge that there are potential dollar savings and other benefits to having the Town perform certain functions for the Library.

The Town and the Library now agree to the following arrangements for services:

1. The Town will process all payroll related functions for employees at the Library. This is intended to include regular payroll processing as currently provided to Town employees, officials and other entities with similar memorandums of understanding. This includes but is not limited to regular paycheck processing, direct deposit, tax deposits, necessary and selected deductions and any other service that may be appropriate.
2. The Town will process accounts payable upon receipt of coded invoices from the Library. The Library will have full authority over purchasing decisions. On an as-needed basis, the Town will pay out on manual checks invoices that need to be paid prior to the regular processing of an AP warrant.
3. The employees of the Library remain under the control and direction of the Board of Trustees of the Library.
4. This memorandum of understanding is considered to be in place until such time that either the Town or the Library chooses to modify or discontinue the terms of the agreement. Any modification will be subject to mutual agreement. Either the Town or the Library may choose to discontinue the terms

of this agreement. In the event of termination of the agreement, the entity wishing to terminate will provide 60 day notice.

Town Manager Date

Library Board President/Chair Date

Sample General Memorandum of Understanding #2

MEMORANDUM OF UNDERSTANDING (MOU)

By and Between

THE XYZ MEMORIAL LIBRARY ASSOCIATION

and

THE TOWN OF _____

The XYZ Memorial Library Association by and through its Board of Trustees ["XYZLA/Trustees"], and The Town of _____, a municipal corporation under the laws of the State of Maine [the "Town"] hereby enter into this agreement to set forth the understanding of the XYZLA/Trustees and Town with respect to management and operation of the XYZ Memorial Library [MOU].

I. BACKGROUND

A public library board is responsible to serve the community's interest by providing the planning, management oversight, policies and financial resources that will ensure the best possible library service. A public library director organizes and administers the day-to-day operation of a library within that framework.

The XYZLA/Trustees is a nonprofit corporation that leases the library building from the Town for the purpose of operating the XYZ Memorial Library (a public library). The mission of the XYZLA/Trustees is to manage and operate the XYZ Memorial Library that provides materials and services to meet the informational, educational, technological, cultural and recreational needs of people of all ages. It serves as a community commons and a lifelong learning center. The Town supports the XYZ Memorial Library as established by the lease (Exhibit A.)

The Board of Trustees is the Governing Board of the library, is responsible for all library operations and funds the library's collections and services to the public. The Board of Trustees has ultimate accountability for the management of the library and must monitor and evaluate its effectiveness. The Board of Trustees works with the Director of the library in a variety of ways including, but not limited to, collaborating, soliciting professional expertise and providing guidance and direction, all within the context of the management of library operations to ensure the XYZLA/Trustees' mission and policies are fulfilled.

II. PURPOSE & SCOPE

The purpose of this MOU is to clearly identify the roles and responsibilities of the XYZLA/Trustees and the Town to ensure library operations are consistent with the mission and policies of the XYZLA/Trustees.

- i. The Library Director and library staff are employed and supervised by the Town under the conditions specified in the Town Personnel Policy Manual. The Town and XYZLA/Trustees acknowledge and understand the Library Director and library staff are not employees of the XYZLA/Trustees.
- ii. The Library Director also serves to fulfill the mission and policies of the XYZLA/ Trustees with guidance and direction supplied by the Board of Trustees.
- iii. The Town and the XYZLA/Trustees acknowledge that they have agreed to provide and/or fund services and/or responsibilities for the library as established in a Lease between the Town of _____ and the XYZLA/Trustees, a copy of which is attached hereto as Exhibit A and incorporated herein.
- iv. It is the responsibility of both the XYZLA/Trustees and the Town to ensure that the library operates in compliance with all applicable Federal, State and Municipal laws, rules, and regulations including the Freedom of Access Act (FOAA).

III. RESPONSIBILITIES UNDER THIS MOU

The XYZLA/Trustees shall:

- i. Establish and approve all policies that govern library operations.
- ii. Establish the hours the library is open to the public.
- iii. Establish the working hours of the library as defined in the Town Personnel Policy Manual, Section 12-100 to provide operational efficiency and support the goals of library service delivery.
- iv. Select and recommend a Library Director who meets the criteria set forth in that job description developed by the Board of Trustees and approved by the Board of Selectmen for confirmation by the Board of Selectmen.
- v. Recommend other library staff for confirmation by the Town Manager.

- vi. Provide direction and management oversight with respect to library operations.
- vii. Support and assess the performance of the Library Director on an annual basis and provide a copy to the Town manager.
- viii. Provide written documentation to the Town Manager of any issue not successfully resolved between the Board of Trustees and the Library Director.
- ix. Offer education opportunities to Library staff, beyond the Town-mandated employee training described in Section 5 of the Town Personnel Policy Manual. Library-related training and education is the responsibility of the XYZLA/Trustees, which approves all requests and pays all fees and travel expenses.
- x. Affirm that it is the responsibility of the XYZLA/Trustees to pay for all approved library related expenses incurred by library staff in the normal course of their work.
- xi. Approve, monitor and strengthen library programs and services.
- xii. Ensure adequate financial resources, protect assets and provide proper financial supervision and oversight.
- xiii. Promote the library in the community.
- xiv. Maintain open communications and relationships with Town administration.

The Town shall:

- i. Provide necessary library personnel to support the schedule of public opening hours in order to provide fall library service in a safe and efficient environment.
- ii. Ensure good communication between the Town and the Board of XYZLA/Trustees by informing the President of the Board of Trustees in a timely fashion of any concerns of the Town Manager, library-related complaints from any source and any other business involving the library or the Board of Trustees.
- iii. Be responsible for reimbursement of expenses incurred by library staff in the performance of the Town business at the direction of the Town Manager, in compliance with the Town Personnel Policy Manual Section 6-400.
- iv. Maintain open communications and relationships with The Board of Trustees.

IV. EFFECTIVE DATE; TERMINATION; MODIFICATION

This MOU shall be effective upon the last date stated below and shall remain in full force and effect until terminated in writing by the XYZLA/Trustees or Town or until 1/1/19, whichever is sooner. Any modification to this MOU shall be in writing and approved by both the XYZLA/Trustees and Town.

XYZ MEMORIAL LIBRARY ASSOCIATION

Chair: XYZ Library Association
Date: _____

TOWN OF _____

Chair: Board of Selectmen
Date: _____

MOU XYZ Memorial Library Association and Town of _____ July 2014

7

CHAPTER SEVEN

Effective Board Meetings and Trustee Participation

[Disclaimer: *The information in this handbook is not legal advice. We recommend that you consult an attorney if you have any questions about how the laws apply to your library.*]

Preparation is Key

To a great extent, the work done before each library board meeting will determine the effectiveness of the board. *While this chapter will be most helpful to nonprofit governing boards, many of the recommendations will benefit advisory boards as well. Simply adapt the sample agendas to your board's needs and responsibilities.*

The board chair and library director need to work together in preparing materials to be sent out to board members before each meeting. Typically, the library director will contact the library board chair to discuss planned agenda subjects (including any items required because of previous board action). (See attached Sample Board Meeting Agenda.) The board chair is given the opportunity to add agenda items. Board members wishing to have an item brought before the board should contact their board chair.

The library director is usually delegated the responsibility for drafting the agenda and other materials to be included in the board mailing. Providing detailed written information to the board before meetings allows board members time to consider carefully the issues to be discussed at the meeting. In addition, mailing written reports to the board prior to the meeting (such as the director's report and any committee reports) will save valuable meeting time for board questions and discussion.

Board members can contribute best if they have taken the time to adequately study the agenda and background materials before each meeting. The board's authority to manage the affairs of the library is a collective authority: Individual trustees, regardless of their position on the board, do not have the power to direct the work of a library staff member, nor to speak or act on behalf of the library unless they have been specifically granted that authority by a vote of the board.

An important corollary to this concept of collective authority is the need for the board to speak with one voice once a decision has been made. Debate, discussion, and even disagreement over an issue are an important part of policy development and the decision-making process. However, every trustee has an ethical obligation to publicly support an adopted board decision.

The First Amendment protects the rights of a trustee who disagrees so strongly with a board decision that he or she must speak out publicly against it. However, in such instances the individual must make it clear to all concerned that they do not represent the library and, indeed, may wish to seriously consider resigning from the board if such action interferes with their ability to effectively fulfill their responsibilities as a trustee.

Library Board Meetings

Meetings are conducted under the rules set forth in the library's by-laws. In order for all trustees to be properly prepared for the meeting, a packet should be mailed or e-mailed to them no less than one week before the meeting date. Library board meeting places and times should also be posted publicly in accordance with **1 MRSA §402 (2)(D)**. The meeting packet typically includes the meeting agenda, minutes of the previous meeting, financial reports, the schedule of bills to be paid [if applicable], proposed actions, committee reports, and the director's report. Background information on the issues before the board should be distributed as well. All trustees are expected to come prepared to participate fully in meeting discussions and actions and to be familiar with the activities of the committees to which they are assigned. Using the talents and skills of every board member creates a more cooperative, congenial, and productive board.

Regular attendance at board meetings is essential. The board Chair and the library director should be notified in advance if attendance is not possible. A trustee who misses meetings frequently might not completely understand the issues at hand, and valuable meeting time can be lost bringing that trustee back up to speed. An uninformed trustee also cannot make the best possible decision when it is time to vote. Your board should consider implementing an attendance policy. It is a good idea to define in the by-laws what constitutes a satisfactory excuse for absence. (Example: "If any trustee shall fail to attend three consecutive meetings without excuse accepted as satisfactory by the trustees, they shall be deemed to have resigned...") Far too often, boards tolerate frequent absences by a board member to the detriment of the board and the library. A successful library

board needs every trustee at every meeting. A trustee who has difficulty in regularly attending meetings might wish to seek other opportunities to help the library rather than serving on the board.

The most effective boards concentrate their time and energy on a few issues that will have a major impact on the library's future. Activities that can be completed by individual trustees outside the meeting (such as reading the minutes) should not take up valuable time at a board meeting.

Richard Chait of the Harvard School of Education, an authority on nonprofit boards, states the key concepts this way:

- Focus the board's attention only on issues that really matter;
- Use the board's time and structure to pursue those issues;
- Be certain that the board has the information it needs at the right time;
- Ensure that the board works as an effective corporate unit.

Your board may want to adopt the practice of using a *consent agenda* to quickly dispense with the routine agenda items, reserving valuable meeting time to address business items. There is a sample consent agenda at the end of this chapter.

At Meetings

Managing an effective meeting is the duty of the board Chair. Effective board meetings can begin with a quick review of the agenda to make sure there is adequate time to cover all items and to modify the order of business if necessary. Effective board meetings move at an appropriate pace. Time for questions and full discussion is allowed, but the Chair makes sure discussion remains focused and decisions are reached. The Chair also needs to ensure that a few members do not dominate discussions, that all members have a chance to be heard, and that accountability for follow-through is assigned as needed. Meetings are managed better with ground rules. Every board should develop/review a list of ground rules at the beginning of each year. The list below provides sample ground rules that various committees have used. Your board may wish to incorporate some of these or develop new ones.

- Start and end meetings on time
- Stay on task; no sidebar conversations
- Come prepared and ready to contribute

- Listen to others and don't interrupt
- Be open to hearing other people's perspectives
- Question assumptions
- Make decisions based on clear information
- Identify actions that result from decisions
- Bring closure to decisions
- Be respectful
- Board members will support committee recommendations
- Confidentiality
- Give specific example
- Attack the problem, not the person
- Minutes are approved by the group
- Capture decisions and action items

Board meetings generally should be completed within two hours. If meetings consistently last longer, issues can be referred to committees or the director for further study or tabled for action at subsequent board meetings. Establish an ending time for the meeting and stick to it.

Effective Decision-Making

It is important to keep in mind that legal responsibility for overall library oversight rests in the library board, not individual trustees. Therefore, it is important for the board Chair to use leadership techniques that promote effective group decision-making on the part of the entire library board, not decision-making by a few board members, or the library director, or any other individual.

Board meetings are the place for you as a collective body to raise questions and make requests of the library director. Individual trustees should never make such requests or demands on their own: You are members of an oversight body and must act as a body. Yet, as an individual trustee, you should not hesitate to raise concerns or questions at board meetings. By raising questions and/or concerns you may help the board avoid rushing into an action without appropriate consideration of all of the ramifications or alternatives.

Closed meetings of the Board of Trustees, also known as Executive Sessions, are only justified and indeed required when discussing the following:

- 1) disciplinary proceedings against a staff member or personnel evaluations;
- 2) considerations of the purchase or lease of property until an option is obtained;
- 3) consultation with legal counsel regarding settlement strategy in connection with specific pending litigation; or
- 4) consideration of specific contents of applications for employment or appointment.

These proceedings are conducted after a motion and vote to go into Executive Session pursuant to the applicable Maine Statute, are not open to any non-board members with the exceptions of the library director as ex-officio and affected personnel, and any discussion conducted is not recorded into the minutes. Any formal motions or actions formed as a result of the closed session should be recorded into the minutes after the meeting has come out of Executive Session.

When dealing with the public or the media, trustees need not feel pressured in having to come to an immediate decision or make an immediate statement on an issue. Remember that what is said in an open regular public meeting can be quoted in the media. A good rule of thumb is to remember that individual board members should never speak for the whole board, and that questions from the media should be referred to the spokesperson for the library, whether it be the Chair of the Board of Trustees or the Library Director.

A “public comment” period during the meeting is not required, but it can be a helpful way for the board to hear about particular public concerns or needs. The board should limit itself to answering basic questions from the public and place any matter on a future meeting agenda if additional discussion or deliberation on the issue is needed.

Continuing Trustee Education in Meetings

Board meetings can be an effective arena for continuing trustee education. For example, time could be set aside at a board meeting to review and discuss one of the sections of the Maine Public Library Standards or a chapter in this handbook. Online webinars on trustee issues are also available on the Maine State Library website. Staff members can be invited to make presentations to inform the board more fully about library operations and services. Outside experts, such as municipal personnel specialists, elected officials, or district consultants, can be invited to make presentations about areas of interest or concern to the library board.

Suggestions for Meeting Agenda Items

Below is a sample board meeting agenda. Maine's open meetings law requires that the meeting notice include the time, date, place, and subjects to be discussed and/or acted upon at the meeting. The consultants at the Maine State Library recommend that *any* library that receives any public funding follow the guidelines set down under this law *Title 1 General provisions, Chapter 13 Subchapter 1 section 401-411*.

XYZ Public Library Board Meeting

Date, Time, Place

AGENDA

- Call to Order - Board Chair
- Roll call and introduction of guests - Board Chair
- Consideration of Agenda
- Public comment period
- Approval of minutes of previous meeting [Provide copy of minutes to board members in advance of the meeting.]
- Director's report and statistical report - Library Director [Provide copy of reports to board members in advance of the meeting.]
- Financial report - Library Director and/or Board Treasurer or Financial Secretary [Provide copy of report to board members in advance of the meeting.]
- Committee reports or other reports [such as a report on legislative or other statewide issues] [Optional—include on agenda only if there is actually something to report]
- Audit and approval of monthly expenditures [if applicable] [Provide list of bills to board members in advance of the meeting.]
- Subject matter of issue to be considered by board [for example, "Consideration of revised library collection development policy"]
- Additional issues to be considered by board [Be reasonably specific about all subject matters to be considered by board.]

- Board continuing education session to be held to review and discuss [for example] library advocacy
- Roll call vote to hold executive session for board consideration of the performance evaluation and compensation of the library director as authorized by _____ [if needed; see “Maine Statutes Authorizing Executive Sessions with Sample Motions” under Additional Resources]
- Reconvene in open session
- Approval of the performance evaluation and compensation of the library director
- Next meeting scheduled
- Adjournment

Note: Please contact _____ at _____ if you need accommodations to attend the meeting. [Include TDD number, if you have one.]

Consent Agenda

A consent agenda is a valuable tool for saving time during meetings. A consent agenda consists of minutes; routine committee and financial reports; board or committee appointments; and updates or correspondence that require no formal action.

Reports or documentation included in the consent agenda should be sent to board members ahead of time to read and formulate any questions. If a board member requests that an item be removed from the consent agenda to be taken up in further detail, the meeting Chair must remove that item and can then decide whether to take it up immediately or further down the full agenda.

Board members must be especially attentive to financial documents and requests made on the consent agenda. The consent agenda is designed to allow several items to be accepted in one action, and it can be too easy for financial discrepancies to slip through unnoticed.

After the Chair or Secretary has read aloud the items of the consent agenda, or remaining items if anything is moved from the consent agenda, the Chair can move to adopt the consent agenda. If there are no objections, the consent agenda is adopted with no vote needed.

Sample Agenda with Consent Agenda

1. Call to Order
2. Introductions
3. Public Comment [This is not required, but it can be helpful for the board to hear about particular public concerns or needs. To avoid open meetings law violations, the board should limit itself to answering basic questions from the public and place the matter on a future meeting agenda if additional discussion or deliberation on the issue is needed.]
4. Consideration of the Agenda [If a board member feels an item requires more discussion it can be removed and dealt with as a separate agenda item.]
5. Consent Agenda
 - a. Minutes of Previous Meeting
 - b. Library Director's Report
 - c. Monthly Financial Update
 - d. Accounts Payable
 - e. Committee Reports
6. Unfinished Business
7. New Business [This might be an appropriate place to go into executive session if needed.]
8. Strategic plan progress
9. Other [Upcoming meetings, programs, sharing of public feedback or other informal news]
10. Adjourn

[**Note:** A meeting may be adjourned by declaration of the Chair when the business on the agenda has concluded, and it does not need a vote.]

Sample Annual Library Board Calendar

Your board may find it helpful to set a fiscal year calendar, noting important reporting dates and target dates for board goals. (**Note:** The time frame for some of the activities listed below may be different for your library and municipality. Your calendar should reflect your own fiscal year. Of course, your annual calendar should list the dates of your monthly library board meetings.)

January

- Director meets with personnel committee to review their annual goals and objectives and for a progress report on their prior year annual goals and objectives [see December].
- Board conducts annual performance review of director.
- January 2: Opening date for providing prior year usage and expenditure statistics to the state (Annual Report). Due April 1.

February

- Nominating committee appointed.
- Appointing authority notified about upcoming expiring board terms and provided with a list of board-recommended appointees.

March

- Annual report reviewed and approved.
- Library long-range plan, capital plan, and technology plan [including equipment upgrade schedule] reviewed and revised, if necessary. Discussion of budgetary implications of plan activities that are scheduled for next year.

April

- April 1. Due date for providing prior year usage and expenditure statistics to the state Public Library Survey (formerly known as the Annual Report).
- Appointments of new board members made.
- Continue discussion of budget goals/needs for next year.

May

- New member board terms begin.
- Orientation sessions held for new board members.
- Board annual meeting held; board officers elected.
- Director provides board with preliminary recommendations for budget priorities for coming year, and recommended adjustments to staff salary schedule. Board discusses, revises (if necessary), and approves preliminary recommendations for budget priorities for coming year.

June

- Director provides board with draft budget for coming year. Board discusses and directs any needed changes.
- Secretary of State annual report

July

- Budget and funding request approved for upcoming year.

August

- Discussion of needed trustee continuing education.

September

- Board representatives attend municipal budget hearings to explain and advocate for budget.

October

- Library policies reviewed and revised, if necessary.
- Trustee continuing education session held during meeting.
- Municipality approves library appropriation.

November

- Budget revised, if necessary, based on actual funding approved.
- Library policies reviewed and revised if necessary.
- Long-range planning committee appointed, if necessary, and given charge and timetable.
- Trustee continuing education session held during meeting.

December

- Director provides board with their annual goals and objectives and progress report on their prior year annual goals and objectives.
- Library policies reviewed and revised, if necessary.
- Trustee continuing education session held during meeting.
- Board Self-Assessment

Additional Resources

- *Roberts Rules of Order*, the official site has interpretations of rules of parliamentary procedures and a FAQ section
www.robertsrules.com
- *The Standard Code of Parliamentary Procedure* by Alice F. Sturgis, revised by the American Institute of Parliamentarians
- Trustee Training Videos (Maine State Library Website)
www.maine.gov/msl/libs/admin/trustees.htm
- Maine Public Library Standards
www.maine.gov/msl/libs/standards/
- Maine Revised Statutes Chapter 13: Public Records and Proceedings
<https://www.mainelegislature.org/legis/statutes/1/title1sec402.html>
- Maine Statutes Authorizing Executive Sessions with Sample Motions
<http://www.bivc.net/docs/Policies/113%20Statutory%20Citations%20for%20Executive%20Session.pdf>
- “What is a Consent Agenda?”
<https://www.boardeffect.com/blog/what-is-a-consent-agenda-for-a-board-meeting/#:~:text=A%20consent%20agenda%20is%20a,minutes%20to%20a%20half%20hour>



8

CHAPTER EIGHT

The Trustee Job Description

[Disclaimer: *The information in this handbook is not legal advice. We recommend that you consult an attorney if you have any questions about how the laws apply to your library.*]

A board that is representative of the whole community with the skills and knowledge it needs to guide the library into the future will ensure the sustainability of the library and better meet the community's evolving needs. Because each library trustee plays an essential role in the success of the library, it is important to recruit the appropriate people with the necessary skills, attitudes, and connections to serve on the board. With the help of the library director, brainstorm community members who might have knowledge in certain areas like:

- Law
- Finances
- Fundraising
- Public relations/marketing/advocacy
- Education
- Business/economic development
- Local and state government
- STEM and the Arts

Also, consider library partners and influential community group members who can represent a range of residents within gender and age groups, and diverse cultures and philosophies, as well as people who are effective communicators, consensus-builders, visionaries, and strategists.

The information below can be used as a “trustee job description” for someone interested in serving on the library board.

General Function

To participate as a member of a team (the library board) to protect and advance the interests of the broader community by effectively overseeing the operations and promoting the development of the local public library.

Qualifications

- Serious commitment to serving as a library trustee
- Serious commitment to the provision of library services within your community
- Ability to attend regularly scheduled board meetings and be an active member of the library board
- Willingness to become familiar with Maine library law, standards for libraries, and principles and practices for ensuring that the library provides broad and equitable access to the knowledge, information, and diversity of ideas needed by community residents
- Commitment to freedom of expression and inquiry for all people

Principal Activities

1. Prepare for and attend regular board meetings.

The library board meeting will be the primary opportunity for you to contribute to the development of your library. To get the most from the meetings, and to be able to share your skills and knowledge, you must attend each meeting after having read and thought about the issues and topics that will be discussed. While you and your fellow trustees are busy people, it is important that the full board meet on at least a quarterly basis to conduct business. The bylaws should indicate how often the board meets. You can contribute to the library by encouraging regular meetings and assuring that the meetings are properly noticed in accordance with Maine's open meetings law [1 MRSA §402].

2. Work with the municipal governing body to obtain adequate library funding. Assist in the review and approval of the annual budget and monthly expenditures as presented by the library director.

One of the library board's most important responsibilities is to work to obtain adequate financial support so that the library can provide a meaningful program of services for the residents of the area. As a trustee, your focus should be on those services and what is required to provide them to the public in the most beneficial manner. Once a determination is made as to how much money will be needed, the request must be

carefully and accurately prepared and then presented to the municipal governing body [i.e. the select board or the city council]. Trustees should attend the governing body meetings when budget requests are presented so that they can answer questions about need and account for how previous appropriations benefited the citizens and the community. After municipal funding has been approved, the library board must monitor the use of these public funds to ensure that they provide what was intended.

3. Participate in the development and approval of library policies. Review policies on a regular, systematic schedule.

Certainly, the money is important to pay staff, buy materials, and maintain the facilities, but a library cannot operate successfully without policies that ensure consistent and equitable treatment of all users while at the same time protecting the resources of the institution. Developing and adopting these policies is another important responsibility of a library board.

Each trustee acts as a contact with other members of the community and has the chance to hear about concerns or desires relating to the library. The comments you receive from the public can help you and the other members of the board address the community standards through thoughtful and fair policies. Understanding the feelings of community members and the challenges the staff face in operating the library can prepare you to participate with other board members and the director in defending policies that might provoke controversy. As needs, processes, and services change within the library, there will be a need to review, revise, and add policies. It can be helpful for the board to establish a routine procedure for reviewing policies to be sure that they remain current. This is often accomplished by the board looking at individual policies at meetings throughout the year.

4. Help determine and advocate for reasonable staff salaries and benefits.

If the library is to offer meaningful and accessible services to the residents of your community, it should have a trained library director and other capable assistants to provide those services. To attract capable employees, and to keep them once they are hired and oriented, it will be crucial that the library board offer or advocate for reasonable and competitive compensation, including wages and benefits like health insurance, retirement, sick leave, and vacation. By providing adequate compensation for staff, the library board will help local officials and the public in general to understand the importance of the library and the complexity of the tasks involved with providing good library services.

5. If you are a governing board you will hire, supervise, and evaluate the library director.

There might come a time when the library board must hire a new director. If this is required, deciding how the process is conducted and who is finally selected will be among the most important decisions a library board will ever make. A library director can be around for many years and have a significant impact on the tone and quality of library service. In the one-person library, the library director often becomes the personification of the entire institution. Therefore, it is important that this task be given serious consideration and that each trustee take an active role in selecting and then welcoming and orienting the new director. Finally, in order to ensure that you do not have to go through this process unnecessarily, the library board needs to establish a regular procedure and schedule for assessing the performance of the director and providing suggestions for improvements.

Your willingness as a trustee to participate in these processes will greatly contribute to the library's overall effectiveness.

Advisory boards are often asked to take part in hiring a new director, but the final decision on hiring, firing, and evaluating the library director falls under the responsibility of the town/city officials.

6. Study the needs and interests of the community and see that they are addressed, as appropriate, by the library.

As a community liaison, you are in a unique position to survey the community, learn of its needs and wants, and include those

interests in discussions relating to library development. This opportunity and responsibility are satisfied at an informal and formal level. At a minimum, the board should do a formal community needs assessment every five years.

Informally, just being visible and accessible as a library trustee and communicating with your neighbors will allow you to gather important information about how the library can help its users. In a more formal fashion, the library board may decide to conduct a community survey and/or call together a focus group to help it pinpoint important issues.

Active participation by each trustee at both levels will be invaluable to the library's progress.

7. Act as an advocate for the library through contacts with civic groups and public officials.

Gathering information on community needs will certainly put you in contact with your community; the purpose of that activity is to focus development energies. Other kinds of contacts are also important, however, and their purposes will be to raise awareness of the library and promote its services. It has been written that the core of effective politics is the building of rapport. Since local politics are personal, your contacts on behalf of the library with public officials from the municipality, the county, and the state will advance the cause of your institution. In the same way, building rapport and networking with civic and service groups will advance your cause with your users and potential individual supporters. This is an area where an individual trustee can directly help the library in a significant way.

8. Become familiar with principles and issues relating to intellectual freedom and equitable provision of public library services.

Public libraries in our country and state are founded on the principle that for a democracy to function properly, it must have an educated electorate, and to be educated, people must have free access to the broadest possible array of information and ideas. Libraries, along with other institutions such as the press and the judiciary, have long stood as protectors of the individual's right to have the information that they require to thrive in and contribute to society. Disregarding these basic rights, sometimes people seek to limit the access of others to

certain ideas and presentations. It is a responsibility of the library board, and each member of that board, to make a commitment to the community's freedom of inquiry and expression, and to be prepared to address calmly and respectfully the challenges that might come before you. While the board must have a carefully devised process for addressing challenges and speak in a single voice on censorship issues to the public and the media, it is up to you as a trustee to take the time to become informed about the principles and issues. While it is said that a public library without something to offend everyone is not doing its job, it is not the job of the library board to offend, but rather to defend the rights of each citizen to search for the truth through their own journey. The nation's and the library's future rely on unrestricted access to information.

9. Assist in the formulation and adoption of a long-range plan for the library. Periodically review and revise long-range plan.

Working through the budget process, developing policies, studying community needs, and making contacts with individuals and groups prepares you for the valuable process of formulating plans for the library's future. Your library might be accomplishing great things already, but as the world changes, the library must change with it. Trustees, as the citizen representatives with detailed information about how the library functions, are in an ideal position to assist with planning. Your important role in planning will be to investigate, along with the library director, different planning options and then decide on the most appropriate process for your library. If additional resources are required to fulfill the plans, you can also help to establish the amount and identify sources. Finally, once proposed plans are approved by the full board, you can continue to participate by being active in the annual review of the library's plan, during which you can suggest to the board revisions that will keep the library on course. A plan is a means to an end, and it will be the active participation of each trustee in the planning process that will offer ongoing strength and insight to the library board as it pursues its responsibility for library development.

10. Attend Maine Library Association conferences, regional system workshops, and other training

opportunities in order to expand knowledge of effective leadership.

As you have probably concluded by now, the library trustee's job is complex and demanding. At the same time, though, it can be stimulating and exceedingly rewarding. One way to maintain energy and enthusiasm, as well as to increase understanding of library trusteeship, is to participate in the various opportunities for education that are available to trustees. Another method for gaining insights and ideas -- and also a great way to rejuvenate the spirit and not feel alone in the challenges you face -- is to get involved in the Maine Library Association (MLA). The network of friends that can be developed through MLA will keep you interested and vital; your participation in the association will strengthen the statewide library community, and that, in turn, will help your library as well.

Checklist for Effective Library Trustees

- Be active and informed about library matters in general and of those affecting your library. Ask questions of the director and study the issues.
- Attend all board meetings and be fully prepared to participate knowledgeably.
- Question issues until you understand. Don't be reluctant to vote "no" on a proposal you don't understand or are uncomfortable about.
- Be a team player and treat your fellow board members with respect.
- Support board decisions even if you disagree. It is your responsibility to ask questions, to be as informed as possible, and to discuss openly in order to come as close to consensus as possible. A democracy works by the rule of the majority. Seek reconsideration in the future if circumstances change.
- Understand the roles of all involved - the board, director, staff, Friends, patrons, etc.
- Conflicts of interest by any board member are the concern of all members of the board. A trustee or family member may not receive any gain, tangible or intangible, in dealing with the library.
- Advocate for the library in every manner possible.

- Support competitive salaries in order to attract and retain qualified staff.
- Appropriate compensation is a direct measure of the commitment and respect a community has for the institution and its staff.
- Understand and respect the role of the director and support the director's administrative decisions.

Always remember that your job is to provide the highest quality library service possible for your community.

BOARD MEMBER REPRESENTATION

[Make notes on potential recruits to the board based on what skills and connections they can bring to benefit library operations and sustainability efforts]

REPRESENTING	CURRENT	POTENTIAL	CANDIDATES
Customer/Patron /Community Connection			
Business/ Strategic Planning			
Finance			
Legal			
Education			
Public Sector/ Nonprofit orgs			
Families			
Public Relations/ Marketing			
Health/ Wellness			
Government/ Leadership			
Technology			
Arts/ Culture/ Diversity			
Human Resources			

Additional Resources

- The Maine State Library website www.maine.gov/msl/
- United for Libraries www.ala.org/united/
- The Trustee Listserv MELIB-Trustee@lists.maine.edu
- Maine State Library Continuing Education Calendar
[https://maine-
msl.libcal.com/calendar?cid=10791&t=m&d=0000-00-
00&cal=10791&inc=0](https://maine-msl.libcal.com/calendar?cid=10791&t=m&d=0000-00-00&cal=10791&inc=0)



9

CHAPTER NINE

New Trustee Orientation and Board Development

[**Disclaimer:** *The information in this handbook is not legal advice. We recommend that you consult an attorney if you have any questions about how the laws apply to your library.*]

Trustee Orientation

To carry out their duties effectively, new trustees need information about the library's services, needs, and plans. They also need some understanding of the legal responsibilities of the library board and the relationship of the board to the municipality, and to the library director and other library staff. A good orientation will provide new trustees with the answers they need to undertake their duties confidently.

The orientation program should be planned step by step by the library board, with the assistance of the library director. Orientation should start as soon as possible after the new board member is appointed or elected—before the first meeting, if possible. See the attached *Sample Trustee Orientation Outline* for ideas.

Trustee Continuing Education

Even the most knowledgeable and experienced library trustee needs continuing education to stay informed about new laws, new technologies, and new possibilities for library service. Library services and library policies must constantly change to keep pace with changing community needs, new laws, and new technologies. Library leaders, including library trustees, who stay informed on these changes will be better able to provide high-quality library service to their community.

Probably the most valuable type of continuing education experience for trustees is attendance at regional or statewide workshops or at conferences such as the annual Maine Libraries Conference or regional trustee forums. One of the most rewarding aspects of regional and statewide workshops is the opportunity to share experiences and ideas with trustees from other libraries. Information about these

forums and conferences is available at the Maine State Library website or through your State Library regional liaison.

Because trustees are busy people with many commitments, it may be difficult to find the time to participate in many workshops and conferences. Fortunately, there are many other ways to learn and stay informed. The Maine State Library provides access to many in-person and online workshops for staff and trustees to learn about a variety of library issues. These can be accessed for free via the Maine State Library Event Calendar [<https://maine-msl.libcal.com/calendar?cid=10791&t=m&d=0000-00-00&cal=10791&inc=0>] and Voluntary Public Library Certification Program www.maine.gov/msl/libs/ce/libcert.shtml. You do not have to work towards a library certificate to view any workshops of interest.

Many of these workshops don't require special access but if you have any questions, contact your regional liaison to set up access to these online workshops.

United for Libraries [www.ala.org/united/training/webinars] also offers free and fee-based training programs.

Library News and Continuing Education Opportunities

Your state library website and e-mail discussion lists are great sources of regional and statewide library news and education opportunities.

For instructions on how to subscribe to various library-related e-mail lists, go to www.maine.gov/msl/libs/listservs.htm and choose the lists you which to join. We recommend all trustees join MEINFO-L and MELIB-TRUSTEE to keep up on Maine library news and important announcements for trustees. You can also join ALA's national e-mail list for trustees at <http://lists.ala.org/www/info/trustees> and the one for Friends at <http://lists.ala.org/www/info/friends>.

Membership in the Maine Association of Nonprofits (MANP) www.nonprofitmaine.org/ provides nonprofit board members access to online educational materials as well as opportunities to attend relevant workshops on various aspects of operating nonprofit organizations. MANP also has staff who can offer advice on nonprofit legal and financial matters. MANP is an organizational membership.

Your library regional liaison is also a great source of information on how you can learn more about library and board operations and how to better advocate for your community library.

Other Continuing Education Ideas

Brief continuing education sessions can be held during library board meetings. This is a way to reach every trustee on the board and also a way to involve the board in brainstorming or problem-solving discussions on issues that may be important to the library. Short videos on library trustee topics are available at the Maine State Library website www.maine.gov/msl/libs/admin/trustees.htm. You can also ask your regional liaison about videos offered through the state library's Niche Academy.

The chapters that make up this handbook (https://www.maine.gov/msl/libs/admin/trustee_handbook.shtml) can be used for short continuing education sessions held during regular or special board meetings. The meeting agenda should alert board members that a particular chapter will be reviewed at the next board meeting. Each board member should read the chapter in advance of the meeting and bring to the meeting any questions or thoughts concerning the issues raised by the chapter. Perhaps a board member with experience on the topic to be covered, the library director, or the library regional liaison or a library development specialist from the Maine State Library could lead the discussion.

Keep in mind that the Maine State Library offers professional consulting services to library staff and boards. These consultants are knowledgeable specialists concerning a wide range of library practices and issues, as well as new laws and new technologies that may be of interest to your library. Consider inviting a library development specialist or other expert to lead a continuing education session at a regular or special board meeting.

Budgeting for Trustee Continuing Education

The annual library budget should include funding for trustee continuing education. Funding should be provided to pay the expenses for trustees to attend library regional workshops and send at least one trustee per year to the annual Maine Libraries Conference. Funding should also be considered for at least one trustee's membership in the national association United for Libraries.

Sample Trustee Orientation Outline

Your library's orientation program can generally follow these steps:

1. The board president (or library director or other board designee) should contact the new trustee to welcome them to the board and schedule the orientation session or sessions.
2. Immediately send the new trustee a packet that includes:
 - a copy of this handbook
 - a copy of meeting ground rules
 - bylaws of the board
 - a list of board members, indicating terms of office and board officers
 - board committee membership lists
 - calendar of upcoming meetings

At a later point, you may also wish to share the following information with the new trustee:

- the library's latest annual report
- the library's long-range/strategic plan and current technology plan (if any)
- the library's policies
- the library's current and previous year's budget
- the board's meeting minutes for the previous six months
- the director's reports for the previous six months
- the latest monthly statistical report and financial report
- an organizational chart of the library staff with names and titles
- the library board's annual calendar, including legal requirements and deadlines
- Maine Revised Statutes Title 27
- copy of the Maine Library Commission's Standards for Public Libraries
- copy of a brochure or other information about Maine's Regional Library System and Maine State Library

3. The orientation should include a tour of the library, with the director, to introduce staff and discuss library programs and services.
4. The orientation should include meetings with the library director (and perhaps a library board representative) to discuss library services, library plans, and other important issues.

A possible plan for the remainder of the orientation program could be as follows:

- a. A meeting/discussion with the library director to learn:
 - how the library is organized and governed
 - how the library is funded
 - how the library is operated day to day
 - how the library serves the needs of the community
 - how the library is linked to other resources, other libraries, and the library system
 - how the library could better serve the community
- b. A meeting/discussion with one or more board representatives to talk about:
 - library board statutory powers and duties (review Chapter 10: Who Runs the Library?)
 - board bylaws, organization, officers, and committees (review Chapter 6: Board Documents)
 - location, schedule, and conduct of meetings (review Chapter 7: Effective Board Meetings and Trustee Participation)
 - responsibilities and expectations of board members (review Chapter 8: The Trustee Job Description)
 - library long-range plans, and the status of activities to meet the objectives of those plans (review Chapter 13: Planning for the Library's Future)
 - recent library accomplishments
 - board relationship to the library director, the library staff, and the municipality (review Chapter 10: Who Runs the Library?)
 - conflict of interest

Board Development

In order to grow as a board member and as a as a body, it is important to first assess and understand where you are. Identifying areas for growth will help you decide which discussions and educational opportunities to focus on first.

On the following pages, several sample board assessments are offered. Feel free to use them as is, or you can adapt one or two to your board. Be honest in your assessment. If you rate “Poor” or score low in some areas, it just means you have identified a good place for goal-setting or strengthening trustee skills.

At the end of the chapter, you will also find additional resources for further board development.

Sample Board Assessment # 1

5 Excellent 4 Good 3 Ave. 2 Fair 1 Poor

Considerations	Rank
Board has full and common understanding of the roles and responsibilities of a board	
Board members understand the organization's mission and its products / programs	
Structural pattern (board, officers, committees, executive and staff) is clear	
Board has clear goals and actions resulting from relevant and realistic strategic planning	
Board attends to policy-related decisions which effectively guide operational activities of staff	
Board receives regular reports on finances/budgets, products/program performance and other important matters	
Board helps set fundraising goals and is actively involved in fundraising (<i>nonprofit-specific</i>)	
Board effectively represents the organization to the community	
Board meetings facilitate focus and progress on important organizational matters	
board regularly monitors and evaluates progress toward strategic goals and product/ program performance	
Board regularly evaluates and develops the chief executive	
Board has approved comprehensive personnel policies which have been reviewed by a qualified professional	
Each member of the board feels involved and interested in the board's work	
All necessary skills, stakeholders and diversity are represented on the board	

Please list the three to five points on which you believe the board should focus its attention in the next year. Be as specific as possible in identifying these points:

- 1.
- 2.
- 3.
- 4.
- 5.

Source: Free Management Library Website
<http://managementhelp.org/boards/documents/bylaws.htm>

Sample Board Assessment # 2

Individual Trustee Report Card

1. Do you understand and respect the different roles and duties of the library director and the trustee board?
 Yes No
2. Have you attended every board meeting and assigned committee meetings since becoming a trustee?
 Every meeting Missed some Occasionally
3. Do you prepare and study the materials necessary to be a well-informed board participant?
 Always Frequently Occasionally Seldom
4. Do you regularly read at least one library periodical and consult relevant books or pamphlets?
 Yes No
5. Do you strive to be aware of the implications of local, state, and national legislation? Do you actively lobby at least on the local and state level?
 Yes No
6. How many library-oriented state and national meetings or library workshops have you attended in the past year?
 6 or more 3 or more 1 or more none
7. How many community events or meetings have you attended as a representative of the library in the last year?
 6 or more 3 or more 1 or more none
8. Do you accompany the director to budget hearings before governing officials and actively work to gain funding from a variety of sources?
 Yes No Sometimes
9. Have you visited your local library in the last month?
 Yes No
10. Have you reviewed the library's policy manual to make sure you understand the rationale for service and need for revision?
 Yes No
11. Have you reviewed the library's goals, objectives, and long-range plan in the past year?
 Yes No

12. When visiting other cities and other states, do you visit the local library?
 Yes No
13. Do you participate in evaluating the library director annually and discussing board expectations?
 Yes No
14. Have you read Maine library laws and reviewed how these laws affect your responsibilities?
 Yes No
15. Are you a current member of any professional library associations?
 Yes No

Sources of Additional Information

- Regional Library Liaison and Specialist contact information
www.maine.gov/msl/libs/districts/
- United for Libraries [Association of Library Trustees, Advocates, Friends and Foundations (ALTAFF)]
www.ala.org/united/
- Maine Association of Nonprofits (MANP)
www.nonprofitmaine.org/
- Maine State Library, Trustees and Friends webpage
www.maine.gov/msl/libs/admin/trustees.htm
- Maine State Library Calendar of Events and Workshops
<https://maine-msl.libcal.com/calendar?cid=10791&t=m&d=0000-00-00&cal=10791&inc=0>
- To subscribe to the Maine Library Trustee Electronic Discussion List MELIB-Trustee@lists.maine.edu



10

CHAPTER TEN

Who Runs the Library?

[Disclaimer: *The information in this handbook is not legal advice. We recommend that you consult an attorney if you have any questions about how the laws apply to your library.*]

The mission of most public libraries is to support the educational, recreational, and informational needs of the community. Everyone is welcome at the library, from the preschooler checking out their first book to the hobbyist looking for a favorite magazine to the middle-aged breadwinner continuing their education by taking a class over the Internet.

Providing a large number of services to meet the needs of a diverse population requires a large supporting cast including trustees, the library director and staff, and sometimes representatives of the municipal government. When all members of the team know their respective responsibilities and carry out their particular tasks, the library can run like a well-oiled machine. When one of the players attempts to take on the job of another, friction may cause a breakdown.

For **governing** boards, the board sets policy. The director operates the library with the assistance of staff and answers directly to the board. For **advisory** boards, the board may recommend or develop policy to be adopted by the municipality. The director operates the library and reports to the town manager or select board. *Some advisory boards may not perform all the roles described in this chapter.*

Sometimes the line between policy and operation is very thin and the differences are subtle. Basically, the board of trustees and the library director work as a team, just as the director must construct a team with staff. In order to work successfully, it must be a process of two-way communication, consultation, and trust building.

Board Roles and Responsibilities

Let's elaborate on the respective roles and responsibilities of trustees and director with several examples. Especially in large libraries, some

of the tasks or decisions that are identified as the director's will likely be delegated to managerial or supervisory library staff.

Roles

Typical roles or "jobs" of board members may be Board President or Chair; Vice-President or Vice-Chair; Treasurer, and Secretary. These roles, along with the library director, also comprise the Executive Committee.

Board Presidents chair meetings; sign off on major financial documents along with the Treasurer; generally, serve on committees of the board; work with the library director to create an agenda for meetings; and advocate and fundraise on behalf of the library. For more information, visit *BoardSource* at <https://boardsource.org/resources/board-chair-role/>.

Vice-Presidents may also be the President-Elect and be expected to assume the leadership of the board when the President's term expires. The Vice-President also assumes responsibilities of the President in the event of the President's absence.

The Treasurer works with the library director to report out to the board on library finances and ensure that any major financial actions, such as receiving a grant or filing the board's IRS Form 990, are reported to the board and recorded in the minutes.

The Secretary records meeting minutes and compiles them with meeting agendas and other relevant documentation for annual reviews or audits.

Trustee Responsibilities

Community Involvement

If the trustees and the library director are to fulfill their responsibilities, both must be active in the community. Both must know the community to develop those policies and practices that bring the best possible library services to their community.

The board membership is likely to represent a variety of community connections. These connections can provide avenues to knowing and understanding the community and to advocacy for the library.

Trustees have a responsibility to stay informed—to regularly attend board meetings and to read and understand information presented to them about the library and its operation. They also have a responsibility to actively listen to community residents. It is equally important that they advocate for the library with community residents and with local, state, and federal governmental representatives. In order to do this, trustees will need to answer questions and to explain library policies and practices. They need to work as a team with the library director, because some questions, especially about library practice, are best directed to the library director. The director and staff must also be prepared to explain library policies and actively advocate for the library.

Developing Policies

There are several levels of decision-making involved in policy making. There are many times when the board will ask the library director to analyze impacts before it establishes a policy, and there will be times when the director will consult the board before proceeding with a specific course of action.

Often the director will call the board's attention to a need for policy in a specific area and may draft language for the board to consider. In other instances, the board may identify a need for a policy and will either ask the director to draft language for board discussion and action or they may jointly develop specific language.

Sometimes the director will make decisions related to library operations and will simply inform the board of their actions, or perhaps ask for its consent for a proposed course of action. This latter course of action is probably wise in situations where it is not initially clear whether additional policy decisions will need to be made or where the distinction between practice and policy is not entirely clear. Discussion can usually clarify the issues and decisions can be made, often by consensus. Certain kinds of decisions may be delegated to the director.

Mission/Roles of the Library in the Community

It is the governing board's responsibility to determine the mission and roles of the library after a planning process that includes a great deal of input from residents of the community, and in coordination with the library director. These fundamental decisions need to be articulated in a mission statement and supported by policy and planning.

Once those fundamental decisions are made, it is the governing board's responsibility to hire a director who agrees with and supports the chosen roles. A more specific example of how this works: Board policy or the library mission states that the library is to be user friendly and a place where people feel welcome. It is the library director's responsibility to make it happen. It will involve setting expectations regarding attitudes of staff toward the library users, training for staff, and establishing library practices and procedures that make users feel welcome and satisfied with their library experience. These are all responsibilities of the director.

Budget, Contracts, and Grants

The board approves the library budget, as drawn up and recommended by the director, but it is based on goals set by the board. The budget corresponds to the annual work plan for the director and staff. The board may suggest general policy directions for the budget, but the director in consultation with staff decides what is possible within budget constraints, and how best to meet the full range of needs. The director expends money within approved budget parameters and keeps the board informed. While trustees might review and approve bills/invoices each month, they should not approve individual expenditures. The board should be informed by the director of any major changes needed in the budget and the proposed changes must have board consensus. Trustees should not be involved in adjustments made to budgets as long as those adjustments are within general budget parameters as approved by the board.

Contracts and/or grants should support the library's strategic plan. The governing board must approve all

contracts, but the contract or grant specifics will be drawn up and recommended by the director. Trustees must be kept informed of potential contracts or grants and should provide input regarding the content or parameters of impending contracts or grant documents. Whether to apply for a particular grant or enter into a contract might be a policy matter, and thus the board will make the final decision. There might be instances where the board determines that it is appropriate to delegate to the director the responsibility for signing agreements on behalf of the library.

Personnel - Library Director

The board establishes overall personnel policies such as guidelines for salary and benefits, hiring practices, and other personnel actions unless the library is part of a town/city and must follow municipal policy. The director implements personnel policies. Trustees should not become involved unless personnel policy changes are called for.

Unless the library is part of a municipal system that maintains authority to hire the director, the board hires the library director and sets salary and benefits. In this process, the board may seek input from library staff and/or community residents, but the ultimate decision rests with the board. In turn, the director hires library staff and the board are not involved in interviewing or selection.

Unless the salary schedule is established by the town/city, the board approves the salary schedule as drawn up and recommended by the director. It is the director's responsibility to decide where a job classification will be placed on that salary schedule. The board should do an annual performance review of the library director. As a result of the review, the board and director should jointly set goals and expectations for the coming year. The annual performance review of the director will be based on how well those goals and expectations have been achieved. The director should carry out annual performance reviews of library staff, set goals for staff performance, and determine staff

training needs. The board approves policies for staff training, attendance at conferences, workshops or classes, travel reimbursement and the like, but it is not involved in staff review.

Disciplinary actions related to library staff are a responsibility of the library director. Although the board sets disciplinary policy as part of overall personnel policy, board members should not become involved in specific disciplinary actions. Complaints made directly to board members must be referred back to the director for action. The director should always consult the library attorney on any disciplinary actions that might reach the point of hearings before a human rights commission or a lawsuit. Trustees must certainly be kept informed and will probably need to approve expenditures for attorney fees.

Disciplinary action or firing of a library director is, of course, a governing board responsibility. Remember: These discussions must be carried out in Executive Session pursuant to **1 MRSA §405(6)(A)**.

Personnel – Library Staff

It is the library director who hires and supervises all other library staff, but the library board has the legal responsibility for establishing the duties and compensation, as well as the personnel policies, for all library staff. If the library is a municipal library with an advisory board, the legal responsibilities for establishing the duties and responsibilities fall to the city/town government unless otherwise delegated to an advisory board under a Memorandum of Agreement.

While both the library board and the library director have significant personnel responsibilities, the library will operate most effectively if the two parties cooperate and communicate on important personnel matters, while avoiding intrusion into each other's area of responsibility. Keep in mind that:

- The library director can and should recommend personnel policy changes but can implement only policies officially approved by the board.

- The library director has the authority to hire staff to fill positions authorized by the library board and to supervise those staff but should keep the library board informed of important personnel issues and consult with the board, if possible, before making significant personnel decisions.
- The library board's unsolicited intrusion into the director's responsibility to select and supervise staff can undermine the authority of the director and create discord and disorganization in library operations.

Staff duties and compensation are another area where cooperation is essential. The library's governing board has the legal responsibility for establishing staff duties and compensation, but the director has the responsibility for the day-to-day assignment of staff duties. The library director brings recommendations for changes in staff compensation to the board.

Lines of Communication

While trustees will want to know who the staff are and what they think about the library and its policies, services and collections, trustees must be very careful to avoid undermining the authority of the director if they are going to be able to manage effectively. Trustees should direct staff who have complaints about the director, policies, or materials to discuss the situation with their supervisor or the director. If that does not resolve the issue, the staff should be encouraged to follow the library's grievance or complaint procedure provided in the library's personnel policy. Only in extreme situations should staff complaints go directly to the board.

Since the library board might want input from the staff on certain issues, the board should solicit such input through the director. In addition, the library board may decide to obtain library staff input on the director's performance as part of a formal evaluation process.

Except in unusual circumstances, communication between the library board and library staff about library business should be carried on through the library

director. Going behind the director's back undermines the trust necessary for effective and orderly operation of the library.

Staff Compensation Levels

The ability to attract and retain high-quality staff depends partially on competitive and fair wages and benefits for library staff. Compensation for library staff should be competitive with compensation provided by similar-sized libraries in Maine and nationwide, and it should be in line with other community positions that require similar training and responsibilities. Contact your regional liaison for additional information.

The library board should also approve a salary schedule that covers all staff positions and written job descriptions that list the essential job duties of each staff position, any educational and experience requirements, the physical and mental requirements of the job, and the salary range. Carefully prepared job descriptions will help the library comply with Title I of the Americans with Disabilities Act (ADA), which deals with employment issues.

Personnel Policy

It is the responsibility of the library board to approve a personnel policy for library staff that formally establishes compensation and benefit policies, rules and conditions of employment for library staff, etc. It is important for these policies to be gathered into a written personnel handbook available to all library staff. These written policies ensure that all staff are treated according to the same rules.

Many state and federal laws govern the relationship between employer and employee, and it is essential that the library's personnel policy comply with these laws. Your municipality might have personnel department staff who keep up to date on these laws. Knowledgeable individuals should review all proposed changes in the personnel policy. To simplify maintenance of their personnel policies, many library boards adopt the personnel policy of their municipality as the library personnel policy, subject to those changes

approved by the library board. The Maine Association of Nonprofits, a membership driven organization, often is a great source of information in these matters. Municipal libraries in towns without a legal firm under contract who are members of the Maine Municipal Association can turn to their legal department for assistance.

Nonprofit governing boards should also consider purchasing Employment Practices Liability Insurance (EPLI) which covers the organization against claims by workers that their legal rights as employees of the library have been violated.

Continuing Education for Library Staff

To meet the everchanging needs of communities, library staff must stay aware of emerging societal and technology trends as well as new approaches in the delivery of library services. To this end, it is recommended that the library adequately budget for staff continuing education such as workshops, webinars, conferences and other professional activities, including paid work time for attendance, registration fees, and travel costs.

Collections, Hours, and Services

These are operational procedures that are the responsibility of the library director. The board of trustees sets the goals in its adopted plan and defines strategies for collections, access and services, but it is up to the library director and staff to implement the actions that meet these goals. Board members should never make operational suggestions to the library staff. Additions or changes to collections or services should be discussed with input from the library director at a regular board meeting.

Community Relations and Publicity

The library should have a public relations and marketing plan that encourages partnerships and cooperative ventures with community organizations. Public relations is a shared responsibility between the board and the staff; however, the message must be consistent.

Conclusion

The library board approves the director's recommendations for services. However, it is up to the director, as the hired professional, to create the procedures needed to carry out the policies of the board and ensure that services are provided effectively and efficiently. While the board alone can decide how many employees the library should have, it is the director who hires and supervises other staff. Except in extreme situations, library trustees should not be discussing library business with employees other than the director. The library board may solicit library staff input on the director's performance as part of a formal evaluation process.

Administration of the budget and expenditure of funds is a frequent source of misunderstanding regarding the division of labor between boards and directors. The library's governing board audits and approves all bills/invoices for the expenditures of the public library, but this shouldn't be interpreted by individual board members to mean they must negotiate the necessity of every purchase with the library director, whether the purchase is an expensive computer system or a two-dollar box of pencils. Fortunately, in most libraries, the director is given reasonable latitude to administer the budget and expend funds according to board guidelines. The library board must review expenditures and keep an eye on the flow of funds, but it should trust the judgment of the director when it comes to which materials to purchase or which is the most economical office supply vendor.

Duties and Responsibilities:

Library Board

Employ a competent and qualified library director

Determine and adopt written policies to govern the operation and program of the library

Determine the purpose of the library and secure adequate funds to carry on the library's program

Know the program and needs of the library in relation to the community; keep abreast of standards and library trends; cooperate with the library director in planning the library program, and support the library director and staff in carrying it out

Establish, support, and participate in a planned public relations program

Assist in the preparation of the annual budget

Know local and state laws; actively support library legislation in the state and nation

Establish all library policies particularly those dealing with books and material selections, Internet Use Policy, ADA, etc.

Attend all board meetings and see that accurate records are kept on file at the library

Attend regional, state and national trustee meetings and workshops, and affiliate with the appropriate professional organizations.

Be aware of the services of the state library

Report regularly to the general public or if advisory board, to municipal governing board

Library Director

Act as the technical advisor to the board; recommend needed policies for board action; recommend employment for all personnel and supervise their work

Carry out the policies of the library as adopted by the board

Suggest and carry out plans for extending library services

Prepare regular reports embodying the library's current progress and future needs; cooperate with the board to plan and carry out the library program.

Maintain an active program of public relations

Prepare an annual budget for the library in consultation with the board and give a current report of expenditures against the budget at each meeting

Know local and state laws; actively support library legislation in the state and nation

Select and order all books and other library materials

Attend all board meetings other than those in which the library director's salary or tenure are under discussion; may serve as secretary to the board

Affiliate with the state and national professional organizations and attend professional meetings and workshops

Make use of the services and consultants of the state library

Report regularly to the library board, to the officials of the local government, and to the general public

Source: Virginia G. Young, *The Library Trustee: A Practical Guide*, 5th ed. American Library Association, 1995

Library Friends Groups

Friends Organizations

Friends of the Library organizations exist in many Maine communities. Friends organizations are groups of citizens who join together to support, improve, and promote the library. Some are formally incorporated, not-for-profit bodies; some are informal groups of library supporters. (Information about establishing a Friends organization and ideas for Friends activities and projects is available from the Association of Library Trustees, Advocates, Friends and Foundations (United for Libraries) at www.ala.org/united/friends .)

As volunteers who actively support the library, Friends can be extremely helpful to the library in a number of ways. Friends often offer financial support for a special library program or service, advocate for the library budget or library capital project, and volunteer assistance with children’s summer reading programs and other services.

While the library board and the Friends share a common vision, they are separate, autonomous bodies—each with a distinct role. The two groups work together most effectively if they respect the distinct role of each organization. Below are a few suggestions that may help create an effective working relationship:

- Friends recognize that they do not perform a decision-making role for the library.
- The library board values and encourages input and opinions from the Friends.
- The library board appoints a liaison to the Friends (often the library director or other library staff member).
- Friends decide how to spend their funds only after conferring with the library director and library board or according to an established Memorandum of Agreement (MOA) with the library board.
- The library board provides the Friends with a “wish list” of items not

- included in the budget in order to aid the Friends in their fund-raising efforts.
- The Friends' activities support library board long-range plans and policies.
- The library board expresses appreciation to the Friends for their support and service.
- The library board invites and welcomes Friends to library board meetings, especially when discussing issues that might be of interest to the Friends.

Financial Support from Friends

It is important that library donations, including financial and material support from the Friends, be used to enhance or enrich library services. The availability of Friends' support should never be the occasion for reducing or replacing the community's commitment to public funding. Donors will stop donating and volunteers will stop working if they see that their efforts are resulting in reduced public funding for the library instead of improved service.

Often, Friends groups will underwrite a pilot project for a year or two until the value of the new service is proven in the community. They might provide assistance in the furnishing and/or decorating of the library building beyond bare necessities. They might make special collection enrichment gifts to help the library keep pace with an unanticipated increase in the need for special materials (to better serve Spanish-language residents or day-care centers, for example). In addition, Friends groups often provide financial support for special programming.

In many communities, the library donates withdrawn books to the local Friends organization for sale to the public. This practice probably falls within the authority of the library board; however, because public property is involved, special care should be taken. We recommend that the library board enter into a written Memorandum of Agreement (MOA) with the Friends that makes clear that all proceeds from sale of the books (and any other materials) be used to support the programs and services of the library.

THE ROLE OF THE FRIENDS BOARD

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 Friends board and the role of the Trustees, specifically indicating where their work and communication should overlap or complement each other.

Friends are citizens who value the service of libraries and volunteer to help them. Friends usually operate with a self-elected board of directors representing the community.

1. Friends may be future Trustees, and Trustees future Friends; however, there should be no overlapping boards (see below).
2. Friends are kept informed of the library's plans, progress, and challenges by the library director.
3. A Friends board member should be appointed as a liaison to the library's board of Trustees. This liaison should attend all Trustee meetings, be prepared to report Friends issues and activities to the Trustees, and report back to the Friends.
4. Friends recognize that they do not perform a policy-making role for the library but should feel that their opinions are valued by the Trustees.
5. Friends support policies set by the library Board of Trustees.
6. Friends serve as "connecting links" between the library and community, interpreting one to the other.
7. Friends funds supplement the library's operating budget to provide materials and programs that enhance the library's service. Friends funds should not replace money that is normally provided by the city or institution for library operations. Friends decide how to spend their money after conferring with the library director and library Board.
8. Fundraising by the Friends is done with the knowledge of the Trustees and in coordination with the library director.
9. Individually and collectively, Friends use their influence to assist the library in obtaining desired financial support from the community or institution by representing the library point of view to local government, academic leadership, legislators and the media.

Should a member of the library board 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 is proposing might be considered not 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 a while, this should be considered a temporary necessity, and the new Friends should elect officers (other than library Trustees) as soon as possible.

For more information, see United for Libraries’ Toolkit #3, “Friends and Libraries: Working Effectively Together” in the Trustee Zone at www.ala.org/united. In addition, see the chapter on “Organizational Effectiveness” in *101+ Great Ideas for Libraries and Friends*, available in the Friends & Foundation Zone and the Trustee Zone.

(Source: tip sheet #2, Tools for Trustees, United for Libraries Association of Library Trustees, Advocates, Friends and Foundations A division of the American Library Association, 2015)

Working Together: Nonprofit Library Roles and Responsibilities

Responsibilities of:	Library Director	Library Board	Friends
General Administrative	Administer daily operation of the library including personnel, collection development, fiscal, physical plant and programmatic functions. Act as advisor to the board and provide support to the Friends and community groups.	Recruit and employ a qualified library director; maintain an ongoing performance appraisal process for the director.	Support quality library service in the community through fund raising, volunteerism and serving as advocates for the library.
Policy	Apprise library board of need for new policies, as well as policy revisions. Implement the policies of the library as adopted by the library board.	Identify and adopt written policies to govern the operation and program of the library.	Support the policies of the library as adopted by the library board.
Planning	Coordinate and implement a strategic plan with library board, Friends, staff and community.	Ensure that the library has a strategic plan with implementation and evaluation components.	Provide input into the library's strategic plan and support its implementation.
Fiscal	Prepare an annual budget for the library and present to the Board or Municipality for approval.	Seek adequate funds to carry out library operations. Assist in the preparation and presentation of the annual budget.	Conduct fund raising to support the library's mission and plans.
Advocacy	Promote the mission of the library within the community. Educate the library board, Friends and community regarding local, state and federal issues that impact the library.	Promote the mission of the library within the community. Advocate for the library to legislators and community members.	Promote the mission of the library within the community. Advocate for the library to legislators and community members.
Meetings	Participate in library board and Friends meetings. Ensure that there is a liaison from the board to the Friends and vice versa.	Participate in all board meetings. Appoint a liaison to the Friends Board and become a member of the Friends.	Maintain a liaison to the library board.
Networking	Join state and national professional organizations and participate regularly in professional development activities.	Join the Maine Library Trustees electronic discussion list: Melib-Trustee@lists.maine.edu	Join ALA's United for Libraries to keep up on Friends and foundation activities http://www.ala.org/united/friends

Sources of Additional Information

- Your regional liaison
- Your municipal attorney and municipal human resources officer
- Sample personnel policies on the Maine Library Policy Resource page at www.maine.gov/msl/libs/admin/policies/
- Annual nationwide Public Library Data Service Statistical Report (PLDS) www.ala.org/pla/publications/plds
- Maine Public Library Statistics www.maine.gov/msl/libs/statistics/
- Maine Public Libraries Sample Job Descriptions www.maine.gov/msl/libs/admin/jobdesc.shtml
- Maine State employment laws www.maine.gov/labor/labor_laws/
- Federal Laws Prohibiting Job Discrimination: Questions and Answers at www.eeoc.gov/facts/qanda.html
- Sample Personnel Policies for Kentucky Public Libraries <http://kdla.ky.gov/librarians/librarypolicies/pages/personnelpolicies.aspx>
- Colorado Library Consortium's Small and Rural Public Library Policy Collection <https://www.clicweb.org/extras/innovations-initiatives/publiclibrarypolicycollection/>
- The Role of the Board Chair <https://boardsource.org/resources/board-chair-role/>
- Maine State Library webpage for Trustees and Friends www.maine.gov/msl/libs/admin/trustees.htm
- The Association of Library Trustees, Advocates, Friends and Foundations (ALTAFF) at www.ala.org/united/friends has information about establishing a Friends organization and ideas for Friends activities and projects. It also has information on establishing a library foundation.
- Moore, Mary Y. The Successful Library Trustee Handbook, 2nd ed. Chicago: American Library Association, 2010.
- Reed, Sally Gardner and Jillian Kalonick. The Complete Library Trustee Handbook. New York, Neal –Schuman Publishers, Inc. c2010.



11

CHAPTER ELEVEN

Hiring and Evaluating a Library Director

[Disclaimer: *The information in this handbook is not legal advice. We recommend that you consult an attorney if you have any questions about how the laws apply to your library.*]

The most important decision a governing board or a municipality can make is the selection of a library director. The director must be able to work effectively with the board to professionally manage the institution and reflect the ideals of the institution and the community it serves.

When embarking on this process, it is appropriate for the board to ask itself a number of critical questions about the library, the library board, and the type of leadership they require. Such questions might include:

- What qualities do you value in your library director?
- What are the most important skills your director must possess?
- What roles do you see the director playing with the board, the staff, and the community?
- What significant initiatives and challenges do you foresee for the library in the next five years?
- Do you prefer a well-experienced director or are you willing to give bright new talent a chance?

All too often, library boards look for the easy way out, the simplest or quickest choice, or the cheapest alternative. Competent leadership of the library is essential for its efficient management and future success. Choosing the wrong director will result in more work for the board and a disappointing library. Every library deserves a qualified library director who is respected by the board and community and is appropriately compensated.

In Maine, library boards that are true governing boards have the authority to hire, supervise, and, if necessary, fire the library director. The library director, in turn, has responsibility for the hiring and supervision of library staff and volunteers. The library board has the legal authority and responsibility for determining the compensation

and general duties of the director. The board, with input from the director, determines what other positions the library might need. For municipal libraries that have advisory boards, the above falls under the responsibility of the town/city manager.

Library trustees must comply with state and federal laws that prohibit discrimination in hiring. Any written or oral questions to be asked of job candidates should be reviewed in advance by a person familiar with state and federal employment and discrimination law.

ADA Compliance

The ADA (Americans with Disabilities Act) requires reasonable accommodations in three areas of the employment process:

The first area involves the job application process. People with disabilities may only be asked questions asked of all applicants. Certain types of questions are not allowed. For instance, all applicants should be told the essential job functions and then asked whether there was any reason why they could not perform those functions. But it would not be acceptable to single out someone who uses a wheelchair and ask how that person would do a particular task.

Examples of questions that can and cannot be asked during an interview are included [Job Accommodation Network \[JAN\]](#). “Essential functions” of a job are often defined as “fundamental job duties of the employment position the individual holds or desires. The term does not include the marginal functions of the position.” Job descriptions should be written so that the essential functions are clear. If pre-employment testing is required, then accommodations must be made, if needed, for people to take the test.

The second area requires reasonable modification or adjustments to the work environment or job procedures and rules, to allow a qualified person with a disability to do the work.

The third area requires equal access to whatever insurance and benefits are offered to other employees.

The ADA does not require employers to drop essential functions of a position in an effort to accommodate a person with disabilities. Employers are not expected to provide personal items not available to other employees, but certain

accommodations might be expected, such as adjustable chairs, wrist pads, or modified phones.

The Job Accommodation Network [JAN] has a web site with special sections devoted to the employment issues under Title I of the ADA. The address for the site is: <https://askjan.org/>

The Long-Term Effects of this Decision

Not all library boards will face the responsibility of selecting a new director. However, trustees who undertake this process must understand that it is singularly important and will have far-reaching and often long-term effects. Be prepared for a great deal of diligent effort—effort that will be worthwhile if you succeed in hiring the best person for the job.

What to Look for in a New Director

A library director is the chief administrative officer of the library. The director is responsible both for day-to-day management of the organization and for assisting the library board with “big picture” issues like planning and policy-making. In developing the job description and assessing candidates, consider the following:

- Experience working with library boards and governing bodies
- Knowledge of budget preparation, policy development, administration, and employee supervision
- Library experience in the following areas: public service, technical services, and public relations
- Demonstrated leadership ability and dependability

Steps to Follow When Hiring a New Director

1. Contact your regional liaison who will be happy to assist you through this process of developing a job description and posting the job on the Maine State Library’s job listing www.maine.gov/msl/libs/jobjar.shtml
2. Appoint a hiring committee to develop or revise a draft job description, job ad, etc.
3. Ideally, the next step is to review the library’s long-range plan (if you have one) and analyze progress in reaching the goals and objectives. Knowing where the library needs to go will help trustees define the qualifications needed in the next director.

4. The board must approve a position description that reflects the necessary qualifications and duties of the job. A competitive salary range and fringe benefit package must be established if you hope to attract qualified applicants.
5. The board or a board committee checks references of applicants, evaluates qualifications, and arranges interviews with promising candidates (paying part or all of necessary travel expenses). A uniform list of questions should be developed for use in the interviews and for contacting references. Be sure to have these questions reviewed by someone knowledgeable about employment and discrimination law.
6. The board should make clear to candidates any probationary status, performance evaluation and salary adjustment procedures, and all other terms of employment.
7. In addition to contacting listed references, the board might wish to contact current or past colleagues of the top candidate or candidates to get a more complete picture of the qualifications of the applicant. If you plan to do this, you should first get written permission from the candidate. Be aware that many employers have policies in place that require all reference checks be directed to the Human Resources Department.
8. Once the board has made a hiring decision, it contacts the selected applicant and confirms the appointment and starting date in writing. It promptly notifies applicants not selected. The employment contract and/or letter of appointment could specify that as a condition of employment the director obtain and maintain the appropriate voluntary state certification.
<http://maine.gov/msl/libs/ce/libcert.shtml>
9. A thorough orientation program for the new director, similar to that described for trustees.
10. A six-month or one-year probationary period is a common personnel practice. The board and director mutually determine short-and long-term goals for this period. The board evaluates performance regularly throughout this period.
11. Assuming successful completion of probation, the board's supervision and evaluation responsibilities continue. Reviews of the director's performance and attainment of goals and objectives should be carried out annually.

Sample Interview Questions for Library Director Candidates

In his Lynda.com presentation *Hiring, Managing, and Separating from Employees*, employment law expert Don Phin suggest questions that are good to ask during an interview, and lays out questions you may not ask during an interview.

The following are suggested questions to ask. Select the ones that will best help you to choose a candidate to help your library move forward with its strategic plan:

1. Tell me about yourself.
2. Tell me three or four things of which you are most proud.
3. Where are some areas you can do things better?
4. What are the most important things to you about working at any job?
5. What were your most significant contributions on previous (current) jobs? Go job by job.
6. What single project or task would you consider the most significant accomplishment in your career so far?
7. What are you most proud of in your career?
8. Are there any full-time, regular positions you have held in the past five years that have been omitted from the résumé or application?
9. What do you like doing best?
10. What work do you like doing least?
11. What are some of your natural strengths and weaknesses?
12. What skills are you lacking?
13. Tell me about some of the most important projects you have ever worked on—at least one that worked
14. out and one that didn't. You can go job by job.
15. What was your most exciting work experience in the past five years?
16. What was your worst work experience in the past five years? How could you have avoided this scenario?
17. What is the greatest challenge that you've had to overcome in your work career?
18. Please describe something that felt unfair at your previous places of employment.
19. Tell about a time when you had a conflict with a boss, subordinate, or co-worker. How did you handle it?
20. What was the end result? Did you have any regrets?

21. What do you know about our company? What can you tell me about our products and services?
22. What research have you done to prepare for today?
23. What trends do you see impacting our field?
24. What unique skills do you think you can contribute to this company?
25. What support do you need from co-workers and/or management to succeed in your job?
26. How would you know if you are doing a good job?
27. Do you tend to be more productive when working alone or on a team?
28. What's the best work environment you've ever been in?
29. How do you handle questions and problems that exceed your knowledge and experience?
30. Describe your communication style with patrons/funders/vendors.
31. How do you handle demanding or even rude patrons? Please give an example.
32. What books, magazines, or websites do you read that relate to your career or our industry?
33. What software programs are you familiar with? Have you ever had a skills test? For what, when, etc.
34. What were the results?
35. Please describe the typical workweek at your last [current] job, such as duties, hours, etc.
36. How do you stay organized? (Time, reference materials, calendaring, etc.)
37. What creative suggestions or contributions have you ever made at a job?
38. What obstacles or problems did you address at a job without being requested to do so? What steps did
39. you take?
40. How do you manage stress on the job?
41. Describe something in your work experience that demonstrates your ability to handle stressful situations.
42. What is an employer's responsibility to their employees?
43. What is an employee's responsibility to their company?
44. What career goals did you accomplish in the last year?
45. What was some of the best criticism you ever received? What did you learn from it?
46. What classes or seminars have you taken on your own during the last three years to advance your technical or communication skills?

47. What are the last three business books you read? What was appealing about them? What did you learn?
48. What efforts have you made at networking to advance your career?
49. What volunteer or non-profit activities have you done that made you a better person?
50. What is the last self-help book you read, song you listened to, or film you watched?
51. How do you keep yourself mentally and physically prepared to perform at your best?
52. On a scale of 1 to 10, with 5 being average and 10 being exceptional, please rate yourself in
53. the following areas. (Add, delete, or change depending on job function. Expound and provide
54. examples, where necessary.):
 - Leadership skills
 - Ability to motivate others
 - Telephone skills
 - Email skills
 - Customer service skills
 - Computer skills
 - Internet skills, its use as a tool, research, etc.
 - Strategic thinking
 - Self-improvement
 - [Additional skill sets, traits, or character related to the job at hand]
 - Presentation skills
55. Is there any reason why you cannot satisfy the attendance requirements of the job?
56. Do you have reliable means of transportation to work?
57. Here is an example of a question you can ask to make sure there are no physical limitations on their ability to do the job:

“The person in this mailroom clerk position is responsible for receiving incoming mail and packages, sorting the mail, and taking it in a cart to many offices in two buildings, one block apart. The mail clerk also must receive incoming boxes of supplies up to 50 pounds in weight and place them on storage shelves up to 6 feet in height. Can you perform these tasks with or without a reasonable accommodation?”
58. Is there anything else you would like us to know about you that we haven’t covered today?
59. Do you have any additional questions or comments for me that we haven’t covered today?

Questions you *may not* ask an applicant unless it is *directly related* to the essential functions of the job:

- “What is your maiden name?”
- “Do you own or rent your home?”
- “What is your age?”
- “What is your date of birth?”
- The dates of attendance or completion of elementary or high school.
- Questions that tend to identify an applicant’s age as over 40.
- Birthplace of the applicant or of the applicant’s parents, spouse, or other relative.
- “Are you a U.S. citizen?” or “What is your citizenship or that of your parents, spouse, or other relative.”
- Questions as to race, nationality, lineage, ancestry, national origin, descent, or parentage of applicant or applicant’s spouse.
- “What is your mother’s tongue?” or “What is the language you speak at home?”
- How the applicant acquired the ability to read, write, or speak a foreign language.
- Questions that indicate the applicant’s marital status.
- Questions about the number or ages of children or dependents.
- Questions regarding provisions for childcare.
- Questions regarding pregnancy, childbearing, or birth control.
- Questions regarding the names or addresses of relatives, spouse, or children of adult applicant.
- Questions such as, “With whom do you reside?” or “Do you live with your parents?”
- Questions as to the applicant’s complexion, or color of skin, eyes, or hair.
- Questions as to the applicant’s height and weight.
- Requiring an applicant to affix a photograph to the application.
- Requesting an applicant at his or her option, to submit a photograph.
- Requiring a photograph after the interview, but before employment is offered.
- Questions regarding an applicant’s general medical condition, state of health, or illness.
- Questions regarding the medical condition or health of an applicant’s family or associates.
- Questions regarding AIDS, HIV, and related conditions.
- “Have you ever made a workers’ compensation claim?”
- Questions regarding receipt of workers’ compensation benefits.

- “Do you have any mental or physical disabilities or handicaps?”
- Questions regarding arrest record, such as “Have you ever been arrested?” unless they are in a security-related position. It’s okay to ask if they have been convicted of a felony.
 - Questions regarding refusal or cancellation of bonding unless they are in a security-related position.
- Questions regarding service in foreign military.
- Questions regarding the applicant’s current or past assets, liabilities, or credit rating, including prior bankruptcies, unless job related.
- Questions regarding ownership of a car.
- Questions regarding length of residence at a particular address.
- Requiring a list of all organizations, clubs, societies, or lodges to which applicant belongs.
- Questions to the applicant’s former employers or references, or acquaintances of references, which elicit information specifying the applicant’s race, color, religious creed, national origin, ancestry, disability, mental disability, physical disability, medical condition, marital status, age, sex, or other prohibited basis of discrimination.
- Questions regarding religious obligations that would prevent an individual from being available to work on Friday evenings, Saturdays, Sundays, or holidays.
- Questions seeking the names and addresses of relatives (as opposed to persons) to be notified in case of accident or emergency.
- Asking a female candidate whether her family will object to her working at night.
- Asking a female candidate whether she has any reason to believe she might require any leave for medical reasons during the next calendar year.
- Asking an older candidate whether they feel they can keep up with the younger employees in the department.
- Asking an applicant the origin of their name.
- “Do you speak [English, Spanish, etc.]?”
- “How do you expect to do this job when you are blind?”
- Discriminatory remarks such as, “I’ll bet you’re a good dancer,” or, “I don’t know how you people eat that kind of food. It makes me burp,” or, “Are you trying to be superwoman?”
- “How did you lose your leg?”
- “Have you ever had cancer, high blood pressure, heart problems?”
- “Have you ever injured your back?”
- “How strong is your back?”
- “Have you ever taken a leave of absence for health reasons?”
- “Are your parents healthy?”
- “What did your parents die of?”

- “What is the prognosis for your disease?”
- “Is your skin condition caused by a disease?”
- “How do you manage in the bathroom?”
- “Do you have any physical or mental disability or handicap that will require reasonable accommodation?”
- “Have you ever abused alcohol?”
- “Is anyone in your family disabled?”

[Source: Don Phin, *Hiring, Managing, and Separating from Employees*, Lynda.com]

Evaluating the Director

Evaluating the library director is often one of the more difficult tasks faced by a public library board of trustees, but it doesn't need to be. It is only difficult when a board is unsure of the process to follow or the criteria to be used to evaluate the job performance of their director. The following is a discussion of the methodology and criteria a board may use to carry out the review.

There are several good reasons for carrying out a review of your library director:

- A review provides the director with formal feedback on his/her job performance.
- A review can be a tool for motivation, encouragement, and direction.
- A review can provide the board with valuable information about the operations and performance of the library.
- A review can help to establish a record of unsatisfactory performance if there is ever cause to discipline the director or terminate employment.
- A review can give the board and the director a formal opportunity to evaluate the job description and adjust it as necessary.

A well-executed performance review is the culmination of formal and informal communication carried out throughout the year regarding the activities of the director. Problems are best brought to the attention of the director as they occur, rather than stored up for the annual review. Success, accomplishment, and simple hard work or dedication should be acknowledged as it is observed, as well as at the annual review.

Who Should Carry Out the Performance Review?

Though it is the nonprofit board as a whole that is responsible for oversight of library operations and the activities of the library director, often boards decide to delegate the task of developing a preliminary evaluation of the director to a personnel committee or specially appointed committee of the board. Whether the whole board takes part or a committee does the work depends on the makeup of the board and the time available to board members. Often a board might have experienced managers or human resource professionals among its members. Other board members might be less experienced in personnel management. The key here is consistency and deciding ahead of time who will take part. Either way, the entire board should review, discuss, and approve the final written evaluation.

Municipal libraries that are a part of the department structure of the city/town will find that the library director's direct supervisor, normally the town/city manager, will perform the director's evaluation unless that responsibility is delegated to the advisory board by charter or council/select board action.

Those charged with carrying out the evaluation should avoid relying on chance comments from library employees. Comments solicited from employees with the knowledge of the director can be helpful when solicited in a formal, organized fashion. Board members should bear in mind that the director is hired to manage the daily operations of the library on behalf of the board and community. The chain of communications should always flow from library employees through the director to the board.

The Basis for the Review

The performance review should be based on three factors:

1. The director's performance as it relates to a written job description.
2. A list of objectives for the preceding year jointly written and agreed upon by the director and the board.
3. The success of the library in carrying out services and programs as outlined in the board's strategic plan, as well as the director's contribution to that success.

The director's job description should be kept up to date and be a realistic statement of the work that needs to be done. The director needs to know what is expected. For example:

- What role will the director play in fundraising?
- Is the director expected to work a service desk?
- Is the director expected to attend every city council or select board meeting?

A director should not be faulted for failing to do something that was never officially decided at the time of hire or at a later board meeting.

- ***Job descriptions need to change as technology and environmental factors affect them.*** Including a discussion of the director's job description at the time of hire and during the annual performance review provides an opportunity to change the job description as the needs of the organization change. The library director is the resident authority on what is new at the library and how tasks change in light of new priorities. Board members can learn a lot about the library by discussing changes in staff job descriptions with the director.
- ***Establishing a list of objectives for the director is important to ensure continued growth for the director as an individual as well as for the organization.*** Some objectives may be project oriented, such as completing a weeding of the collection in the coming year or upgrading the automation system. Other objectives may be more personal, such as those contributing to professional development. Though the director should be the one primarily responsible for suggesting their objectives for the coming year, those objectives should be discussed and agreed upon by the board.
- ***The objectives of the director should be closely related to the long-range plan of the library.*** Establishing objectives can be an exercise in creativity in searching for new ways to improve the library. Failure to attain some objectives does not necessarily indicate poor job performance. Many times, outside factors might have prevented success, or a director might simply have been too ambitious in the number of projects planned for a year. Some objectives may not be reached because they were experimental in nature. The important factors to remember when evaluating objectives are progress, initiative, and the willingness of the director to expand the limits of their work and understanding. A director who accomplishes all of their objectives might be an exceptional employee or might simply have been quite conservative in what they set out to do.

- ***The library board needs to be able to examine the resources of the library and the resourcefulness of the director and see how these have been utilized to manage library services successfully.*** Assessing the degree to which the director contributes to the success of the organization can be especially helpful to library boards as they evaluate the director. Library board members are continually viewing the library from the outside, since they do not participate in the daily management of the organization. Good board members are library users who experience library services first-hand. As community leaders, they are aware of the image of the library within the community.
- ***Examining resource management is a far more reliable tool for reviewing the library director than relying on subjective comments from individuals.*** The board has a variety of resources at its disposal by which to evaluate resource management. The monthly financial statement and statistical reports are good examples. Your regional liaison can also suggest a variety of output measures by which the board may judge the success of the library and, by extension, the success of the director.

How to Conduct the Performance Review

When conducting the annual formal performance review, it is very helpful to have the director fill out review forms as a self-assessment. The board, or review committee, should fill out a second set of forms. By comparing assessments, the director and board can easily establish areas of agreement and work to resolve disagreements. All discussions of the director's job performance should be carried out in legally posted closed session meetings [Executive Session] pursuant to 1 MRSA §405(6)(A).

The formal evaluation of the library director should take place at the next regularly scheduled board meeting. It should be conducted in an objective, businesslike manner with a predetermined agenda, but should not be so austere as to be intimidating. Specific examples should be used to illustrate the evaluation, and free discussion should be encouraged. Adequate time should be allowed to thoroughly explore all issues, and the meeting should be free of interruptions. There should be a thorough summing-up by the spokesperson of the proceedings. The evaluation should be followed with a planning session to develop the basis for the next review.

The director's self-assessments may or may not be considered part of the permanent record; however, the director should have the opportunity to respond in writing to reviews placed in their permanent file. Written comments should always be part of the permanent record and be kept with board personnel files. If the library director is a municipal employee, their evaluation will be kept at the town office/city hall with those of other municipal employees. No performance review should ever be placed in a personnel file without the knowledge of the director. The director should sign the review indicating that they have been given the opportunity to read and discuss the evaluation. Signing a review should not be construed as agreement.

The basis of the evaluation should be the up-to-date job description and the annual performance objectives agreed to by the director and board. There are many forms available for your adaptation and use when evaluating a director. Your regional liaison should be able to furnish you with some samples.

Here are some questions to consider in the evaluation process:

- How well has the director utilized the resources available to them? Is library service provided efficiently and effectively at your public library?
- Does the community like and respect the director? Are they accessible? Do people enjoy coming to the library?
- Is the library in good financial shape? Does the director stay within the budget and provide clear and timely reports to the board? Does the annual budget, as initially drafted by the director, adequately reflect the needs for library service in the community? Is the director successful in obtaining necessary funding (with the help and involvement of the board)?
- Does the director communicate effectively to staff? Are they a good supervisor?
- Is use of the library increasing? If not, why not? (Success is not strictly the responsibility of the director, but of course they have much direct influence.)
- Is the director creative, willing to try new things, and do they give considerable effort to making programs work?

- Does the director accurately and fully provide the board with the information you need to do your job? Does the director provide the board with well-considered advice?
- Has the director put appropriate effort into achievement of the annual objectives agreed to between the board and director? Is the director striving to accomplish the goals and objectives of the library's long-range plan?

Sample Performance Appraisal Form

[**Note:** This sample should be adapted to reflect the job description of your director and the needs of your local library.]

Job Title: LIBRARY DIRECTOR

Name: _____ **Date:** _____

Reason for Appraisal: __End of Probation __Annual __Final __Other

Administrative Services

Specific Duties:

1. Act as the library board’s executive officer.
2. Serve as the technical adviser to the board.
3. Implement the policies of the library as established by the board.
4. Prepare the draft of the annual library budget for board discussion and approval.
5. Participate in the presentation of the adopted budget to local officials.
6. Receive and expend library funds according to established guidelines and maintain accurate and up-to-date records showing the status of library finances.
7. Recruit, select, hire, supervise, evaluate, and terminate if necessary, library staff in conformity with library policy and state and federal law (and any applicable local civil service regulations and/or union contracts).
8. Prepare library board meeting agendas and necessary reports in cooperation with the library board Chair and notify board members of scheduled meetings.
9. Prepare state annual report for review and approval by the library board.
10. Inform and advise the library board as to local, regional, state, and national developments in the library field and work to maintain communication with other area libraries and the library system.

Rating: *Excellent* < 6 5 4 3 2 1 > *Poor*

Narrative evaluation and assessment of effort in achievement of annual objectives:

Collection Management

Specific Duties:

1. Select or direct the selection of materials for all media and all age groups, based on the
2. library’s approved collection development policy.
3. Catalog and classify library materials according to accepted standards and maintain the public catalog.
4. Process materials to provide appeal, protection, and control.
5. Develop and maintain a regular weeding schedule.
6. Periodically review the collection development policy and make recommendations to the library board for revisions.
7. Oversee the shelving and organization of materials.
8. Prepare and distribute overdue notices to users with overdue or lost materials.
9. Maintain an accurate and up-to-date database of user registrations and activities, including information adequate to support reimbursement requests for nonresident borrowing.

Rating: *Excellent* < 6 5 4 3 2 1 > *Poor*

Narrative evaluation and assessment of effort in achievement of annual objectives:

Service and Service Promotion:

Specific Duties:

1. Develop and execute an array of service programs to address the various needs of users and to make the library more accessible to all. These might include: preparation and dissemination of bibliographies of popular topics and genre collections; tours of the library for school, daycare, and homeschooling groups; inclusion of interesting displays of an educational or cultural nature; presentations to local organizations or groups on the benefits offered by the library; provision of storytime sessions for small children, and teen and adult book discussion sessions; support of a summer reading program; acquisition of special materials and provision of accommodations to encourage use of the library by individuals with special needs; development of a homebound service for residents unable to visit the library.
2. Provide friendly and efficient direct assistance to users checking out materials, requesting directional or community information, or seeking materials or information on specific topics.
3. Prepare media advisories and press releases and submissions to the media to announce new or special services and events that spotlight the library.
4. Assist and guide local volunteer groups (e.g. Library Friends) who wish to help with library promotion, fundraising, and enhancement of services.
5. Prepare grant applications, when grant opportunities are offered, in order to supplement local funding of library operations and development.
6. Maintain records showing all programs offered and number of attendees at each program.
7. Continually investigate the value, costs, and logistics of adding library services, new media, and new technologies in order to keep the library current and proactive in its service provision to the public.
8. Conduct ongoing evaluations of existing library programs, services, policies, and procedures, and submit recommendations for improvements to the library board.

Rating: *Excellent* < 6 5 4 3 2 1 > *Poor*

Narrative evaluation and assessment of effort in achievement of annual objectives:

Facilities Management

Specific Duties:

- 1. Oversee care and maintenance of the library building and grounds.
- 2. Oversee the work of custodial staff.
- 3. Regularly review building needs and advise the board in its planning for future expansion or development.
- 4. Assess the adequacy of existing facilities in regard to the provision of automated services.

Rating: *Excellent* < 6 5 4 3 2 1 > *Poor*

Narrative evaluation and assessment of effort in achievement of annual objectives:

Certification:

Board President’s Signature: _____ **Date:** _____

Library Director’s Signature: _____

Sources of Additional Information

- *A Library Board's Practical Guide to Finding the Right Director*. Chicago: American Library Association, 2005.
- *Assessing and Supporting Your Chief Executive; A BoardSource Toolkit*. Washington: BoardSource, 2010.
- COSLA's Hiring Toolkit:
https://www.cosla.org/content.cfm/id/trustee_toolkit_hiring_a_new_library_director
- Niche Academy:
<https://my.nicheacademy.com/msltrustees/course/15227>
- Sample job descriptions
www.maine.gov/msl/lib/admin/jobdesc.shtml
- Your regional liaison



12

CHAPTER TWELVE

Developing Essential Library Policies

[Disclaimer: *The information in this handbook is not legal advice. We recommend that you consult an attorney if you have any questions about how the laws apply to your library.*]

Policies guide the daily operation of the library and the decision-making of the library director and staff. Essentially, policies provide the framework for library operations and services. Carefully developed policies can help ensure high-quality library service that provides for community needs, wise use of library resources, and fair treatment of library staff and library users.

Library boards should approve policies to cover many issues, including the services offered by the library (such as the hours the library is open to the public), circulation of materials, selection of books and other resources, confidentiality of patron records, and use of electronic resources. The library personnel policy and the board bylaws are two essential statements of policy relating to library and library board internal operations.

Both advisory and governing boards should work with the library director and staff to develop policies. Governing boards are responsible for approval and periodical review of policies. Advisory boards have approval responsibility and serve as the appeals board in the event of a book or material challenge. A town library with an advisory board must also have policies approved by the town select board or town council.

Every public library should have a collection development policy that supports the ideals of freedom of expression and inquiry—two of the bedrock principles of our country. A sound collection development policy assures the continuous growth of a collection appropriate to your library's defined mission and goals, while recognizing the diversity and pluralistic nature of your community. The collection development policy outlines the professional review sources you use to select materials—essential information in the event of a challenge.

Challenges to library materials and policies do occur. This is why it is essential for every library to have a written policy in place that specifies how complaints will be handled, including a procedure to be

used by concerned citizens with a complaint/concern form. There is more detailed information in the additional resources area of this chapter.

Policy Development Steps

The following basic steps provide for careful development and review of library policies:

1. Director, with staff (and maybe public) input, develops recommended policies.
2. Board discusses, revises (if necessary), and approves policies.
3. Director makes sure staff and public are aware of policies.
4. Board reviews policies on a regular cycle so all policies are reviewed at least every three years. (Perhaps one or two policies could be reviewed per meeting until all of the policies have been reviewed - and revised if necessary.)

The library board must approve all policies in properly posted public meetings. In consideration of policy matters, it is important that you give adequate time and attention to the many complex issues that may be involved. All library policies should promote the best interests of the community and be consistent with the library's mission and long-range plan. You should be satisfied that a policy is legal, clear, and reasonable, and that all ramifications (including the effects on the public image of the library) are understood.

After a new policy is established, it is important that the policy be clearly documented and available to staff and public. It is helpful for a library to gather all library policies into a policy manual available to all staff and readily available to all library users. Many libraries are now posting their policies (see www.maine.gov/msl/libs/admin/policies/ for examples) on their web sites to help make the public more aware of the library's services and policies.

Although disagreements during the development of policies are natural, each board member should support staff in implementation of policies once they are established. Challenges to policies are most common on the topics of material selection, behavior in the building, and public internet access.

Legally Defensible Policies

It is important for policies to be legal. Illegal policies can open the library or the town to liability. Below are four tests of a legally defensible policy:

Test #1: Policies must comply with current statutes and case law. For example: A library policy charging patrons for use of computers in the library would be contrary to **Maine Statutes Title 35A, Part 7, Chapter 71 subsection 7104B** which requires that the library provide free public access to all advanced telecommunications services available at the library.

Test #2: Policies must be reasonable (and all penalties must be reasonable). For example: A library policy that says, “All talking in the library is prohibited, and anyone who talks in the library will permanently lose library use privileges” is clearly an unreasonable rule with an unreasonably harsh penalty.

Test #3: Policies must be clear (not ambiguous or vague). For example: A policy that says, “Library use privileges will be revoked if a patron has too many overdue books” is too vague to be fairly administered.

Test #4: Policies must be applied without discrimination. For example: If a library charges fines, it cannot give preferential treatment to some individual patrons. For example, if the library sometimes waives fines, that waiver must be available to all patrons on an equal basis—not just to friends of library staff or to politically important people.

Many libraries find that it is helpful when developing or revising policies to review the policies of other libraries. Many examples of Maine public library policies and other resources are available from the Maine State Library’s website at www.maine.gov/msl/libs/admin/policies/.

Policies vs. Procedures

In addition to a policy manual, many libraries find it helpful to compile procedure manuals, especially for covering complex activities like the selection, ordering, and processing of new materials. Procedure manuals outline the steps necessary to accomplish various tasks and therefore are especially valuable to new staff.

Procedure manuals are the place to outline fee and fine schedules and any penalties because changes don’t require formal board or town approval with public meeting notices. For example, if you decide to raise your photocopy fee from 10 cents to 25 cents, it’s much easier to update your procedures instead of going through the formal policy approval process.

Procedures must conform to the policies approved by the library board. While it is true that the library board is responsible for the entire administration of the library, your library will operate most

effectively if the board delegates responsibility for the development of procedures and the day-to-day supervision of library operations to the library director. A properly trained library director is well equipped to handle this responsibility. “Micro-management” of library operations by the board is, in almost all cases, an unnecessary use of the board’s time, unethical, and a practice that can undermine the authority of the library director.

Dealing with Challenges to Materials and Policies

One of the most difficult tasks you may face as a public library trustee is that of dealing with an objection to materials in the library’s collection, or an objection to library policies. This is why it is essential for every library to have a written policy in place that specifies how complaints will be handled, including a procedure to be used by concerned citizens.

The policy should be written so that it calls for at least the initial steps of the process to be handled by staff; and in many, if not most, instances the issue can be resolved at that level. However, there may be times when the library board becomes involved more directly. Again, what is most important is for the board to have a policy and a corresponding procedure for dealing with either circumstance.

Regardless of the level of board involvement, it is important for you as a trustee to be committed to the principles of freedom of expression and inquiry that are fundamental to the role of public libraries. The entire community benefits collectively when democratic institutions uphold the right of access to information. Public libraries are for everyone and for every inquiry, and as such must include materials with varying points of view and a wide range of subjects. However, throughout history there have always been those who seek to limit what others may read, see, or listen to, and when this occurs in a public library setting it must be addressed thoughtfully and carefully by those ultimately responsible for all library operations, i.e., the library board.

The Trustee Role in Dealing with Challenges

So, what is your role when a complaint against a specific book, video, music CD, or policy is made? In many communities (especially smaller ones) you may receive the complaint personally through a phone call or a face-to-face conversation

rather than as an item of business at the next board meeting. If this happens, you will be better able to respond appropriately if there is a policy and procedure already in place.

An important first step is to communicate with the library director about the complaint, since you and your fellow trustees have, no doubt, delegated to the director the responsibility for selecting materials. This means that you should not express your own personal views to an individual citizen but should instead refer the complaint to the director promptly. Inform the citizen that there is a policy for handling objections and explain that you are not individually responsible for deciding what will be done. Make sure the objector understands there is a process, and that they have the right to use that process.

In other instances, the complaint may be made directly to the library director, either orally or in writing. In both cases, the objection may become a formal challenge if it cannot be resolved through informal dialog. You and your fellow trustees should be informed by the director that a challenge has been received and kept informed of its status. When the challenge is elevated to the trustee level it then becomes an agenda item.

If a formal challenge has been received, it may become known to the general public, sometimes generating debate in the media and among other public officials. This can create great stress for library trustees, for you may be contacted for your opinion by members of the public or by the media, or even by members of the municipal board which confirmed your appointment. Again, it is your responsibility not to engage in public debate as an individual. Your library's policy for dealing with challenges should specify that all deliberations involving trustees will be made at open board meetings. It should also specify that there is an official spokesperson (often the library director, sometimes the board president) through whom all information will be given out, especially to the media.

Public Hearings

Most challenges are resolved before they become issues of public debate. Depending on your challenge policy, occasionally the library board may decide to hold a public hearing at which testimony is taken. This process must be

carefully and thoroughly crafted to allow both sides of the issue to be heard and to prevent (as much as possible) undue sensationalism. (The Intellectual Freedom Manual has an excellent section on planning a public hearing.) While the steps of this process need not be spelled out in your library's policy, there should be a statement that refers to the process.

If a hearing is held, it is important for trustees to listen carefully and not to participate in the debate. They should also defer any decision on the challenge to a later meeting. This meeting should be scheduled fairly soon after the hearing but allow enough time for trustees to consider the issues that have been raised in a less emotional atmosphere.

Regardless of how the challenge ultimately arrives before the trustees, it is probable that you will eventually make your views known through a vote that will decide the outcome. This is the time to make a public statement giving the reasons for your vote. Such a statement is not obligatory, but it gives trustees a forum to reiterate the principles of intellectual freedom, and why you do (or do not) support them in this instance. Once the board has decided the outcome, there is usually no further recourse for action by the challenger except a court case.

A formal challenge can be an opportunity for growth for all parties: the challenger, the library director and staff, and perhaps most of all for trustees. Having a policy in place that describes the process to be followed and the responsibilities of the various participants in a challenge will make it much easier for you and your fellow board members to deal with attempts at censorship.

Sample Request for Reconsideration of Library Materials

Your Name: _____ Date: _____

Address: _____ Phone: _____

Author/Artist: _____

Title: _____

Please briefly answer the following questions about the item that you would like to have reconsidered.

1. Did you obtain the item at the _____ (Name of) Library or did you place it on hold to be delivered by the Maine Regional Library System?
2. How did you learn of this item?
3. What are your objections to this item?
4. What harm do you feel might result from reading, listening, or viewing this work?
5. Did you read, listen or view the work in its entirety? If not, what parts did you read, listen or view?

6. Have you read any professional reviews of the work? If so, please list the names of critics and sources of reviews.

7. What do you think are the main ideas of the work or what was the author's/artist's purpose in creating this work?

8. What suggestion do you have for a work with a similar purpose to replace this item?

9. What would you like the library to do with this material?

Thank you for taking the time to fill out this form. The Library Director will respond to your concerns within 10 days of the receipt of this form.

Signature and Date

Essential and Recommended Library Policies for Maine Public Libraries

Current, effective library policies are essential components for a strong organization. The Maine State Library has posted a list of sample policies online at: www.maine.gov/msl/libs/admin/policies. The Maine State Library strongly recommends library boards adopt local policies and procedures on the following topics:

Essential Library Policies

- Acceptable Computer Use Policy (required for MSLN libraries)
- Collection Development (includes materials selection criteria, disposal of outdated or damaged materials, gifts and donations, special collections, patron requests, and challenges)
- Internet Safety Policy (Children Internet Protection ACT (C.I.P.A.) compliance is required for all MSLN libraries that filter.)

Minimum Recommended Library Policies

- ADA Compliance
- Collection development
- Copyright Compliance
- Emergencies/Safety
- Exhibits/Displays
- Interlibrary Loan
- Investment
- Lending
- Meeting Rooms
- Patron Conduct
- Personnel
- Patron Privacy/Confidentiality
- Public Relations/Social Media
- Public Service Hours
- Records Retention
- Reference/Information Services

Additional Suggested Library Operations Policies

- Building Maintenance
- Circulation
- Computer Use
- Customer Behavior
- Displays
- Filtering
- Genealogy
- Gifts and Appraisal
- Interlibrary Cooperation (Reciprocal/Consortial Borrowing)
- Library as Polling Place
- Patron Materials Requests
- Problem Patron
- Smoking
- Unattended children
- Weapons in the Library

Personnel Policies

- Absenteeism and Tardiness
- Appraisal
- Bereavement Leave
- Breaks
- Complaints
- Conferences and Meetings
- Conflict of Interest
- Disabilities or ADA
- Dress Code
- Educational Assistance/
- Emergency Closing
- Employee Privacy
- Employment
- Employment of Relatives
- Equal Opportunity
- Evaluations / Performance
- Expense Reimbursement
- Family Medical Leave Act
- Grievance
- Health/Other Insurance
- Hiring/Recruitment
- Holidays
- Inclement Weather
- Internet/Email Use
- Job Descriptions
- Jury Leave
- Meal Periods
- Mileage Reimbursement
- Military Leave
- Overtime
- Payroll Deductions
- Performance Improvement
- Personal/Other Paid Leave
- Professional Memberships
- Retirement
- Salary Increases
- Salary Payment
- Sexual Harassment
- Sick or personal leave
- Substance Abuse
- Termination of Employment
- Tuition Reimbursement
- Unpaid Leave
- Vacation Leave
- Voting Leave
- Workplace Violence
- Workweek

Sources of Additional Information

- Your Regional Liaison
- Maine State Library Technology Specialist
- Children's Internet Protection Act (CIPA) and Filtering
www.maine.gov/msl/erate/cipa.htm
- Maine State Library Public Library Policies page
www.maine.gov/msl/libs/admin/policies/
- Maine Library Association's Intellectual Freedom Committee
<https://mainelibraries.org/intellectual-freedom>
- American Library Association
<http://www.ala.org/advocacy/intfreedom>
- Your board or town attorney



13

CHAPTER THIRTEEN

Planning for the Library's Future

[Disclaimer: *The information in this handbook is not legal advice. We recommend that you consult an attorney if you have any questions about how the laws apply to your library.*]

The Importance of Planning: Why Plan?

How often do you leave for the grocery store without a list and come back with dozens of items you didn't need, but without the one or two things you absolutely needed? The library board or director that refuses to plan is like the shopper going to the store without a shopping list. The library may well be offering dozens of services that are not really needed by the community, while failing to offer the one or two services that might provide a great benefit. Yet, it is often hard to convince library directors and library boards to create a long-range plan. The most frequent excuse is "We don't have time" or "We are too busy getting our work done."

Planning for libraries is a process of envisioning the future of the community and the library's place in helping the community achieve that vision. Planning helps the staff and board understand the situation of their community, set priorities, and establish methods for achieving those priorities. The planning document provides a record of the decisions made during that process. The document also becomes a guide for decision-making and action by staff and the board.

Planning Essentials—Getting Started

Size doesn't matter. Every library needs a plan, no matter how small or how large the library and community may be. However, just as a shopping list will be different for the single person and the family of ten, the process followed to create a plan will depend on the size of library and community involved in the project. Large and even many medium-sized libraries, or those libraries accustomed to planning, may have the resources and experience to undertake a full-blown process such as that described in *Strategic Planning for Results* provides a blueprint for creating a vision of the future for a library and its

community, along with a blueprint for creating the services that will enable a library to achieve its vision. *Strategic Planning for Results*, because it is so thorough, describes a fairly time-intensive process involving a large cast of players.

Any library, including smaller libraries or those new to planning, will benefit from undertaking the process outlined in *Strategic Planning for Results* if its board and staff have the commitment, time, and resources to follow through. However, for novice planners, the process is less important than the fact that planning is carried out. First-time planners often want to follow a simplified process that is less time-intensive. Even a simplified process will help the board and staff gain vital information about the library and community, as well as the experience and confidence needed to expand the process during the next planning cycle.

Who should be involved?

The minimum number needed to draft a long-range plan is one. However, just as the grocery shopper benefits from consulting household members before leaving for the store, the long-range plan for the library benefits from input from multiple individuals.

By talking to other stakeholders, library planners can add to the strength and reliability of their plan as well as obtain buy-in from the public. There is an endless list of individuals and groups that might be consulted as part of a basic planning process. Which ones you choose will depend on your particular situation. Suggested players include:

- The mayor, town manager or select board or city council (or equivalent)
- Municipal employees such as an economic development director, senior center director, or recreation department director
- Representatives from the PTA and/or teachers union
- Representatives of active service groups such as Elks, Rotary, Kiwanis, or Lions
- Representatives of other social/service organizations such as those representing growing minority populations
- Representatives of the religious community
- Current library users
- Those not currently using the library

You get the picture. The more people you talk to about the community, the more information you will have to create your long-range plan.

How do you gather information?

Probably the most common mistake library planners make when consulting the community in preparation for a long-range plan is to ask people about the library. Neophyte planners ask what library services people are looking for. The real purpose of consulting all of these community representatives is to find out about them—what they are doing and what is important in their lives and work.

The library staff and board are the experts in the broad array of possible library services. It is up to the experts to be creative in proposing new services or changes in services to meet emerging community needs. The mayor and city council may be interested in developing tourism in a community, but they may never think of the library as a vehicle for collecting and disseminating local information of interest to tourists. If you ask someone what the library should be like, they will answer based on their preconceptions about what a library is. Instead, inquire about community needs and then apply library resources to fashion the services to help the community fill those needs.

There are a variety of ways to ask this large array of players about community needs. One of the simplest but most effective is simply to invite them to the library or a neutral site and talk to them. Find someone who is experienced in conducting focus group interviews. Construct one or more groups built around particular interests, such as the needs of children in the community or the needs of immigrants. Assist the interviewer in eliciting the opinions of interested parties regarding what is important to them. Use the Community Conversation worksheet at the end of this chapter as a guide for developing questions.

Library planners often gather information by means of surveys. If you decide to use a survey, consider the following:

- What is the specific question you are trying to answer? What hypothesis are you testing?
- Don't ask questions simply for the sake of asking. If you ask whether the respondent went to college, for example, how will having the information affect your investigation? How will you use the information?

- Will your survey reach the target audience? Surveys done in the library are useless for learning the needs and opinions of nonusers. Current library users do not necessarily represent a cross section of the community.
- How will your survey be distributed?
- How will your survey be tabulated?
- Do a pretest. Make sure that your respondents have the same understanding of the questions you do.

Again, consider enlisting the help of someone experienced in writing and conducting surveys before you get started. This doesn't have to cost anything. You may find a volunteer at a local chamber of commerce or a nearby university, or a local resident may be willing to help who has conducted surveys as part of his or her business. The Maine State Library website has sample surveys available to get you started (see additional resources at the end of this chapter). If you write your own survey, at the very least have someone critique it for you. A poorly executed survey can have less value than no survey at all. It may even lead you to opposite conclusions from those you might have reached otherwise.

One of the easiest ways to gather information about your community is to look at existing sources such as the US Census for demographic information. Often, the abstract or introduction of the town's comprehensive plan will have clues about the community's aspirations for the future.

At the same time, the director and staff can gather facts about the library, including:

- What services are currently being offered?
- How have usage patterns been changing in the past few years?
- What is the composition of the collection? How many books does the library own? How many audiobooks? DVDs? eBooks? Children's books, etc.
- What is the age of the collection? What is the average publication date for each section of the nonfiction collection?

By discussing these and similar facts about the library and the community, the staff and board can come to some basic conclusions about the library on which to plan future services. A library with a small large-print collection in a community with a stable, aging population may want to buy more large-print books, for example. A

science collection with relatively few titles less than one or two years old probably needs updating.

One of the best ways to gather insight regarding your library is to see how it stacks up against current state standards for libraries. The director can also use the Public Library Annual Report statistics to compare your library's performance with a peer group of libraries.

A Plan Outline

Okay, you've gathered all your information. What do you do with it? A simple plan might be organized like this:

Introduction: Discuss the planning process: Who are you? What are your library and community like? How did you find this out? Who did you consult? How did you consult them? What did you find?

Mission Statement: What vision of the community are you are trying to support? What is the library's role in supporting that vision? What is the reason the library exists? (See Sources of Additional Information below for information about developing a mission statement.)

Service Responses: What are the specific services you will offer and why? Service responses are services typically offered by libraries such as basic literacy or lifelong learning. For a more thorough discussion, see Nelson, page 61-88. The list of possible service responses is included at the end of this chapter.

Goals: Once you've identified 4-5 service responses to concentrate on, the next step is to identify goals. These are the outcomes your target groups will receive as a result of your programs or services (the focus is on the community, NOT the library), e.g. If the service response is "Basic Literacy", then a goal might be "Children will develop a love of reading."

Strategies/Objectives: These outline the ways that the library will implement the goals, e.g. summer reading programs, pre-school storytimes, infant lap-sit programs.

Activities: Activities are the specific actions taken to achieve the strategies / objectives, e.g. contact schools, get SRP manual, get craft supplies, find speakers, find sponsors for prizes, etc.

Evaluation: How will you measure the impact these services are having on the target population? How do you know if you are doing it right? What are your alternatives if you are not?

The specific time frame your plan should cover will depend on how ambitious your plan is, or how many activities you hope to carry out. There is no magic formula that dictates that your plan should last five years, three years, or even one year. Do what makes sense for your library and your community. The most important thing you can do is to be adaptive. Follow your plan and revisit it along the way. Make sure it is taking you where you want to go and revise it as necessary. At the end of the planning cycle, when all evaluations are in, start over. Create a new plan and perhaps go a little farther in your information-gathering process.

Special Types of Planning

In addition to general long-range planning for the entire library, you may also want to consider planning projects focusing on special issues such as technology or disaster preparedness.

Even though the E-Rate process no longer requires a technology plan, it is still important that all libraries be involved in some type of technology planning because new technologies can greatly expand the services and resources offered by a library. At the very least, a hardware and software replacement plan is critical for budgeting for the replacement of old or inadequate equipment. Most libraries in Maine receive their Internet connection through the Maine School and Library Network (MSLN). This connection is worth a minimum \$6,100 per year. In order to qualify for this connection, a library must have an Internet Safety Policy and a Computer Use Policy as well as be a member in good standing with the Maine Regional Library System.

Most libraries will rarely experience a severe emergency or natural disaster, but it is best to be prepared, just in case. Fires, floods, extreme weather, and hazardous material accidents can endanger lives, and it is important for libraries to have plans and/or policies in place for dealing with these types of emergencies. It is also important for staff to be trained to handle emergencies properly, including medical emergencies.

Plans and/or policies can also be established to prepare for recovery of library materials after an accident or disaster. The Maine State Library has links to examples of emergency and disaster policies (www.maine.gov/msl/libs/admin/policies/disaster.htm) See below for resources to help with accident and disaster preparedness planning.

Sources of Additional Information

- Your Regional Liaison
<https://www.maine.gov/msl/libs/districts/index.shtml>
- Maine Public Library Standards, available
<https://www.maine.gov/msl/libs/standards/index.shtml>
- Nelson, Sandra. *Strategic Planning for Results*. Chicago, IL: ALA, 2008.
- “Disaster Preparedness and Recovery.” American Library Association
www.ala.org/advocacy/govinfo/disasterpreparedness
- Northeast Document Conservation Center (NEDCC)
www.nedcc.org/
- Conservation OnLine (CoOL), Disaster Preparedness and Response <http://cool.conservation-us.org/>
- Library Service Responses (from *The New Planning for Results: A Streamlined Approach*. Sandra Nelson, Chicago, American Library Association, 2001.) (attached)
- Community Conversation (attached)



Sample Library Service Responses

from *The New Planning for Results*, 2008 ed., pg. 65

Basic literacy - addresses the need to read and to perform other essential daily tasks

Business and Career Information - addresses a need for information related to business, careers, work, entrepreneurship, personal finances, and obtaining employment

Commons - addresses the need of people to meet and interact with others in their community and to participate in public discourse about community issues

Community Referral - addresses the need for information related to services provided by community agencies and organizations

Consumer Information - helps to satisfy the need for information to make informed consumer decisions and to help residents become more self-sufficient

Cultural Awareness - helps satisfy the desire of community residents to gain an understanding of their own cultural heritage and the cultural heritage of others

Current Topics and Titles - helps to fulfill community residents' appetite for information about popular cultural and social trends and their desire for satisfying recreational experiences

Formal Learning Support - helps students who are enrolled in a formal program of education or who are pursuing their education through a program of homeschooling to attain their educational goals

General Information - helps meet the need for information and answers to questions on a broad array of topics related to work, school, and personal life

Government Information - helps satisfy the need for information about elected officials and government agencies that enables people to participate in the democratic process

Information Literacy - helps address the need for skills related to finding, evaluating, and using information effectively

Lifelong Learning - addresses the desire for self-directed personal growth and development opportunities

Local History and Genealogy - addresses the desire of community residents to know and better understand personal or community heritage

Community Conversation

To get a sense of people's aspirations for their community and learn about the kind of community residents want to create, ask the following questions beginning with, "We're trying to learn more about people's aspirations for the community. Would you help by answering five quick questions?"

1. What kind of community do you want to live in?
2. Why is that important to you?
3. How is that different from how you see things now?
4. What are some of the things that need to happen to create that kind of change?
5. What can the library do to help the community reach its goals and aspirations?

14

CHAPTER FOURTEEN

Developing the Library Budget

[Disclaimer: *The information in this handbook is not legal advice. We recommend that you consult an attorney if you have any questions about how the laws apply to your library.*]

The proper administration of library funds is one of the basic functions of the governing board of trustees. It is also an important legal responsibility. Advisory boards may have input into library budget but the responsibility for setting the final budget rests with municipal officials. The tasks related to finance are:

- Budget preparation
- Budget presentation
- Budget implementation
- Capital improvement budgeting
- Management of endowment funds and trust funds
- Audit

Budget preparation should reflect the objectives for library service set by the trustees in the library's long range plan. Both library director and the board of trustees should be involved in the formulation of the budget. It is the responsibility of the trustees to evaluate how well the budget addresses the needs of the library.

The budget format should be directly based on an existing chart of accounts and resulting financial statements. The budget should be detailed enough to assure that the money will be spent in the manner agreed upon, but not so detailed that all the money is tied up in accounts from which it cannot be transferred without requesting permission from the municipal council or board. Once the budget is formulated, every board member should be fully informed and prepared to answer any questions that may arise in daily contacts or able to refer the questioner to someone representing the board who can.

Presentation of the budget to the appropriate community governing body is the responsibility of the library director or a representative of the board of trustees. If a trustee is presenting, the library director should be present to provide supporting information. In either case, it

should be clear to the government officials that the budget has the unanimous support of the board.

Implementation of the budget is usually delegated to the library director. The trustees have the final responsibility to review and evaluate the process of implementation through the receipt of periodic reports.

In addition to the operating budget, the trustees should consider the capital improvement needs of the library such as major building maintenance projects, like a new roof, and acquaint themselves with the resources available for such funding. A capital budget should be developed that saves up for such major projects and also provides a contingency fund if a major system should fail unexpectedly.

The library director, working with the board, should develop an equipment replacement schedule and budget. Library computers should be replaced every 3 to 5 years and it makes sense to replace one or two at a time rather than searching for a grant when the computers are too old to handle current technology demands.

Because library boards are responsible for making decisions in regard to trust funds, it is important for trustees to know about the options available in the investment and management of these funds.

The library budget is a tool for turning library plans into reality. The budget determines the services that will be offered by your library and the resources devoted to each library program. A carefully developed budget will ensure that available funds are effectively utilized to realize your library's service objectives.

The Budget Development Process

Planning

The first step in developing a library budget is to look at what the library hopes to accomplish in the next year as laid out in the library's strategic or long-range plan. This plan should already document your community's library service needs and the library activities necessary to meet those needs. So, at the point that the board wishes to begin budgeting for the coming year, it should review the long-range plan and its chosen objectives, reflecting on the financial implications of the objectives for the coming year.

Costs Analysis

The second step is to determine the total financial resources necessary for what the library wants to accomplish in the coming year. Often, increased funding is necessary because of increased costs, increased usage, and/or new services that will be offered. Additional resources for new services can also be made available by shifting resources from a lower priority to a higher priority service.

Draft budget documents are prepared by the library director and library staff. (See attached *Sample Library Budget* for an example.) The library board and/or library board finance committee may have input into development of budget drafts. The board of trustees will then review the draft budget(s) with the director, propose changes, and finally approve a finished budget.

Presenting the budget

After the written budget documents are approved by the board and submitted to the municipality, the final step in the budget process is securing the funding needed to carry out the planned service program. Trustees, as volunteer public representatives, are especially effective budget advocates. Trustees should be involved in presenting, explaining, and supporting the library budget that was approved by the library board.

However, budget advocacy should not occur only at budget time. The board and the library director should be constantly talking with the town manager, select board and budget committee about the value that the library brings to the community. The first rule of effective advocacy is to establish a good relationship first before ever asking for money. For more information about advocacy, see Chapter 16.

The board may need to make budget changes if the funding needed to balance the budget is not secured. Budget changes may also be required during the budget year if, for example, certain expenditures are higher than expected, or costs are lower than expected.

Sources of Funding

One of the most important responsibilities for library trustees is determining the appropriate level of funding for the library and working to secure that funding.

Fines may be a source of library revenue, but the policy of charging fines is the subject of debate concerning their effectiveness in encouraging the return of materials, along with their public relations effects. In establishing a fine policy, a library board should consider not only the possible revenue but also the potential negative public relations effects.

In Maine, public libraries do not charge fees for information-providing services. Fees and charges for such things as making computer printouts and using a copy machine are legal. Most fees, charges, and sales by public libraries are not subject to Maine sales tax (Maine Revised Statutes Title 36, Chapter 211: GENERAL PROVISIONS § 1760).

Grants and gifts can be an excellent source of supplementary funds for special projects. In addition, community citizens are often willing to make significant donations to cover part or all of the costs of a new or remodeled library building or a program series.

Grants or donations should never be used to justify reducing or replacing the community's commitment to public funding. Donors will stop donating, volunteers will stop working, and granting organizations will stop awarding grants to your library if they see that their efforts are resulting in reduced public funding for the library instead of improved service.

Desirable Budget Characteristics

There are four practical characteristics that your budget document should include.

1. **Clarity:** The budget presentation should be clear enough so every board member, every employee, and every municipal governing body member can understand what is being represented.
2. **Accuracy:** Budget documentation must support the validity of budget figures, and figures must be transcribed and reported carefully, without variation from the documentation.
3. **Consistency:** Budget presentations should retain the same format from period to period so that comparisons can be easily

made. All budgets are comparative devices, used to show how what is being done now compares with what happened in the past and what is projected to happen in the future.

4. **Comprehensiveness:** Budget reports should include as complete a picture of fiscal activities as is possible. The only way to know the true cost of the library operation is to be certain that all revenue and expenditure categories are included within the budget.

Types of Budgets

Line item and program budgets

These are two of the most popular styles of budgets. The line item budget is organized around categories or lines of expenditures and shows how much is spent on the various products and services that the library acquires. The program budget, designed to assist with planning, is organized around service programs (such as children's services, young adult services, reference services) and helps the library board and director see how much is spent on these individual areas. A program budget is usually sub-arranged in a line item style, so that the individual categories of expenditures for each program are also presented.

Operating vs. capital costs

In planning for the financial needs of the library and recording financial activities, it is important to keep operating and capital activities separated for reporting purposes. Operating activities are those that recur regularly and can be anticipated from year to year. Included as operating expenditures are staff salaries and benefits; books and other media acquired for the library; heating, cooling, and regular cleaning and maintenance of the building; and technology support contracts. Capital activities, in contrast, are those that occur irregularly and usually require special fundraising efforts. These would include new or remodeled library buildings, major upgrades of technology, and usually the purchase of computer hardware. You should present the operating and capital activities separately within your library budget. (See attached *Sample Library Budget* for an example.)

Revenue vs. expenditures

In both operating and capital budgets, you will need to show revenue (or income) and expenditures. Revenue should be broken down by the source of the funding—for instance, municipal appropriation, grants, gifts and donations, fines and fees. Expenditures are sometimes grouped in categories with lines representing similar products or services—for instance, personnel costs (salaries, wages, benefits, and continuing education), general operating costs (including office supplies, utility and communications costs, building and equipment maintenance, and insurance), contract fees (such as shared automation system), and collection costs (broken down into print materials, audio and video materials, and electronic services).

Sources of Additional Information

- Maine Revised Statutes Title 36, Chapter 211: GENERAL PROVISIONS § 1760
- Sample Format of a Minimal Library Budget (attached)
- Maine Association of NonProfits (MANP) Financial Management webinars:
<https://www.nonprofitmaine.org/learn/skillbuilders/webinar-recordings/>
- Dropkin, Murray, Jim Halpin, and Bill La Touche. *The Budget-Building Book for Nonprofits: a Step-by-Step Guide for Managers and Boards*. San Francisco: Jossey-Bass, 2007.



*Sample Format of a Minimal Library Budget***(Line Item Budget Format)**

Operating Income	2014 Actual	2015 Budget	2016 Budget Request
Municipality	\$34,700	\$35,500	\$36,300
Funds carried forward	\$0	\$600	\$525
Fines	\$700	\$900	\$945
Donations	\$500	\$500	\$500
Fees/other	\$100	\$100	\$105
Transfer from endowment	\$24,000	\$24,050	\$24,625
Operating Income Total	\$60,000	\$61,650	\$63,000
Operating Expenditures	2014 Actual	2015 Budget	2016 Budget Request
Salaries and wages	\$24,150	\$24,700	\$25,650
Employee benefits	\$16,750	\$17,000	\$16,350
Books	\$6,465	\$6,700	\$7,035
Periodicals	\$1,330	\$1,400	\$1,470
Audio books and e-books	\$950	\$1,000	\$1,050
DVDs	\$380	\$400	\$420
Software and databases	\$475	\$500	\$525
Contracted services	\$950	\$1,000	\$1,050
Staff, board continuing education.	\$950	\$950	\$1,050
Public programming	\$475	\$500	\$525
Automation license	\$1,425	\$1,500	\$1,575
Utilities	\$3,800	\$4,000	\$4,200
Maintenance	\$475	\$500	\$525
Supplies	\$1,425	\$1,500	\$1,575
Operating Expenditures Total	\$60,000	\$61,650	\$63,000
Capital Income	2014 Actual	2015 Budget	2016 Budget Request
Municipality	\$1,000	\$1,000	\$1,000
Endowment	\$1,000	\$2,000	\$2,000
Capital Expenditures	2014 Actual	2015 Budget	2016 Budget Request
Equipment replacement	\$2,000	\$2,000	\$2,000
New shelving		\$1,000	\$1,000
Capital Expenditures Total	\$2,000	\$3,000	\$3,000
Total of All Expenditures	\$62,000	\$64,650	\$66,000

15

CHAPTER FIFTEEN

Managing the Library's Money

[Disclaimer: *The information in this handbook is not legal advice. We recommend that you consult an attorney if you have any questions about how the laws apply to your library.*]

While a library advisory board is usually limited to budget proposal input, the library governing board has the ultimate responsibility for all aspects of library financial management—from budgeting to spending to financial reporting. Your community will be much more willing to provide the resources necessary for high-quality library service when they know library finances are carefully controlled and monitored.

The board controls and monitors library finances by:

- Careful development and approval of the budget
- Review and approval of all library expenditures
- Review and monitoring of monthly financial statements
- Development of policies for the handling of large gifts and donations
- Accurate financial reporting
- Careful attention to financial audits, reviews or compilations by a qualified CPA

Approval of Library Expenditures

Being a non-profit entity gives the library board exclusive control of the expenditure of all moneys collected, donated, or appropriated for the library fund. The board exercises this control through the approval of the budget, the establishment of financial policies, and the audit and approval of bills/invoices for all library expenditures.

Basic library financial procedures are as follows:

1. The library board approves the annual budget and any budget adjustments necessary during the year. The library director is delegated authority to make purchases within the budget and according to board- approved purchasing policies.

2. The library director is responsible for preparing vouchers for all expenditures, a monthly list of all library expenditures, and a monthly financial statement.
3. At each regular board meeting, the library board audits and approves payment of the expenditures, and reviews and approves the financial statement.
4. The board secretary, or other designee of the board, signs the vouchers and they are forwarded to the treasurer or clerk for payment.
5. Expenditures approved by the board for payment out of any library-held trust/gift fund accounts are made by the board treasurer or other designee of the board. **It is recommended that board policy or bylaws require two signatures for any payment or withdrawal out of a library- held account.**

Financial Statements

To facilitate the board's monitoring of library finances, the director should present financial statements that the library board and the general public can understand. The library director should provide monthly financial reports that include:

- Total income and expenditures last month and year-to-date
- Budget balances for each line item and the total budget

To oversee the finances adequately, the board should study financial statements carefully, ask questions, and be sure that they understand any unexpected or unusual expenditures or budget developments.

Gifts and Donations

For some libraries, a significant source of income is from gifts and bequests. Building a tradition of honoring persons with a gift to the library or including a bequest in a will is a form of giving which trustees can foster.

Library boards should have a policy on acceptance of gifts. The policy should address issues such as these:

- If funds are designated for a special purpose, should the library have the right to refuse the gift if the purpose is unsuitable?
- Is it best to accumulate cash funds in an endowment and draw upon the income?
- Can the library board refuse to take a gift, e.g., a statue it doesn't need or a book collection that is not useful?

- If the purpose is no longer valid, how can the board liberate funds it accepted for a specific purpose?

Having policies responding to these questions will avoid misunderstandings about donations with donors.

Other Funding Sources

As funding needs arise, many libraries seek grants from foundations, corporations, endowments and government agencies. Local businesses are another option. Boards can solicit funds from these businesses directly or determine if a business has a community support program. Some libraries have established separate library foundations, which function as a separate entity. A foundation can attain non-profit tax status (known as 501(c)3) from the Internal Revenue Service, so that gifts are tax deductible for the donors. For more information on grants and foundations, visit the Foundation Center at www.fdncenter.org

Financial Review or Audit

Funds controlled directly by the library board, such as gift funds or endowments, should be reviewed annually by an outside auditor. You should budget for an outside auditor to conduct the annual audit. Even when not required by law, you should still have annual audits done because many public and private foundations/funders (including governments) require charitable nonprofits to submit audited financial statements or conduct an audit in order to be eligible for funding.

The Maine Public Library Standards requires all libraries to have their financial record keeping reviewed by the governing body (governing board or town officials) and the director at least annually and complies with adequate internal controls using industry standard accounting measures. The standards recommend an audit or review of the library finances at least biannually by a Certified Public Accountant.

The Securities and Exchange Commission (SEC) sets guidelines for financial statement audits (<http://www.sec.gov/corpfin/cf-manual/topic-4>) There are four types of audits to consider:

- Internal – conducted by the agency's own staff
- Compilation- must be done by a CPS, preferably an external CPA and you must disclose of the audit is not done by an external CPA
- Review – must be done by an independent CPA

- Independent – highest standard of audit; must be done by an independent CPA

If a charitable nonprofit is small and has not conducted an audit due to the cost, the nonprofit should not be shy about asking the funder if a more affordable method of evaluating the nonprofit's financial positions would be acceptable, such as a review of certified financial statements.

Whatever type of audit you have, the library board should examine audit reports and carefully follow any audit recommendations.

Maine Charitable Corporations and Audits

A charitable organization must be licensed in Maine. The license application does not require an audited financial statement. However, the license must be renewed annually. A charitable organization is only required to file an audited financial statement if the organization already has one in existence at the time of renewal or applies for renewal after the expiration date. Otherwise, the organization may file a balance sheet in lieu of an audited financial statement. **Maine. Revised Statute Title 9 § 5004(4)(C-D) | Exceptions: Maine. Revised Statute Title 9 § 5005 – A.**

For more information on this contact the Maine Office of the Secretary of State, the Bureau of Corporations, Elections, and Commissions.

Safeguarding the Organization's Assets

The governing board must acknowledge and accept its responsibility for safeguarding the organization's assets. The finance committee, working with the executive staff, should develop written financial policies for the organization. These policies should then be reviewed, understood, and approved by the board as a whole. Policies should cover:

- Internal controls and procedures, which should be updated where there are major changes in organizational structure, including:
 - Spending limits policy
 - Signature authority
 - Procurement and purchasing policies
 - Regular review of bank and credit card statements by at least two people

- Documentation of accounting policies and systems
- Travel and entertainment reimbursement
- Bids for services
- Conflicts of interest
- Contractual agreements
- Gifts of securities
- Independent audits
- Investment guidelines for operating and endowment funds
- How much a given item may vary from the budget before it becomes a matter for board review
- Contingency plans for a sudden organizational trauma

When the board develops and approves a policy, it must be monitored. Monitoring compliance with financial policies is one of the primary tasks of the finance committee and should be added to the committee's list of annual tasks.

Every nonprofit organization should have in place conflict-of-interest policies for staff and board. For staff, the policy should appear within the personnel policies. The board policy can be developed by the committee or by staff and approved by the board.

Sources of Additional Information

- Sample Donation/Gift Policy and Forms (attached)
- Maine Office of the Secretary of State, Non-Profit Corporations www.maine.gov/sos/cec/corp/nonprofit.html
- Maine Association of NonProfits (MANP)
- Financial management webinars: <https://www.nonprofitmaine.org/learn/skillbuilders/webinar-recordings/#Financial%20Management>
- Basic Infrastructure Checklist: http://www.nonprofitmaine.org/wp-content/uploads/2013/01/PP_Checklist_Final_4thEdition.pdf
- Nonprofit Audit Guide www.councilofnonprofits.org/nonprofit-audit-guide
- Sample outline of an audit committee's charge (attached)
- Example of an auditor's opinion (attached)
- Candid Learning (formerly Grantspace) fundraising training <https://learning.candid.org/topics/fundraising/>



Sample Outline of an Audit Committee's Charge

The audit committee's charge will vary depending on the organization, but may include the following elements:

Responsibilities

- Reviews the adequacy of the organization's internal control structure
- Reviews the activities, organizational structure, and qualifications of the internal audit function (if applicable)
- Reviews the scope and approach of the audit proposed by the independent auditor
- Conducts a post-audit review of the financial statements and audit findings, including significant suggestions for improvements provided to management by the independent auditor
- Reviews the performance of the independent auditor
- Reviews the independent auditor's fee arrangements
- Recommends appointment (or reappointment) of the independent auditor
- Monitors compliance with the organization's code of conduct and conflict-of-interest policy
- Reviews, with the organization's counsel, any legal matters that could have a significant effect on the organization's financial statements
- Review the findings of any examinations by regulatory agencies
- Review the policies and procedures in effect for the review of executive compensation and benefits
- If necessary, institutes special investigations and, if appropriate, hires special counsel or experts to assist
- Performs other oversight functions as requested by the full board

Reporting Responsibilities

- Reports to the full board
- Maintains lines of communication with management, the independent auditor, and the internal auditor (including private meetings)

Committee Organization In the charge, the governing board:

- Establishes the committee's size
- Lists qualifications for membership
- Suggests frequency of meetings

Example of an Auditor's Opinion

An unqualified or "clean" auditor's opinion as recommended by the American Institute of Certified Public Accountants:

Independent Auditor's Report
Board of Directors
XYZ Nonprofit Organization, Inc.
City, State

We have audited the accompanying statement of financial position of the XYZ Nonprofit Organization, Inc. (the Organization), as of December 31, 2013 and 2012, and the related statements of activities, changes in net assets, and cash flows for the years then ended. These financial statements are the responsibility of the Organization's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audits in accordance with generally accepted auditing standards. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatements. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the XYZ Nonprofit Organization, Inc., as of December 31, 2013 and 2012, and the results of its operations and its cash flow for the years then ended, in conformity with generally accepted accounting principles.

Auditing Firm Name City, State
April 21, 2015

Source: National Center for Nonprofit Boards

Sample Donation/Gift Acceptance Policy

Acceptance of any contribution, gift or grant is at the discretion of the Library Board of Trustees. The Board will not accept any gift unless it can be used or expended consistently with the purpose and mission of the Library.

No irrevocable gift, whether outright or life-income in character, will be accepted if under any reasonable set of circumstances the gift would jeopardize the donor's financial security.

The Board of Trustees will refrain from providing advice about the tax or other treatment of gifts and will encourage donors to seek guidance from their own professional advisors to assist them in the process of making their gift to the Library.

The Board of Trustees will accept donations of cash or publicly traded securities. Gifts of in-kind services will be accepted at the discretion of the Board.

Certain other gifts, real property, personal property, in-kind gifts, non-liquid securities, and contributions whose sources are not transparent or whose use is restricted in some manner, must be reviewed prior to acceptance due to the special obligations raised or liabilities they may pose for the Board of Trustees.

The Board will provide acknowledgments to donors meeting IRS substantiation requirements for property received by the charity as a gift. However, except for gifts of cash and publicly traded securities, no value shall be ascribed to any receipt or other form of substantiation of a gift received by the Trustees of their representative.

The Board will respect the intent of the donor relating to gifts for restricted purposes and those relating to the desire to remain anonymous. With respect to anonymous gifts, the Board will restrict information about the donor to only those staff members with a need to know.

The Board will not compensate, whether through commissions, finders' fees, or other means, any third party for directing a gift or a donor to the Board of Trustees.

Sample Donation/Gift Agreement Form

All prospective donors are encouraged to consult with their legal, tax and/or financial advisers before making a gift to _____ Library. The tax deductibility of gifts can be a complex issue, and the Library is not in a position to advise potential donors with respect to such matters.

The Library provides donors of property valued at \$250 or more with a written acknowledgment of the receipt of such property. The Library is not able to confirm the value of the property that has been donated.

Any donations of items valued at over \$5,000 for which donors intend to claim a deduction will need to be appraised by a “Qualified Appraiser”. The Library does not pay for such appraisals and is not responsible for reviewing or authenticating the validity of such appraisals. Donors should refer to Publication 561 [“Determining the Value of Donated Property” (available here www.irs.gov/pub/irs-pdf/p561.pdf)] to learn more about what kinds of appraisals are accepted by the IRS for tax purposes. All appraisals should be completed before the donor transfers the property to the Library.

In the event that the donor expects the Library to sign any forms related to the tax-deductibility of a donation of property (e.g., a form 8283), all such forms must be presented to the Library at the time that the materials are given to the Library. Forms presented to the Library after this point in time cannot be signed by the Library.

It is the Library's understanding that:

- in cases where a donor has created the materials which are being given to the Library, the amount of the charitable deduction that may be claimed generally would be limited to the donor's basis, or cost, of raw materials used (see Internal Revenue Code Section 1221), and
- to the extent a donor retains copyright in materials being transferred to your library (whether or not the materials were created by the donor), no charitable deduction may be claimed.

(form continued)

Donor: _____ Date: _____

Address: _____

Description of Donation: _____

This Gift Agreement transfers legal title of the gift to the
_____ Library.

Unrestricted gift Restrictions (please specify):

I have read the gift policy provisions of the _____ Library
and agree that they are acceptable.

Donor Signature: _____ Date: _____

Accepted for the Library by: _____ Date: _____

Library Director Signature

For restricted gifts only:

_____ Date: _____

President of Library Board Signature

_____ Date: _____

Secretary of Library Board Signature

Date of Board Approval: _____

16

CHAPTER SIXTEEN

Library Advocacy

[Disclaimer: *The information in this handbook is not legal advice. We recommend that you consult an attorney if you have any questions about how the laws apply to your library.*]

One of your major responsibilities as a public library trustee is to act as an advocate for the library.

A library advocate:

- Builds and nurtures relationships with community members, government leaders and other decision-makers all year long
- Understands the value and importance of public library service and who communicates that to the community

Your primary function as a library advocate will be to provide clear, accurate, and timely information on library issues to people who need it in order to make sound decisions on those issues. This information can be provided orally or in writing. It may have such diverse objectives as shaping public opinion in a general way or providing information on the effects of a specific vote on a library issue by the local unit of government.

Libraries need their trustees to act as advocates for several reasons. Pressures on local, county, and state budgets make it harder than ever for libraries to obtain adequate funding.

As a representative of the general public, you can make a more effective case on the importance of adequate funding for the library than the librarian who may be viewed as having a vested interest in a larger budget. Because public libraries have a unique place in local government or the social infrastructure of a community, their needs may not be as readily understood by government officials as those of other units of government, and a greater effort is needed to tell the library's story.

Advocacy vs. Lobbying

What is the difference between advocacy and lobbying? The Alliance for Justice defines advocacy as:

Advocacy is any action that speaks in favor of, recommends, argues for a cause, support or defends, pleads on behalf of others. It includes public education, regulatory work litigation and work before administrative bodies, lobbying, nonpartisan voter registration, nonpartisan voter education, and more.

Anytime you are speaking about the library, you are advocating.

Lobbying, on the other hand, is talking with elected officials about a specific piece of legislation and asking them to vote a certain way. All three of those elements (elected officials, legislation, asking for a vote) must be present for the activity to be considered lobbying. IRS rules state that nonprofits can do some lobbying but too much lobbying activity risks your 501(c)3 status. Visit the IRS website for ways to measure your lobbying activity (<https://www.irs.gov/charities-non-profits/lobbying>). Chances are low that you will be involved in lobbying when you talk to your select board or even state law makers about the library.

Establish Priorities for Advocacy

Since the advocacy role is a basic duty of a library board member, it's important to channel these energies carefully. Early each year, the library board acting as a whole should decide which of its goals or positions to advocate most strenuously. Emphasis will vary by library. For instance, you and the library board might work for the adoption of an improved library budget, seek support for enhanced library technology, or inform the public of the need for a library building program. What is important is that you decide with other library board members what the areas of emphasis will be and how board members will go about advocating for those goals or positions. Each member of the board should communicate the same message.

Your goal as an advocate is to shape the local decision-making process, which requires an understanding of how decisions are made in the community and who must be influenced in order to achieve favorable outcomes.

Staying Informed

Your effectiveness as an advocate depends on being well informed about library issues at the local, state, and federal levels. The Maine library listservs are a good place to start. Watching the Continuing Education calendar (<https://maine-msl.libcal.com/calendar?cid=10791>) for upcoming events and

webinars of interest to trustees is also an effective means of staying current.

Ways to Act as an Advocate

As an advocate, you can influence decision-makers by:

- Speaking to civic groups about library needs and issues
- Talking to friends about the library, its role in the community, and its needs
- Writing letters to the editor of the local newspaper.
- Testifying at local and state budget hearings
- Talking and writing to state and federal legislators about the needs of the library
- Contributing to a library newsletter that is sent to decision-makers

If you choose to advocate a library-related position not agreed on by the board, be sure to make clear that you are speaking for yourself as an individual, not for the board.

Your work as a library advocate is never done. Each success leads to a new area of effort. Library advocacy does not represent a narrow commitment to a single issue—it's an ongoing commitment to supporting library issues in a wide range of ways.

You and your fellow library board members are not alone in advocating for high-quality public library service. There are a number of groups that share your belief in the value of public library service and can provide information and support you in advocacy efforts. Some of these groups are listed below, along with other tools to help you advocate for your library.

Sources of Additional Information

- Your Regional Liaison
<https://www.maine.gov/msl/libs/districts/index.shtml>
- Data in Action Toolkit:
<https://www.maine.gov/msl/libs/data/datainaction.shtml>
- Building Better Messages About Library Impact: webinar:
<https://my.nicheacademy.com/mslstaff/course/5784>
- Maine Library Association (MLA) <http://mainelibraries.org>

- The Association for Rural and Small Libraries:
<https://www.arsl.org/>
- United for Libraries www.ala.org/united/
- Advocacy Toolkit: <https://www.ncoa.org/public-policy-action/advocacy-toolkit/advocacy-basics/nonprofit-advocacy-rules-regulations/>
- Maine Association of NonProfits Lobbying Toolkit:
<http://www.nonprofitmaine.org/wp-content/uploads/2007/03/RaiseYourVoiceLobbyingToolkit.pdf>
(esp. pages 7-8)
- Maine Legislators:
 - Senators:
<http://legislature.maine.gov/senate/senators/9536>
 - Representatives:
<https://legislature.maine.gov/house/house/MemberProfiles/ListAlpha>
- Contact information for your United States Senators
<http://www.senate.gov/states/statesmap.htm>
- Contact information for your United States Representatives
http://clerk.house.gov/member_info/index.aspx
- 27-3-9 Elevator Pitch Worksheet: <http://powerprism.org/27-9-3-elevator-pitch.htm>



17

CHAPTER SEVENTEEN

Library Building/Renovation Projects

[Disclaimer: *The information in this handbook is not legal advice. We recommend that you consult an attorney if you have any questions about how the laws apply to your library.*]

Before You Begin: Capital Campaigns

When embarking on capital planning of any kind, you, your board, and your library director should familiarize yourselves with any state, county, or city ordinances that place requirements on planning, design or implementation. These local ordinances will supersede anything addressed within this section (of the Trustee Handbook).

Capital plans for small and large projects vary in scope. Relatively small projects that are not part of a major renovation or new construction require a plan that, at a minimum, lists identified supplies / materials, the estimated costs and an anticipated timeline for completion.

Projects qualifying as capital include furnishings and equipment (including computer hardware and software); the replacement of a roof; heating, ventilation and air conditioning systems; and minor renovations of library buildings such as installing an elevator.

Large projects such as new buildings, additions or a major renovation of an extensive portion of the library require a detailed capital plan which will be discussed in the remainder of this chapter.

Planning Library Buildings

As trustees face the challenges of planning library services for the future, increased space and additional locations may become a major consideration. Boards must decide whether to build a new library, renovate or expand current facilities, or find an existing space to be converted into a library. Construction plans should be considered in the context of the total library plan. Trustees need to study service needs, explore alternatives, estimate funding needs, identify potential funding sources, and establish priorities.

Most planning processes will lead to the identification of a probable date when new library space should be in operation. While having a new building may be the best answer, it is not always the most practical and should be measured against other options: purchase of an existing building, lease of an existing building, remodeling of the library, addition to the library, or in some cases, adding branches. Depending on the library and its services, the addition of a bookmobile or other outreach techniques may be considered in expansion plans.

Because a library board and staff will not have the necessary expertise to deal with all aspects of a building planning 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, automation consultant, attorney, architect, certified public accountant and library services consultant.

Building Program

After the library has completed its community analysis, defined its long-term goals and objectives, and determined the need for additional space, a library building program is developed. The building program defines the specific needs of the library in both quantitative and qualitative terms. The building program should bring together the thinking of the library board, the library director, the library staff, and the community on the purpose, scope, and function of the library building.

It is strongly recommended that a library consultant be hired to assist in writing the building program for any major project. The building program should also stress that the building must be flexible and able to respond to future developments. Library functions and spaces should be able to expand and contract as needs develop or diminish. Existing and future technologies should be anticipated.

Computerization, miniaturization, electronics, and other factors are already in play and will continue to develop. These technologies have implications for the building's structure, its heating, ventilating, and air conditioning systems (HVAC), its power, lighting, electronic, and communications systems (PLEC), as well as ergonomic considerations in planning spaces and equipment.

Architect

The architect should be hired only after a library has completed the preliminary steps of construction planning. The architect can then use the library's building program to aid in designing the building. In hiring an architect, the library should solicit applications, rank them by preference, and then enter into negotiations with the top choice, conducting personal interviews with the person or firm that interests the library board. The past experience of the architect should be considered, as well as the architect's personal philosophy. If an agreement cannot be reached with the first choice, the board then declares that is the case and enters negotiations with the next candidate.

Design of the Building

Once an architect is hired, the actual design of the building can proceed along with final decisions on location, size, addition or all new construction, etc. The general steps that will follow are:

1. preparation of schematic design
2. preparation of preliminary plans and design development
3. preparation of specifications and working drawings
4. advertising and receipt of bids
5. bonding process
6. award of contracts
7. actual construction
8. acceptance of performance
9. move to new building

State laws may require additional steps or procedures to the processes outlined above. Be sure to research federal, state and local regulations on bidding and awarding contracts, as it's important to make sure you adhere to all governance regarding these issues.

Planning Responsibilities

An attorney specializing in construction law, should be consulted for building-related state standards, guidelines, and for general information regarding your building program and the availability of state or federal funding for the project. Trustees, staff, consultants, architects, interior designers, city councils/select boards, regional

planning departments, and community members all fit into the picture.

Trustees

- determine that a new building is needed
- provide leadership in the campaign to inform the community and secure necessary support for the project
- appoint a building committee and assign tasks
- select and hire a library building consultant
- select and hire an architect
- obtain financing for the project
- select and purchase the site
- approve the written building program
- approve preliminary and final architectural plans
- solicit and approve bid documents
- approve all contracts and any change orders to the contract

Library Staff

The library director and staff actively participate in planning for construction projects by:

- compiling information, surveys, and statistics
- helping to prepare a written building program
- preparing construction applications and reports
- maintaining project records

The library director is an essential member of the building team in ensuring a facility that will successfully support the library program.

Library Building Consultant

The consultant is usually an experienced librarian who has participated in several successful building projects. The cost of a building consultant can usually be saved many times over in reductions in construction and operating costs. Working with board and staff, the building consultant can provide any or all of the following services:

- survey the library's space needs
- write the library building program

- project future staff and operating costs
- prepare a preliminary project budget
- provide site analysis and recommendations
- provide advice on funding options
- assist in selection of the architect
- review all plans prepared by the architect and provide a written evaluation
- review needs, specifications, and layout for shelving, furniture, and equipment
- provide a final inspection of the facility

We're Set to Go, What's Next?

- The board with its planning completed, money in hand, and architect in the final stage of plans should consider the following: Review every nuance of the building plan. Decide what features can be optional (bid alternatives) so that separate bids can be taken on these items.
- Review estimated costs so that the construction bids do not lead to surprise costs.
- Follow all local, state and federal, ordinances and structures. Zoning and building codes should be checked as plans are made but enlist the help of appropriate officials in the plan review and in recommending contractors to be asked to bid.
- Follow correct bidding procedures, legal and ethical. Allow time for bidders to estimate closely. Invite enough bidders so that there is a range.
- Analyze bids ruthlessly. Be sure you are getting what was specified with no unsuitable substitutes. Accept the bid that most closely meets specifications as well as offers good value.
- All bids too costly? You can call for new bids to an amended set of specifications. You can also rule out the optional features (bid alternatives) that proved to be too expensive OR that lead to cost overruns.
- Create a team comprised of trustees, the library director, architect, and contractor to follow progress and to make regular reports.
- Expect some changes. Discoveries will be made about unexpected problems and opportunities. The contractor may suggest, for example, that a new tile may be less expensive and

serve just as well as that specified. If so, that's a credit you can apply to something that will cost more (such as discovering poor soil on the site).

- Expect performance. This building is going to be a fixture in the community for a long time and should be properly and expertly built. Some boards find that the contractor has taken the job as a fill-in. Don't accept excuses!
- Watch the expenditure of funds in a professional manner. Payments should be made upon proper evidence, but promptly. If you need financial advice, seek it from a good mortgage banker or an experienced purchaser of construction related materials.
- Meet frequently during the building process. Meetings keep you in touch with progress, permit decisions on changes, and provide the material for ongoing public relations in the community.
- Plan for orderly occupation of the building when it's ready, with festivities and community involvement. Allow plenty of time for moving in, completing the landscaping and other amenities, and then showing off the newest and best community asset. Keep in the back of your mind how long it took to achieve this objective. Keep "need for expansion" in your planning process so that the next building will arrive when it is needed. There is nothing more satisfying than a new facility that enhances the ability of the board and library staff to bring exciting services to an appreciative community.

Questions about Building / Planning to Keep in Mind Through-out the Process

1. Should the board use a building consultant?

In recent years, numbers of librarians have specialized as building consultants, most often in determining space needs and layout for the purposes the board has approved. A consultant will look at the community data, consult with the librarian, staff, and board, and apply data to recommendations; right down to location and size of a department in the building. Most consultants are not designers, but they provide guidance to the architect who must visualize the structure. The use of a building consultant can be a requirement when using state and federal funding.

2. How does a board find an architect?

Boards can visit, or review plans and pictures, of other libraries for clues to find suitable architects to interview. Until a few years ago, there were few architects specializing in libraries, but many in the profession have since found these structures challenging. The board will need to be satisfied that the architect has some understanding of the functions of libraries, will work closely with the board on designs reflecting what the board feels the community will enjoy, and will provide good supervision in regard to the contractor. Legal counsel should be sought on an appropriate contract. Even architects experienced in library design need the guidance of specifications for use of the library: space for special purposes, the need for floor loads, extra power, and access for people with disabilities. Directors (and the building consultant) will have noted special needs for public and private areas, for loading, for staff use, and for expansion at a later date.

3. How does the board find a contractor?

Specifications created by an architect will be submitted to contractors for bids. It is wise for the board to have the specifications include a number of options so that the board can add or subtract options as cost is known. Library planners who think ahead have often been able to secure inexpensive future expansion space. And the board should be prepared to settle for less luxurious features if costs mount. The board should interview contractors if it wishes to prequalify them for the bidding. Often the city or town will have a list of those to whom it offers bidding opportunities and regulations governing the bidding process. Multiple bids are needed, but an overly long list may not add to the board's ability to make the decision. Low bid is one factor, probably the most important, but value and evidence of good work elsewhere are considerations.

4. Who supervises the building?

Usually the library director is the link from the board to the architect and contractor and is the person who checks to be sure the library is meeting local ordinances and codes. The director and architect and sometimes the contractor give the board decisions on changes as well as regular reports on progress. The board observes and asks questions. The project is a team effort, which may also involve local officials. The

better the original plans and the more precise the specifications, the more likely that construction will run smoothly. Most library boards, having weathered a building project, report that vigilance on the part of the board, close supervision by the architect, timely performance by the contractor, and surveillance by the director kept the project on time and in good order. Most boards also report relief when the project is completed; as building can be a trying time for all people involved.

5. How does the library keep the public informed?

As construction on a new building progresses, there will be public interest in what's happening. Regular updates through press releases is recommended, and there are times during the process when special events can be held, such as groundbreaking, cornerstone laying (perhaps with a time capsule), the first brick, and topping off. In the case of additions, the public should be carefully forewarned of disruptions or change in service due to construction.

6. How should the board plan well in advance for use of the new facility?

Plan and announce, when it's safe to do so, an occupancy date when the public can see the building. If the community is to be involved in helping to move, set dates and procedures. Withhold an open house date until the library is really ready, including completed parking areas and landscaping. Make the ceremonies memorable; the date will be the library's birthday for many years.

7. When does the board begin thinking about future needs?

Ideally, the new space will meet the needs for a long time. But not forever! Keep on the planning agenda some space for thinking about what comes next. Most of these elements apply to planning of new space, whether in a new building, an existing building, or a conversion.

Construction Timetable

Trustees should understand that the planning process for library construction will require a substantial amount of effort by the board,

the library director, and the staff. Planning normally takes approximately twenty-four months and delays must be anticipated.

Sample Timetable for a Building Project

- Feb.** Preliminary determination of a space need
- Mar.** Selection of a building program consultant if one is to be hired
- May** Building program written
- June** Site application completed
- Nov.** General and financial application (local funding commitment) completed
- Mar.** Architect's contract signed/ Title to site transferred
- Apr.** Architect's schematic plans reviewed by trustees and director
- May** Architect's design development plans reviewed by trustees and director
- July** Architect's working drawings reviewed by trustees and director
- Aug.** Advertise for bids after approval of architect's final plans
- Oct.** Bids are publicly opened and contract awarded to lowest bidder meeting all requirements
- Nov.** Construction of library begins

Funding for Buildings

The need for a new library building or renovation of an existing one is usually evident long before funds are available to begin the project. Good planning, along with the commitment of the board, can help shorten the time between these two points. There are a variety of sources for financing library buildings. In most cases, more than one source is used. The board and the library director should be aware of the different funding possibilities and be thoroughly familiar with the advantages and disadvantages of each one.

Local Government Appropriation

The local government is a viable source of funding for capital projects. It is not uncommon for a project to be financed over a period of three to five years, scheduled to accommodate the use of current revenues. Bond Issues: Another method is to have a library bond referendum on the ballot to finance the project. This method requires the development of a comprehensive needs statement, convincing the local government of the needs, understanding the electorate, and conducting an effective campaign.

Gifts, Bequests, and Foundation Funding

Gifts and bequests from citizens and corporations, as well as private foundation grants, have traditionally provided funds to supplement other sources of funding. Occasionally, a single benefactor will contribute the full amount or make a substantial contribution to the building fund. As a rule, however, securing funds by this means is a slow process and should not be relied on as the sole funding source.

Professional Fundraising Campaigns

Fundraising requires a great deal of time and careful planning. Hiring a professional fundraiser may be expensive but may be a very worthwhile investment toward mounting an effective building campaign.

Additional Resources

- Your regional liaison
<https://www.maine.gov/msl/libs/districts/index.shtml>
- Maine State Library Construction Information:
<https://www.maine.gov/msl/libs/admin/construct/index.shtml>
- Maine State Library Capital Campaigns Resources:
<https://www.maine.gov/msl/libs/admin/funding/campaigns/index.shtml>
- Getting on Board: Buildings – video by the Commonwealth of Pennsylvania on library building projects.
<https://www.youtube.com/watch?v=DJbCJ2V29jc>
- Public Library Association: Facilities
<http://www.ala.org/pla/resources/tools/directors-managers-administrators/facilities>
- American Library Association: Building Libraries and Library Additions: General Information:
<https://libguides.ala.org/library-construction>
- Elements of a Request for Proposal - attached



Elements of a Request for Proposal

- 1. Project Name or Description**
- 2. Library Name**
- 3. Library Address**
- 4. Procurement Contact**
 - Name
 - Phone
 - Email
 - Fax
- 5. Background/Introduction**
 - [include information about the library, its goals, mission, services, etc.]
- 6. Project Goals/Scope of Work:**
 - [outline the project – what needs to be done, what the winning bidder will be responsible for, tasks, etc.]
- 7. Anticipated Selection Schedule**
 - Date of RFP
 - Date for bidders to submit questions
 - Date by which you will respond to questions
 - Date for selection of top bidders/ notice to unsuccessful bidders
 - Date for start of negotiations
 - Date for contract award/notice to unsuccessful bidders
- 8. Time and Place of Proposal Submission**
 - When and where the RFP is available
 - Number of originals/copies required
 - Latest time of submission
 - To whom to direct submission (name, email, address)
- 9. Timeline**
 - [date by which the project must be completed]
- 10. Elements of Proposal**
 - [what you require of each bidder such as description of their business, credentials or licenses, evidence of prior work, testimonials from former clients, etc.]
- 11. Evaluation Criteria**
 - [proven track record, how long in business, competitive cost, expertise, etc.]
- 12. Possible Roadblocks**
 - [any challenges that might make the work more difficult, such as limited resources]
- 13. Budget**
 - [What you are able to pay the bidder for services]

APPENDIX

Acronyms and Definitions

AAP	Association of American Publishers
ALA	American Library Association is the oldest and largest national library association in the world. It is headquartered in Chicago, IL; and maintains an office in Washington, D.C. Its primary publication is American Libraries.
ALSC	Association for Library Services to Children
ARRC	Area Reference and Resource Center - Centers for the Maine Regional Library System: Bangor Public Library, Maine State Library, and Portland Public Library
ARSL	Association for Rural & Small Libraries
AV	Audiovisual materials, ex. CD-ROM, slides, films, DVDs, audiobooks and videotapes
BPL	Bangor Public Library
CBC	Children's Book Council
CE	Continuing education is necessary for library staff and trustees to increase their skills and knowledge and keep abreast of developments in the information age. This, in turn, upgrades the library profession, enriches the individual librarian, and promotes quality library service.
COSLA	Chief Officers of State Library Agencies
CSLP	Collaborative Summer Library Program
DCMA	Digital Millennium Copyright Act of 1998
DML	Digital Maine Library- Provides thousands of online magazines, newspapers, and reference resources
DPLA	Digital Public Library of America
DRM	Digital Rights Management
E-rate	Administered by the Universal Service Administrative Company under the direction of the FCC, e-rate is a federal reimbursement program that helps schools and libraries obtain affordable broadband.

FTRF	Freedom to Read Foundation
FY	Fiscal year
ILL	Interlibrary loan is a service that allows libraries to borrow materials from other libraries for the use of their patrons.
ISBN	International Standard Book Number
ISSN	International Standard Serial Number
IMLS	Institute of Museum and Library Services is an independent agency of the United States Federal government. It is the main source of federal support for libraries and museums within the United States
ILS	Integrated Library System is software that allows the library to use a single database to perform all functions for managing that library's records, such as acquisitions, cataloging, circulation, and serials management, and to provide online access to library records.
LC	Library of Congress
LSA	Legal Service Area
LSTA	Library Services and Technology Act-A means of national funding for public library development and other related programs administered by IMLS.
MAINECAT	Maine's statewide catalog combines and links member library collections. Built-in requesting and transaction management allows patrons of libraries using a qualifying online system to make online interlibrary loan requests. Library staff can make requests on behalf of their users, as well.
MHEC	Massachusetts Higher Education Consortium (discount purchasing partner for Maine libraries)
MILS	Maine InfoNet Library System (consortium of smaller Maine libraries)
MIN	Maine InfoNet system administrators for statewide catalogs & download library
Minerva	Consortium of larger public and academic libraries

MLA	Maine Library Association
MLC	Maine Library Commission
MLS, MLIS	Master of Library Science - the graduate degree in library science
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MPLF	Maine Public Library Fund
MRBP	Maine Reciprocal Borrowing Program
MRLS	Maine Regional Library System
MSL	Maine State Library
MSLN	Maine School and Library Network administered by Network Maine
NELA	New England Library Association
NLW	National Library Week (April)
OCLC	Online Computer Library Center- The computer network Maine libraries have joined for such services as cataloging, interlibrary loan, bibliographic reference, and training.
OITP	Office for Information Technology – part of ALA
OPAC	Online Public Access Catalog
PLA	Public Library Association
PPL	Portland Public Library
RDA	Resource Description & Access – new cataloging standards
RFID	Radio Frequency Identification Technology
RFP	Request for Proposal
SPLA	Small Public Library Association, a section of the Maine Library Association.
STEAM	Science, Technology, Engineering, Arts, and Mathematics.
STEM	Science, Technology, Engineering, and Mathematics.
UL	United for Libraries- association of library trustees, Friends, and foundations
UMS	University of Maine System
URSUS	Is a shared online catalog for the University of Maine System libraries, Bangor Public Library, the Maine State Library, the Maine State Law

and Legislative Reference Library, and the Maine State Archives. URSUS is by far the largest online catalog of those linked to the MaineCat Statewide Catalog. It also serves as a gateway to digital resources, both those available generally in Maine and those licensed for use only by patrons of its constituent libraries.

YA Young Adult

YALSA Young Adult Library Services Association

Additional Definitions

Antiquarian Books - A loose term implying collectible books rather than used books. Refers to old, rare, and out-of-print books.

Board of Trustees – A group of volunteers who act in the best interest of the library. There are two types of boards. **Advisory boards** assist libraries that are town departments with policy implementation, long range planning and other big picture issues. **Governing boards** have full administrative authority over not-for-profit libraries.

Censorship - The act of suppressing speech or ideas which may be considered objectionable. Libraries work against censorship by striving to present collections which represent both sides of a topic.

Friends of the Library – A group of volunteers organized with tax – exempt status [501(c)3] who help the library in various ways. Individuals may perform various tasks in the library such as circulation. The group may fundraise in order to supplement the library's budget. Funds raised by the Friends group should be used for projects approved by the library director.

Intellectual Freedom - The right to freedom of thought and of expression of thought. It is a core value of libraries. The American Library Association's *Intellectual Freedom Q & A* defines intellectual freedom as: "[T]he right of every individual to both seek and receive information from all points of view without restriction. It provides for free access to all expressions of ideas through which any and all sides of a question, cause or movement may be explored. Intellectual freedom encompasses the freedom to hold, receive and disseminate ideas.

Librarian - A person responsible for the care of a library and its contents, including the selection and processing of materials, the delivery of information, instruction, and loan services.

Library Policies – Documents that detail what and how the library serves its constituency. The most important policy for a library to have is the Collection Development Policy which details what types of materials will be purchased, how these materials fit the library's mission, what to do in case of a challenge and what the library will do with donations. Other policies include Circulation, Meeting Room Use, Acceptable Computer Use and others.

Long Range Plan – A document that looks ahead 3-5 years and positions the library to respond to changes in the local community and the world at large.

Maine InfoNet - Is a collaborative of academic, public, school, and special libraries that provides leadership in resource sharing, promotes cost effective solutions for quality library information services, and supports the cultural, educational, and economic development of Maine.

Maine School and Library Network (MSLN) – Is a consortium consisting of almost 1000 schools and libraries across the state of Maine through which participants acquire Internet access. The consortium was officially formed in 1996 when a rate case against NYNEX funded Internet access to all schools and libraries in Maine. Today MSLN is a service of Networkmaine (a unit of the University of Maine System). Services provided by MSLN are paid for using a combination of funding from the Federal E-Rate program and the Maine Telecommunications Education Access Fund (MTEAF).

Minerva - The Minerva catalog includes over six million items from more than fifty Maine libraries. This shared catalog provides access to not only books but also DVDs, audio books, magazines, and music CDs. Minerva can be searched by author, title, subject, keyword, and material type. These holdings are also part of the MaineCat Statewide Catalog.

Webinar - Short for **Web-based seminar**, a presentation, lecture, workshop or seminar that is transmitted over the Internet. A key feature of a Webinar is its interactive elements -- the ability to give, receive and discuss information.

Weeding- The act of removing out-of-date or damaged materials from the shelves

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 19, 1939, by the ALA Council; amended October 14, 1944; June 18, 1948; February 2, 1961; June 27, 1967; January 23, 1980; inclusion of "age" reaffirmed January 23, 1996.

A history of the Library Bill of Rights is found in the latest edition of the [*Intellectual Freedom Manual*](#).

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 counter threats to safety or national security, as well as to avoid the subversion of politics and the corruption of morals. We, as individuals 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 individual, by exercising critical judgment, will select the good and reject the bad. 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 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 or unwelcome scrutiny by government officials.

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:

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, unpopular, or considered dangerous by 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.

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.

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.

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.

It is not in the public interest to force a reader to accept the prejudgment of a label characterizing any expression 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 others. 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.

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; and by the government whenever it seeks to reduce or deny public access to public information.

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. Further, democratic societies are more safe, free, and creative when the free flow of public information is not restricted by governmental prerogative or self-censorship.

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 Americans 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.

This statement was originally issued in May of 1953 by the Westchester Conference of the American Library Association and the American Book Publishers Council, which in 1970 consolidated with the American Educational Publishers Institute to become the Association of American Publishers.

Adopted June 25, 1953, by the ALA Council and the AAP Freedom to Read Committee; amended January 28, 1972; January 16, 1991; July 12, 2000; June 30, 2004.

A Joint Statement by:

[American Library Association](#)
[Association of American Publishers](#)

Subsequently endorsed by:

[American Booksellers Foundation for Free Expression](#)
[The Association of American University Presses, Inc.](#)
[The Children's Book Council](#)
[Freedom to Read Foundation](#)
[National Association of College Stores](#)
[National Coalition Against Censorship](#)
[National Council of Teachers of English](#)
[The Thomas Jefferson Center for the Protection of Free Expression](#)

Freedom to View Statement

The **FREEDOM TO VIEW**, along with the freedom to speak, to hear, and to read, is protected by the [First Amendment to the Constitution of the United States](#). In a free society, there is no place for censorship of any medium of expression. Therefore these principles are affirmed:

1. To provide the broadest access to film, video, and other audiovisual materials because they are a means for the communication of ideas. Liberty of circulation is essential to insure the constitutional guarantee of freedom of expression.
2. To protect the confidentiality of all individuals and institutions using film, video, and other audiovisual materials.
3. To provide film, video, and other audiovisual materials which represent a diversity of views and expression. Selection of a work does not constitute or imply agreement with or approval of the content.
4. To provide a diversity of viewpoints without the constraint of labeling or prejudging film, video, or other audiovisual materials on the basis of the moral, religious, or political beliefs of the producer or filmmaker or on the basis of controversial content.
5. To contest vigorously, by all lawful means, every encroachment upon the public's freedom to view.

This statement was originally drafted by the Freedom to View Committee of the American Film and Video Association (formerly the Educational Film Library Association) and was adopted by the AFVA Board of Directors in February 1979. This statement was updated and approved by the AFVA Board of Directors in 1989.

Endorsed January 10, 1990, by the ALA Council

Access to Digital Information, Services, and Networks

An Interpretation of the Library Bill of Rights

Introduction

Freedom of expression is an inalienable human right and the foundation for self-government. Freedom of expression encompasses the freedom of speech and the corollary right to receive information.¹ Libraries and librarians protect and promote these rights regardless of the format or technology employed to create and disseminate information.

The American Library Association expresses the fundamental principles of librarianship in its Code of Ethics as well as in the Library Bill of Rights and its Interpretations. These principles guide librarians and library governing bodies in addressing issues of intellectual freedom that arise when the library provides access to digital information, services, and networks.

Libraries empower users by offering opportunities both for accessing the broadest range of information created by others and for creating and sharing information. Digital resources enhance the ability of libraries to fulfill this responsibility.

Libraries should regularly review issues arising from digital creation, distribution, retrieval, and archiving of information in the context of constitutional principles and ALA policies so that fundamental and traditional tenets of librarianship are upheld. Although digital information flows across boundaries and barriers despite attempts by individuals, governments, and private entities to channel or control it, many people lack access or capability to use or create digital information effectively.

In making decisions about how to offer access to digital information, services, and networks, each library should consider intellectual freedom principles in the context of its mission, goals, objectives, cooperative agreements, and the needs of the entire community it serves.

¹ Martin v. Struthers, 319 U.S. 141 (1943); Lamont v. Postmaster General, 381 U.S. 301 (1965); Susan Nevelow Mart, The Right to Receive Information, 95 Law Library Journal 2 (2003).

The Rights of Users

All library system and network policies, procedures, or regulations relating to digital information and services should be scrutinized for potential violation of user rights. User policies should be developed according to the policies and guidelines established by the American Library Association, including “Guidelines for the Development and Implementation of Policies, Regulations, and Procedures Affecting Access to Library Materials, Services, and Facilities.”

Users’ access should not be restricted or denied for expressing, receiving, creating, or participating in constitutionally protected speech. If access is restricted or denied for behavioral or other reasons, users should be provided due process, including, but not limited to, formal notice and a means of appeal.

Information retrieved, utilized, or created digitally is constitutionally protected unless determined otherwise by a court of competent jurisdiction. These rights extend to minors as well as adults (“Free Access to Libraries for Minors”; “Access to Resources and Services in the School Library Media Program”; “Access for Children and Young Adults to Nonprint Materials”; and “Minors and Internet Interactivity”).²

Libraries should use technology to enhance, not deny, digital access. Users have the right to be free of unreasonable limitations or conditions set by libraries, librarians, system administrators, vendors, network service providers, or others. Contracts, agreements, and licenses entered into by libraries on behalf of their users should not violate this right. Libraries should provide library users the training and assistance necessary to find, evaluate, and use information effectively.

Users have both the right of confidentiality and the right of privacy. The library should uphold these rights by policy, procedure, and practice in accordance with “Privacy: An Interpretation of the Library Bill of Rights,” and “Importance of Education to Intellectual Freedom: An Interpretation of the Library Bill of Rights.”

Equity of Access

² Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969); Board of Education, Island Trees Union Free School District No. 26 v. Pico, 457 U.S. 853, (1982); American Amusement Machine Association v. Teri Kendrick, 244 F.3d 954 (7th Cir. 2001); cert.denied, 534 U.S. 994 (2001)

The digital environment provides expanding opportunities for everyone to participate in the information society, but individuals may face serious barriers to access.

Digital information, services, and networks provided directly or indirectly by the library should be equally, readily, and equitably accessible to all library users. American Library Association policies oppose the charging of user fees for the provision of information services by libraries that receive support from public funds (50.3 “Free Access to Information”; 53.1.14 “Economic Barriers to Information Access”; 60.1.1 “Minority Concerns Policy Objectives”; 61.1 “Library Services for the Poor Policy Objectives”). All libraries should develop policies concerning access to digital information that are consistent with ALA’s policies and guidelines, including “Economic Barriers to Information Access: An Interpretation of the Library Bill of Rights,” “Guidelines for the Development and Implementation of Policies, Regulations and Procedures Affecting Access to Library Materials, Services and Facilities,” and “Services to Persons with Disabilities: An Interpretation of the Library Bill of Rights.”

Information Resources and Access

Libraries, acting within their mission and objectives, must support access to information on all subjects that serve the needs or interests of each user, regardless of the user’s age or the content of the material. In order to preserve the cultural record and to prevent the loss of information, libraries may need to expand their selection or collection development policies to ensure preservation, in appropriate formats, of information obtained digitally. Libraries have an obligation to provide access to government information available in digital format.

Providing connections to global information, services, and networks is not the same as selecting and purchasing materials for a library collection. Libraries and librarians should not deny or limit access to digital information because of its allegedly controversial content or because of a librarian’s personal beliefs or fear of confrontation. Furthermore, libraries and librarians should not deny access to digital information solely on the grounds that it is perceived to lack value. Parents and legal guardians who are concerned about their children’s use of digital resources should provide guidance to their own children. Some information accessed digitally may not meet a library’s selection or collection development policy. It is, therefore, left to each user to determine what is appropriate.

Publicly funded libraries have a legal obligation to provide access to constitutionally protected information. Federal, state, county,

municipal, local, or library governing bodies sometimes require the use of Internet filters or other technological measures that block access to constitutionally protected information, contrary to the Library Bill of Rights (ALA Policy Manual, 53.1.17, Resolution on the Use of Filtering Software in Libraries). If a library uses a technological measure that blocks access to information, it should be set at the least restrictive level in order to minimize the blocking of constitutionally protected speech. Adults retain the right to access all constitutionally protected information and to ask for the technological measure to be disabled in a timely manner. Minors also retain the right to access constitutionally protected information and, at the minimum, have the right to ask the library or librarian to provide access to erroneously blocked information in a timely manner.

Libraries and librarians have an obligation to inform users of these rights and to provide the means to exercise these rights.³

Digital resources provide unprecedented opportunities to expand the scope of information available to users. Libraries and librarians should provide access to information presenting all points of view. The provision of access does not imply sponsorship or endorsement. These principles pertain to digital resources as much as they do to the more traditional sources of information in libraries (“Diversity in Collection Development”).

See Also: “Questions and Answers on Access to Digital Information, Services and Networks: An Interpretation of the Library Bill of Rights.”

Adopted January 24, 1996; amended January 19, 2005; and July 15, 2009, by the ALA Council.

³ “If some libraries do not have the capacity to unblock specific Web sites or to disable the filter or if it is shown that an adult user’s election to view constitutionally protected Internet material is burdened in some other substantial way, that would be the subject for an as-applied challenge, not the facial challenge made in this case.” United States, et al. v. American Library Association, 539 U.S. 194 (2003) (Justice Kennedy, concurring).

