

Michigan Public Library Trustee Manual

2004 Edition

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Acknowledgments

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Finally, to those dedicated and disciplined souls who created the original Michigan Public Library Trustee Manual, we heartily thank you. Building upon the very solid base they provided, our workload was infinitely lightened.

Sincerely,

Martha Seaman McKee
Project Manager
October 2004

Welcome From the State Librarian

Dear Library Trustee:

This manual is designed to improve your experience as a library trustee. It won't answer all your questions; some can only be answered with experience. But, it will answer many and, hopefully, put you on a path toward finding other answers elsewhere.

Libraries are in great need of you – the trustee. You are your library's advocate, the voice of the public and the overseer of a sacred public trust. By learning as much as you can about the operations and nuances of the library world, the benefits will be many:

- ☐ Your library will function better;
- ☐ Your library will earn greater respect and support from within the community; and
- ☐ Your library will be better positioned to offer and sustain the programs and services your customers most want and need.

Please don't try to read this manual cover to cover. Use it as part of your orientation process, picking and choosing the areas that have meaning to you at the time. It takes at least six months to a year for a new board member to become familiar with all the processes of a library. Ask all the questions you want; your director and more experienced board members will be more than willing to help.

At the end of each chapter you will find a checklist of points to consider. You will also see references to the *Quality Services Audit Checklist*, which are quality measures created by Michigan's directors and trustees in 2004 as part of a statewide initiative to certify a library's body of services. Read more about this project in Chapter 1.

This handbook will be published in loose-leaf format so that single pages or sections can be updated or added. You are encouraged to add your own documents to your copy to make this a single, useful reference source.

Finally, enjoy yourself! Libraries are one of our nation's most enduring and valuable institutions. Access to information is a central tenet among our country's cherished freedoms. Be proud of the role you now play in keeping our democracy strong.

Respectfully,

Christie Pearson Brandau
State Librarian of Michigan

Chapter 1: Trustee Rights, Responsibilities and Orientation

A. Trustee Rights

Trustees are appointed or elected citizens representing the community who, together, constitute the body officially responsible for the operation of the library. Governing boards are policymaking boards. They can either be elected or appointed. Advisory boards act as an advisor to another governing board such as a school board or county commission. Advisory boards are always appointed.

Sometimes, advisory board trustees reading this section may wonder how it applies to their situation. It is good to remember that advisory library boards have the same concerns as governing boards, except that advisory boards must submit their recommendations to another board for approval. The governing board is relying on the advisory board to make the appropriate recommendations upon which they will act. Whether advisory or governing, library boards act with the same goal in mind: to provide the best possible library service possible to the citizens of the community.

While the statutory language authorizing various library boards may differ, the legal authority of all policymaking boards is similar. Governing boards are authorized to:

- Adopt bylaws and rules for the board's governance;
- Maintain control over the building and grounds of the library;
- Control the expenditure of all funds credited to the library fund;
- Appoint, supervise, evaluate, discipline or remove a director;
- Approve an annual library budget; and
- Adopt policies, rules and regulations regarding use of the library.

For advisory boards, the duties are the same. For legal purposes, the recommendations made by an advisory board must be approved by a governing board, but the tasks are identical. Governing boards rely on the advisory board to competently oversee the library.

The library board acts as the public trustee of the library. The community entrusts the library's welfare to the board and expects the board to keep the library running correctly. Boards also have the responsibility to see that adequate funding is provided.

Sometimes boards act in a quasi-judicial capacity when they have to resolve differences of opinion, such as personnel disputes and complaints from citizens.

While the law gives the board the legal power to run the library, successful library operations require the board to delegate some of its authority to the director. This delegation is entirely at the board's discretion: the board decides when and what to delegate, as well as whether to amend or revoke the delegation.

Delegation reflects a high level of mutual trust between the board and the director, while keeping the board in charge with respect to its role. The board is concerned with the big picture, while the director is also concerned with administering the library in accordance with the board's wishes.

At times, important matters arise which are not easily categorized as being a board matter or a director matter. In such a situation, it is imperative that the board and the director discuss the issues fully and together determine a course of action. For example, intellectual freedom (censorship) procedures usually contain a mixture of board and director responsibilities.

Regardless of your type of board, remember that a board acts as a whole. Individual trustees may not act alone, nor speak for the board as a whole, unless authorized by the entire board. Also, the board chair has no more authority than another board member, unless it is expressly given by the board at an official meeting.

Michigan is unique in granting its citizens constitutional right of access to library services. Article 8, section 9 of the state constitution states, in part:

"The legislature shall provide by law for the establishment and support of public libraries which shall be available to all residents of the state under regulations adopted by the governing bodies thereof ..."

This provision identifies the library board's authority to adopt policies or regulations. When exercising this power, the board should be aware that there is an inherent requirement that the regulations be reasonable. The board initially determines what is reasonable, but it is recommended that the library's legal counsel review all policies before board approval.

In addition to the legal aspects of library boards, there are ethical standards to be followed by board members. While ethical standards are not enforceable as law, board members are encouraged to read and follow the American Library Association's Ethics Statement for Public Library Trustees (see Appendix D) adopted by the Michigan Library Association.

The following is a short review of board responsibilities:

Administration. The board maintains indirect responsibility through adoption of a strategic plan, library policies and an annual budget. However, it leaves actual administration of the library to the director. The board keeps in touch with the library through the director's regular reports and through use of the library. The board adopts bylaws that include clear delegation of administrative duties to the library director and approves a formal policy regarding the relationship between the board, library staff and the Friends of the Library. The board encourages good communication with the Friends of the Library by sending an *ex-officio* representative from the library board to Friends' meetings and inviting a Friends representative to attend library board meetings.

Human Resources. The board hires, monitors and evaluates the director. In the absence of a union, it provides a competitive salary scale for all staff; ensures that staff receives reasonable fringe benefits such as Social Security, pension, vacation and sick leave, opportunities for professional growth and good working conditions.

Planning. The board is a major force behind the library's strategic plan. They consider all aspects of their community's library needs and plan accordingly. They adopt long- and short-range plans for the library's future, and approve the course of action and time schedule to implement those plans.

Policymaking. The board considers what policies are needed to carry forward the library's service plan. It reviews the director's recommendations and makes any change it believes necessary. The board adopts appropriate written policies and keeps them up-to-date with periodic review and revision, including legal review.

Finance. The board reviews the annual budget submitted by the director and makes necessary changes; officially approves budget requests and revises the budget, to fulfill the legal requirement of balancing income with expenditures. The board accepts and manages discretionary funds; purchases, accepts, leases, manages and sells real estate; and, taking the director's recommendations into account, accepts financial assistance from Friends. If the library is funded by appropriations, the entire board appears at budget hearings to show support for the library's financial needs. The director and/or selected board representatives submit and defend the library's budget. The board explores ways of increasing the library's income from other sources.

Advocacy. The board serves as the connecting link between the library and the community, interpreting the one to the other. The board helps to shape public opinion and governmental action at the local, state and national level. On behalf of public library services, the board contacts legislators to support legislation funding libraries, such as

state aid, penal fines and statewide millages, and/or to oppose legislation detrimental to libraries.

Continuing Education. The board sets aside time at its meetings to study topics of concern to the library. The members read this manual and other informational materials. It sees that new trustees receive planned orientation. Board members attend district, state and national trustee or trustee-related meetings and are encouraged to join the Michigan Library Association's Trustees and Advocates Division.

B. Trustee Responsibilities

Library boards function successfully when each trustee fulfills these responsibilities:

Attend all board meetings. Boards conduct their business at meetings and need attendance to function effectively. If you cannot attend all meetings, with exceptions for illness or emergencies, think about resigning your post to make room for someone who can fully participate.

Participate at meetings. Each trustee needs to discuss issues and make intelligent votes. Inactive and passive board members weaken a library board. If you have an opinion, express it. Come prepared□ this means reading the minutes, financial and other reports prior to the meeting.

Become a team player. Effective library boards work as a team, with each member sharing the common concern for the library's welfare. While board members need to express themselves on various issues, they need to avoid making personal remarks. Mutual respect and good will go a long way to making your board experience a positive one.

Support board decisions. Boards need discussion and debate to arrive at good decisions. Once a decision is made, however, all board members should support the decision. Good board members refrain from criticizing or attacking decisions after they have been made, particularly in public. Of course, it is proper to seek reconsideration of the issue should situations change in the future.

Advocate for the library. Trustees promote the library in ways that no one else can do. Seek opportunities to promote the library, such as speaking before local groups on new initiatives your library has undertaken. On a personal level, indicate to friends, co-workers, and relatives about the resources available at the library.

Respect the role of the library director. The board should be careful to respect the management function of the library director. While the board establishes policy and

approves major decisions, it does not assume the role of the library manager. That job is delegated to the library director hired by the board. To ensure the best library service, the director must be allowed to manage the library without inappropriate board interference. Conscientiously stay out of day-to-day library management and operations.

Support the library director. At times, the library director may be under attack by a citizen or government official. The board assumes the director is correct and then investigates the situation.

C. Trustee Orientation

The library director and existing board members are responsible for providing an orientation for new library trustees. New trustees cannot adequately fulfill their legal responsibilities as board members until they understand the basics of the public library and of the board's authority. The following is a list of items and actions to include as part of orientation:

Tour of the library building: Give the new trustee a tour of the library and introduce him or her to staff members. Give the trustee a map of the library, a list of staff members and any other public library handouts provided to the public. The tour should include details of each library department and its function in relation to the working of the entire library. Even small libraries have special collections and staff areas of which a new board member may not be aware.

Mission Statement and Strategic Plan: Review with the trustee the library's mission statement, long-term goals and strategic plan.

Policy Manual: Review with the trustee the library's policy manual. This way the trustee learns that the library board is responsible for adopting and revising library policies.

Budget: Review with the trustee current and previous budgets, as well as audit reports. Demonstrate the connection between the strategic plan and the budget.

Board Minutes: Review with the trustee its bylaws and recent board minutes. All trustees need a copy of the Open Meetings Act and must understand how they are governed by this act.

Annual Report: Review with the trustee copies of the library's recent annual reports.

Library Calendar: Review with the trustee a calendar of library legal requirements, including the fiscal year, deadlines for filing reports for state aid, when officers are elected, when the budget is prepared, and so forth.

Web Site: Review the library's Web site, noting the information offered by the library.

Role of Director: Review with the trustee this chapter and chapter 10, noting the different roles of the trustees and the director. It's best if the board chair or other board member conducts this section of the orientation.

Library of Michigan: Explain to the trustee the relationship between the public library and the Library of Michigan. Make sure the trustee receives a copy of the Library of Michigan's newsletter, *ACCESS*, found at:
http://www.michigan.gov/hal/0,1607,7-160-18835_18895_20702---,00.html.

Library Cooperatives: Explain the specific services offered by the local cooperative. Trustees need to know about and be encouraged to attend cooperative-sponsored workshops.

Michigan Library Association: Encourage the trustee to join the Michigan Library Association's Trustee and Advocates Division and to support its role in lobbying for libraries.

Michigan Library Laws: Give the trustee a copy of the library law under which your public library is established and Public Act 89 of 1977. All board members need to understand that the board acts as a whole and that individual trustees may not act alone unless authorized by the entire board.

Checklist for Chapter 1

- ☐ Do you understand your legal authority to govern the library?
- ☐ Do you attend meetings regularly?
- ☐ Have you read the Ethics Statement for Public Library Trustees?
- ☐ Do you understand the board's proper relationship to the director?
- ☐ Do you have a clear idea of your basic duties?
- ☐ Did you receive an orientation when you joined the board?

Quality Services Audit Checklist (QSAC) Measures for Trustees

Essential Level – Core Measure for Governance/Administration

New board members participate in an orientation program which includes a description of library services, the role of the Library of Michigan and library cooperatives, instruction on their role as policy makers versus policy implementers and a complete tour of the library facilities.

Essential Level – Elective Measure for Governance/Administration

The board participates in an orientation program, which includes background on the Michigan Open Meetings Act, guidelines for setting agendas and methods for running meetings.

Essential Level – Core Measure for Human Resources

The director gives each board member a copy of the Michigan Public Library Trustee Manual.

Enhanced Level – Elective Measure for Public Relations

The library board and administration promote the formation of and support active participation in a Friends group.

Excellent Level – Elective Measure for Human Relations

The board recruits candidates with expertise in identified areas, such as legal, marketing and insurance, or to represent a segment of the population.

Chapter 2: Bylaws and Board Organization

Board Relations, Conflict of Interest, Liability and Indemnification

A. Bylaws and Board Organization

1. Bylaws

Bylaws are rules of behavior that govern the board. Effective bylaws fulfill five important functions. They:

- Guide the board's deliberations;
- Provide a structure for conduct at meetings;
- Describe the board's primary duties;
- Provide for compliance with the Michigan Open Meetings Act; and
- Let the public know how the board fulfills its public trust.

State statutes empower library boards to adopt rules and regulations for their own governance. Boards (both governing and advisory) fulfill this requirement by writing and adopting bylaws.

Bylaws are the basic rules relating to the library board as an organization. They define the primary characteristics of the library board and describe how the board functions. If you need to write new bylaws for your library, start by looking at the work done by other libraries. There are also many excellent examples to be found on the Internet, such as those of the Cleveland Heights-University Heights Public Library, <http://www.heightslibrary.org/access/bylaws.php>.

While there are many areas that can be covered in board bylaws, the following are the basics that ought to be included:

- Establishment of the official name of the library.
- Establishment of the authority of the library board to exist, citing the establishment statute or the source of the library's existence, e.g., the County Libraries Act or the city charter, or some other higher authority.

- Description of how officers are elected, schedule for elections and rotations of office. Most boards elect a president, vice president and secretary. Some include a treasurer. Note that a board secretary does not take and keep minutes of the board meetings. This activity effectively removes him or her from participation in the meeting. Use a staff member (not the director) to take board minutes, except for closed sessions. Wise boards rotate officers to keep new ideas flowing and to educate board members in all aspects of board management.
- Description of when meetings will be held, what constitutes a quorum, and what defines the order of business.
- Description of the board's powers and duties, both stated and delegated.
- An outline of board participation in strategic planning, policymaking and funding decisions.
- Description of duties of the library director with provision for periodic evaluation of the director's job performance.
- Outline of the board's responsibility for prudent stewardship and management of the finances and resources of the library.
- Outline of delegation of library administration.
- Description of any committees including names, number of members and rotation of members. It is not necessary to have committees; (the board can act as a committee of the whole) and many smaller libraries run perfectly well without them. However, board committees can prove helpful, especially in the areas of personnel, policies, finance, bylaws and board recruitment. Committees can be standing or ad hoc. An ad hoc committee should go out of existence with the completion of its purpose. For example, a building committee ends when the building project is completed. A finance committee, however, continues with the life of the library. It is a good idea to rotate committee members, just as you would rotate board officers. This gives each board member a chance to learn and grow. It also keeps members from becoming entrenched in certain roles.
- Description of how bylaws may be amended.

2. Order of Business

The Order of Business is the blueprint for board meetings. A typical agenda will look like the following:

- Call to order
- Approval/amendment of the agenda
- Approval of the last meeting's minutes
- Treasurer's report
- Committee reports
- Director's report
- Old business
- New business
- Public comment
- Adjournment

Include public comment at some point in your agenda. If you wish to limit the time an individual may speak, include that in your bylaws. Anyone attending a meeting is not required to give their name or address, but you may require this information if they wish to speak during the public comment portion of a meeting.

B. Board Relations

Board discussion is a healthy part of reconciling diverse views. However board contention can be a sign of trouble. Discussion strengthens a board's ability to govern, but contention can destroy it. It is the responsibility of the board leadership to resolve conflict among board members. A director cannot be put in the position of chastising a board member, the director's employer.

There are steps the board chair can take to keep conflicts from escalating into contentiousness. First, use the controlled environment of the board meeting to close down attention seekers, argument-prone members and time wasters. Establishing time limits for each portion of the agenda is helpful. These limits give you a tool to move the meeting away from fruitless arguing. Focus on the agenda and make use of committee delegation to end conflict. Creation of a new committee can be an effective means by which a frustrated board member can contribute a valuable service.

Second, follow term limits and rotate positions to control contention. Effective recruitment is perhaps the most valuable tool for creating a vibrant, healthy board. A nomination and recruitment committee can ensure the diversity of a board, provide effective orientation for new board members, organize board retreats and provide the board with recognition and rewards.

Finally, the board chair must make it part of his or her job to resolve conflicts that have turned into contention. Seek to educate rather than reprimand. Meet with individuals one-on-one in a neutral location. Avoid placing anyone on the defensive and exercise discretion. Recognize good will in someone else, and allow a little time to pass. A board member will come to recognize that the board chair is making a sincere effort to maintain a positive, progressive board.

C. Conflict of Interest

Library board members need to be aware of the Incompatible Public Offices Act (Public Act 566 of 1978). This act prevents the subordination of one public officer to another and the supervision of one public office by another. In other words, a member of the library board may not also serve as a library employee, or in another example, a county commissioner cannot serve on the board of a county library.

Board members need to excuse themselves from discussion and voting when the board is considering a matter that may involve profit for a board member or relation. It is not necessary to leave the room, but acknowledging a possible conflict of interest is always wise.

Current trustees and staff members should not hold office in the Friends of the Library organization. Doing so could jeopardize the Friends' standing as a non-profit organization.

D. Liability and Indemnification

Although suits brought against library board members are not common, members are at risk and need to protect themselves. Even if a lawsuit is without merit, the library may still incur costs to defend its board against legal action.

If advisory, the library board should check with the local governing authority to determine if members are shielded from personal liability. Governing boards can protect themselves by purchasing directors and officers liability insurance for members and employees.

Liability suits against library trustees can arise from:

- Violations of the Open Meetings Act or the Freedom of Information Act;
- Acts in excess of authority;
- Error in acts;
- Conflict of interest;
- Nonfeasance;
- Negligence; and
- Intentional violations of civil law against a person or their property.

The American Library Trustee Association (ALTA) developed and approved the following indemnification statement:

It should be considered mandatory that every library have an adequate level of insurance coverage. If any claim or action not covered by insurance or state statute is instituted against a trustee, officer, employee or volunteer of the library system arising out of an act or omission by a trustee, officer, employee or volunteer acting in good faith for a purpose considered to be in the best interest of the system, or if any claim or action not covered by insurance or state statute is instituted against a trustee, officer, employee or volunteer allegedly arising out of an act or omission occurring within the scope of his/her duties as such a trustee, officer, employee or volunteer, the system should at the request of the trustee, officer, employee or volunteer:

- a) appear and defend against the claim or action,
- b) pay or indemnify the trustee, officer, employee or volunteer for a judgment and court costs, based on such claim or action, and
- c) pay or indemnify the trustee, officer, employee or volunteer for a compromise or settlement of such claim or action, providing the settlement is approved by the board of trustees.

Decisions as to whether the system shall retain its own attorney or reimburse the trustee, officer, employee or volunteer expenses for their own legal counsel shall rest with the board of trustees and shall be determined by the nature of the claim or action. The term trustee, officer, employee or volunteer shall include any former trustee, officer, employee or volunteer of the system.

Checklist for Chapter 2

- ☐ Do you have a copy of the current bylaws?
- ☐ Do your bylaws cover the items listed in this chapter?
- ☐ Have your bylaws been reviewed by an attorney?
- ☐ Are your bylaws reviewed on a regular basis?
- ☐ Are you protected by liability insurance?

Quality Services Audit Checklist (QSAC) Measures for Trustees

Essential Level – Core Measure for Governance/Administration

The board has approved bylaws, which define its board officers, such as president, secretary and treasurer, outlines its purpose and operational procedures and addresses board conflict-of-interest issues. The board periodically reviews and, if necessary, updates its bylaws.

Chapter 3: Policies

Policies are the rules of your “library land.” They reflect your attitudes toward your building, collection, services, staff and community. Your written and approved policies govern the operation of the library. The Michigan Constitution grants public library boards the authority and responsibility to adopt regulations, or policies, for the public’s use of libraries. Library boards usually adopt two separate policy manuals: one to cover rules of the public library and one to cover personnel issues.

Stated policies balance competing interests in public service. For example, a library may not have enough computers for public use. In this case, the library board can approve a policy limiting the time each patron may spend at one computer, thereby giving all patrons an opportunity to use the computers.

The library cannot operate effectively without formally adopted, written policies. “Formally adopted” means that the policies are adopted by resolution of the library board in a meeting conducted according to the Open Meetings Act. Policies adopted by any other method may not be valid if challenged by patrons.

Quality Services Audit Checklist Appendix A, found at the Web site <http://www.michigan.gov/qsac>, contains many suggestions for the types of policies library boards adopt. At that same site, links to reference sources for policy language can be found. Trustees, the library director and staff can follow examples set by other libraries in creating their own. Policies are normally drafted by staff, assisted by legal counsel, trustees and patrons, and are influenced by federal, state and local laws.

The board must review its policies on a regular basis. Policies need to be updated to meet changing circumstances in population, growth or decline of related institutions, new technology, funding fluctuations and changes in state and federal laws.

One policy can serve several purposes. For example, most libraries have a policy prohibiting the consumption of food in the library. This policy:

- Gives direction and establishes consistent rules of behavior for patrons;
- Supports the goals of the library. You may have a strategic goal of keeping the library clean and attractive;
- Empowers staff to enforce policies without becoming personal, *“To protect our materials and keep the library clean, our policy is to ask you not to eat in the library.”* ;
- Reflects the community’s need to protect its investment in the library building;

- Ensures staff and public safety by controlling rodent and insect infestations; and
- Ensures accountability and enforcement, as the patron may be asked to leave if he or she does not comply.

Policies must be:

- Customer-focused;
- Understandable;
- Written down and board-approved;
- In place before they are needed; and
- Reviewed by legal counsel.

Checklist for Chapter 3

- ☐ Do your policies support the mission, goals and objectives of the library?
- ☐ Were your policies formally adopted by the board?
- ☐ Have the policies been reviewed by legal counsel?
- ☐ Have the policies been shared and commented upon by staff?
- ☐ Does your board review its policies on a regular basis?

Quality Services Audit Checklist (QSAC) Measures for Trustees

Essential Level – Core Measure for Governance/Administration

The board is responsible for approving written policies for all aspects of library services such as services offered, collection development, personnel, maintenance, technology, finance and public relations.

Chapter 4: Planning

A. Planning

Planning for the future is one of the library board's primary responsibilities. A good plan is a roadmap for the library. It assists the board and the director in making the best decisions for the community. It also publicizes the library's priorities and future vision to the community.

A good plan reflects examination of the following questions:

Where are we now?

What is the present state of the library? How does the library meet the community's needs? What are the economic, political and cultural factors that affect library services? What role does (or should) the library play in the community?

Where do we want to go?

What trends can be identified as significant to the library's future? What is the mission of the library? Does the library have a mission statement? What are its goals? What does the library want to accomplish?

How do we get there?

How will the library make its vision a reality? What steps should be taken? Who has responsibility for each step? What is the best sequence and timetable for implementing the steps? How and why will we adapt our plan in the future?

How do we know we've arrived?

How will the board determine when the plan has succeeded? What measurements of attainment will be used?

Planning involves looking at what is possible among a wide range of alternatives. Planning takes into account the present and future needs of the entire community served by the library. A good plan also helps the library develop alternative scenarios for a changing future. Obtaining input from members of the public, the director and the library staff is critical. Often, Friends of the Library serve as representatives of the general public. Other times, influential members of the community and/or representatives from other governmental units are sought to serve on the planning team.

Good planning requires work and time. It requires a thorough examination of many factors and ideas. An excellent, useful tool in this process is the American Library Association's (ALA) Planning and Role Setting for Public Libraries. Although published in 1987, it still serves the purpose well.

The Library of Michigan provides the Quality Services Audit Checklist, known as QSAC. These measures help libraries determine what level of service they're currently offering, and where efforts should be concentrated for improvement. The Library of Michigan awards certificates of attainment for compliance at three levels of service: essential, enhanced and excellent. Certificates of attainment are awarded on stated objectives. Library directors and trustees are encouraged to use these standards when measuring their current level of service and as markers for the future. QSAC details can be found at <http://www.michigan.gov/qsac>.

B. Planning Statements

A good plan follows a hierarchy, starting with a mission statement, then goals, objectives and, finally, action statements.

Mission Statement - a concise statement of the library's purpose for existing. The statement is carefully worded to provide enough specificity to serve as a guide for the rest of the plan without losing focus. In other words, it is brief and direct. A mission statement is the most basic and permanent part of the plan. The library's goals, objectives and action statements flow from the mission statement.

Goals - a broad statement of what the library should be doing in the future. Goals must be consistent and flow from the mission statement. An example of a goal is:

The library will provide access to a library building for residents within a 10-mile driving radius.

Objectives - statements of specific results to be accomplished that support achieving a goal. Objectives need to be capable of being counted or measured. This allows for a determination of the successful accomplishment of a goal. For example, an objective in support of the above goal could be:

The library will build two branch libraries within the next 10 years.

This statement makes it possible for the board and community to determine if this objective has been met. It provides a time frame in which to build a specific number of branches.

Action Statements - statements describing the means that will be used to attain the objectives. These are the most specific part of the planning statements. An action statement includes a detailed time frame, names personnel who will participate and outlines specific costs.

C. Evaluation

When the plan is completed and implementation begins, the planning process shifts to review and evaluation. The board monitors the plan's progress, and makes adjustments as necessary. Are goals being accomplished? Are parts of the plan out-of-date and in need of amendment or abandonment? Are there new community elements that need to be added to the plan?

Plans are dynamic documents and at times it is necessary to alter them. While mission statements remain constant over long periods of time, goals, objectives and action statements are often amended in light of changing circumstances, such as shifts in population, in funding or in technology.

With a strategic plan in place, all elements of the community know where library service is headed, at what cost and in what time frame. Strategic plans determine budget planning, staff allocation and public service direction. Long-term plans are the cornerstone of board leadership.

Checklist for Chapter 4

- ☐ Has your library developed a strategic plan for the library?
- ☐ Did your board use the Library of Michigan's Quality Services Audit Checklist (QSAC) during the planning process?
- ☐ Were all four elements ☐ the community, board, director and staff ☐ considered and consulted in the planning process?
- ☐ Has your board evaluated the strategic plan within the past year?

Chapter 5: Funding

Michigan libraries have many sources of funding. This chapter reviews these sources, including local, state and federal levels of support.

A. Local Funding

1. Individual Library Millages

The most stable funding for a public library is through a library millage. Such millages are voted on by the electorate and are designated specifically for library purposes. Local municipalities may not use library millages for any other purposes, except downtown development authorities can capture millage funds.

Although public library funds may not be used to fund millage campaigns, the library board of trustees can and should support library millage campaigns. Separate “campaign finance committees” are set up through the Michigan Bureau of Elections (Department of State) and are funded separately. Individual board members, Friends and off-duty staff members may participate in the activities of a campaign finance committee.

A. City, Village and Township Libraries

Millages for township and village libraries are covered by Sections 10 and 10c of Public Act 164 of 1877. (See Michigan Compiled Laws 397.210 and 397.210c.)

City library millages are covered by Section 1, or Sections 10a and 10c of the same act. (See Michigan Compiled Law 397.210, 397.210a, and 397.210c.)

Knowing which section of the Michigan Compiled Laws applies to your library, gives you the knowledge of how your library can start a millage campaign.

Section 10c provides that libraries established pursuant to Sections 10 or 10a of Public Act 164 of 1877 may place library millage questions on the ballot by presenting a resolution to the local municipal clerk for inclusion on the ballot at a regular or special election. City libraries established under Section 1 of the act are eligible for up to one mill without a vote and for an additional mill with a vote, both at the discretion of the city council.

City, village and township libraries that were not established pursuant to Public Act 164 of 1877 may attempt millages pursuant to MCL 397.210 or MCL 397.210a if they also simultaneously re-establish under Public Act 164 of 1877. (See Michigan Compiled Laws 397.212.) This is accomplished by including establishment language in the ballot question for a library millage. Under these sections, a petition signed by at least 50 voters must be presented to the local municipal clerk for inclusion on the next regular election ballot. It is imperative that library boards guide their decisions with legal support.

B. District Libraries

District library boards may place district-wide millage questions on the ballot by resolution of the library board. If an individual municipality within a district library wishes to provide separate millage support for the district library, the governing board of that municipality may place the millage question on the ballot.

See Public Act 24 of 1989 for specific provisions on district library millage elections and the Library of Michigan's District Library Law document at http://www.michigan.gov/documents/hal_lm_distliblaw_51001_7.pdf.

C. County Libraries

Millages for county libraries are placed on the ballot by the County Board of Commissioners pursuant to Public Act 138 of 1917. (See Michigan Compiled Laws 397.301.) If the County Board of Commissioners does not choose to place the library millage question on the ballot, there is no way for a library board to do so. However, residents of the county may petition the Board of County Commissioners to place a library millage question on the ballot, but the petition does not make placement on the ballot mandatory.

D. School District Public Libraries

School district public libraries may no longer be funded by millages because of the school finance reform legislation of 1994, known as Proposal A.

For more information regarding library millage campaigns, the Michigan Library Association (MLA) has an audio-visual publication available for rent: *Vote Yes! Millage and Bond Issues* (VHS or DVD; May 16, 2003) is available for purchase for \$70, or for six-week rental for \$40 plus return postage. For details, contact MLA at (517) 394-2774.

2. Re-establishing as a District Library

Frequently, city, village and township libraries receive adequate funding from their legal service areas but are unable to extract fair payment from their contracting municipalities (see section A.5. of this chapter).

If the option of a countywide millage (see section A.1.C. of this chapter) is not possible, these libraries may wish to re-establish as district libraries pursuant to Public Act 24 of 1989. By re-establishing as a district library, a city, village county, or township library increases its legal service area to include the additional municipalities served previously as contractual areas.

After re-establishing as a district library, the library board is authorized to place a district-wide millage question on the ballot for voter approval. If approved, this millage covers the entire district. For more information, see the Library of Michigan's publication, *District Library Law: Establishing and Funding a District Library*. The 2003 edition of this publication is available at http://www.michigan.gov/documents/hal_lm_distliblaw_51001_7.pdf.

3. County-wide Millages

Counties often include one or more public libraries that may not have their own voted library millages. Instead of attempting a separate library millage campaign in each library's legal and/or contractual service area, some libraries obtain a county-wide millage which is divided among the libraries in the county based on a formula agreed to by the libraries, using per-capita or another basis for the millage.

Countywide millages may be placed on the ballot by the County Board of Commissioners, pursuant to Public Act 138 of 1917. (See Michigan Compiled Laws 397.301.) Prior to the vote on the countywide ballot question, all of the library boards in the county enter into a library services agreement with the County Board of Commissioners and the county library board, if any. This agreement details the method of division of the county library millage and the amount to be collected annually.

4. Appropriations

A public library can receive local funding through appropriations from local municipalities. Municipalities, including counties, cities, villages, townships or school districts, appropriate monies from their general funds to provide library service to residents of the municipality. These appropriations may be made if the public library is located within the municipality's boundaries (legal service area) or if the municipality contracts with a neighboring public library to provide library services to its residents.

With a few exceptions, municipalities are not required by law to provide appropriations for public library service. If there is no special statute or written contract by which the municipality agrees to fund the library, the library board cannot force the municipality to make appropriations from the general fund. If the local municipality is unwilling or unable to provide appropriations sufficient to support the library, then the

library board may want to consider a district library reorganization and/or millage campaign.

5. Contractual Funds

Some Michigan municipalities do not have separate public libraries. Residents of such municipalities can receive services through contracts with legally established public libraries in exchange for funds, such as their penal fines, state aid and/or other appropriations.

Sometimes, these contractual payments are less than those provided by the legally established area. In essence, the taxpayer of the legally established library may partially subsidize the taxpayers of the contractual areas. You can ascertain if the use of your library by the contractual units is adequately compensated through their payments. If not, a gradual increase in funds may be called for. Or, you may wish to consider re-establishing as a district library with your contractual communities.

6. Fund Raising

The library board of trustees may decide to sponsor fund-raising options, such as special events, direct grants or solicited donations. These efforts are often undertaken to support a special project, such as a library garden, a children's programming area or a special book collection.

Before starting a major fund-raising campaign or establishing an endowment fund or foundation, the library board should consult its attorney to avoid violation of any state or federal laws on soliciting charitable donations. The Michigan Treasury monitors use of the solicited funds.

Many communities have large and small foundations that are willing to fund well-documented library needs. Children's programs and services are especially appealing to donors.

7. Casinos

Michigan casinos are required by law to donate 2% of their profits to local non-profit organizations. Some public libraries are successful in obtaining a portion of these funds, usually by tying the services of the library to a need in the Native American community.

B. State Funding

1. State Aid

Since 1939, with the exception of fiscal years 1940 and 1941, the State of Michigan has provided assistance to Michigan public libraries. Currently, Public Act 89 of 1977 sets forth the statutory provisions for library cooperatives and public libraries and the formulas for disbursing state aid grants. Public Act 89 of 1977 places the responsibility on each public library and library cooperative to decide whether they will apply for state aid on an annual basis.

The public library filing a state aid application must meet three guideline requirements: Based on the population served, the local area must provide a minimum of three-tenths (3/10) of a mill to the library, be open a certain number of regular hours, and have personnel whose education level is certified by the Library of Michigan. For specific guidelines, consult the latest Library of Michigan state aid guidelines found at http://www.michigan.gov/documents/hal_lm_stateaid_52387_7.pdf.

A. Direct State Aid

After the public library files a state aid application and it is determined that guidelines are satisfied, the public library receives a state aid reimbursement based on a *per-capita* amount. The current legislation authorizes a maximum level of \$0.50 as the *per-capita* amount, but actual appropriations may be less than this amount.

B. Indirect State Aid

A public library is also eligible to receive a second identical *per-capita* grant if the public library chooses to be a participating member of a library cooperative. This state aid payment is generally referred to as indirect state aid, or cooperative membership state aid. Indirect state aid is often referred to as “C164” money, as Section c16(4) of the Act covers this payment.

C. Library Cooperative State Aid

Library cooperatives also receive a direct *per capita* payment for the population assigned to the cooperative’s designated service area. This state aid is used to support a variety of activities as outlined in the cooperative library’s plan of service to member libraries.

D. Sparse Population

To compensate sparsely populated areas, a special cooperative grant based upon \$10 per square mile is made to those library cooperatives whose population is less than 75 people per square mile. This second cooperative grant benefits some of the library cooperatives in northern Michigan.

E. County Libraries

A grant of state aid is provided to those county public libraries that serve less than 50,000 persons. In part, the grant provides up to \$4,800 if the county library employs a director with a master's degree in library science from a school accredited by the American Library Association and who has four years of administrative experience.

F. Public Library Funding Initiative Group (PLFIG)

PLFIG began as a grassroots effort by Michigan's librarians and others interested in library service, to address longstanding issues related to funding for public libraries in our state. In 2001, PLFIG commissioned a report by the Information Use Policy Management Institute at Florida State University entitled: *Creating Stability and Equity in Michigan Public Libraries*. In a nutshell, long-term funding recommendations include these components:

- Direct state aid to public libraries should be in the \$5 to \$7 per capita range;
- Direct state aid to cooperatives should be formula-driven and include base grants, plus per capita grants of \$1.50 to \$3; and
- These funding increases need to be proposed in conjunction with service quality guidelines, accountability, and incentive awards

PLFIG details can be found at the Web site <http://www.plfig.org>.

2. Penal Fines

In 1835, delegates to the first Michigan Constitutional Convention, which created our state, passed a constitutional provision that encouraged the legislature to:

“provide for the establishment of libraries ... and clear proceeds of all fines assessed in the several counties for any breach of the penal laws shall be exclusively applied for the support of said libraries.”

The 1963 Constitutional Convention re-adopted a provision from the 1908 Constitution, which guarantees that all fines collected for violation of state penal laws are to be used exclusively for library purposes. Michigan has enacted statutes requiring that all fines collected for violations of the state penal laws are paid to the local county treasurer. The penal fines collected within each county are distributed in that county on a per-capita basis. Michigan is the only state that uses penal fines as a funding mechanism for libraries.

Statutes provide the legal basis for courts to impose penal fines and costs in both criminal and civil cases. Judges have discretion in deciding the actual amount of fines and court costs, which results in a fluctuation of penal fines from year to year and from county to county. In other words, penal fines are not a stable source of library funding.

Many judges are not aware of the vital need for penal fines in support of libraries. As a board member, you have an opportunity to educate them on how penal fines have improved the lives of their constituents. For example, invite your local judges to your library for breakfast and a tour. Show them the tangible results of how penal fines have improved library services for their constituency.

Municipalities can and do circumvent the constitutional penal fine provisions by adopting their own local parallel ordinances. When violators are fined under local ordinances rather than under state penal laws, the fines paid do not go to public libraries. Penal fines reports can be found at the Web site http://www.michigan.gov/hal/0,1607,7-160-17451_18668_18686---,00.html.

C. Federal Funding

1. Library Services and Technology Act (LSTA)

Support for statewide services to all Michigan libraries, and startup funding for innovative projects is provided through the federal Library Services and Technology Act (LSTA).

The Library of Michigan administers these federal funds. Cooperation among all types of libraries is a major theme of the sub-grant program supported with LSTA funds. Goals for the improvement of library service, as well as the specific programs and services to be funded under LSTA can be found on the Library of Michigan's Web site at <http://www.michigan.gov/lsta>

Checklist for Chapter 5

- ☐ Do you believe your library is adequately funded?
- ☐ Does your board know, and make use of, the various types of library funding available?
- ☐ Are your library's fund-raising efforts effective?
- ☐ Has your library considered applying for an LSTA grant?

Quality Services Audit Checklist (QSAC) Measures for Trustees

Essential Level – Core Measure for Governance/Administration

The board approves a plan to recognize contributions to the library.

Enhanced Level – Elective Measure for Governance/Administration

The director and/or board member make at least annual appearances before local funding officials, if applicable.

Excellent Level – Core Measure for Governance/Administration

The board establishes a policy regarding and a plan for the acceptance of gifts of real and personal property, endowment funds and planned giving.

Chapter 6: Budget

Once the library's mission statement, goals, objectives and action statements are in place, the budget process flows from those directives. Having a strategic plan makes it easier for trustees and directors to agree on budget priorities.

A. Budgeting

Effective library planning requires adequate budgeting. The budget reflects priorities of the library plan and determines how resources are allocated throughout the library.

Boards work with the director in developing the budget. Usually the director proposes a draft budget and presents it to the board for review and approval. Some boards establish a finance committee to formally assist the director in this process. When complete, the board reviews the draft budget and adopts it for implementation.

Preparation of a budget takes considerable time. An annual timetable helps identify specific deadlines for each step of the process. This permits full consideration and debate on all significant elements of the budget.

Budgets must be written in conformity with Michigan law. Before the beginning of each fiscal year, the board is required by the state to adopt a balanced budget.

Trustees are legally responsible for all library expenditures, so board members need a thorough understanding of all aspects of the budget. The director must provide detailed financial reports and make full explanations of all budget expenditures and variances.

Board meetings must allow adequate time to discuss budget issues. Scheduling an annual training session on budget reports is an excellent means of educating all trustees on financial considerations. Budget information must be accurate, thorough and timely. The director must provide written budget updates on a regular basis, preferably monthly. Budget problems can be resolved more successfully when reviewed month by month, rather than solely at the end of the fiscal year.

The budget process can reveal flaws in the overall funding of the library, and focuses attention on the board's responsibility to obtain adequate funding for the library.

B. Audit

Public libraries are required to have audits pursuant to the Uniform Budgeting and Accounting Act. The audit must be performed by a certified public accountant. The library may have a separate audit for the library alone, or it may be included in a municipality's audit. For example, a township library may be included in the township's overall audit.

Libraries serving a population of less than 4,000 are required to have an audit only once every two years. Libraries serving populations of more than 4,000 must have annual audits.

The Financial Management Reference Guide for libraries can be found at http://www.michigan.gov/hal/0,1607,7-160-18835_18894-69217--,00.html. This publication covers information on accounting, fund balance, budgeting, financial reporting, property taxes, state funded revenue, investments, real estate, inventory, financing, the audit process and internal controls. This publication was prepared by the accounting firm of Plante, Moran under a federal grant managed by the Library of Michigan. It is for the use of all Michigan public libraries.

Checklist for Chapter 6

- ☐ Does your library's budget dovetail with your strategic plan?
- ☐ Does your director provide you with detailed budget information on a monthly basis?
- ☐ Is enough time given at your board meetings so you understand your library's budget?
- ☐ Do you have internal controls in place to protect your library's funds?
- ☐ Does your board have an annual audit performed by a certified public accountant or is the library included in a municipality's annual audit?

Quality Services Audit Checklist (QSAC) Measures for Trustees

Essential Level – Core Measure for Governance/Administration

The board adopts an annual budget and reviews monthly financial reports. If appropriate to its governance, the board contracts and reviews an annual audit. The board maintains appropriate insurances.

Enhanced Level – Core Measure for Governance/Administration

The board adopts a written financial plan including a written procurement plan for purchasing materials necessary to operate the library.

Excellent Level – Core Measure for Governance/Administration

The board establishes a policy regarding and a plan for the acceptance of gifts of real and personal property, endowment funds and planned giving.

Chapter 7: Advocacy and Public Relations

A. Advocacy

Local Advocacy

Library board members interpret the programs, policies, and services of the library to the general community. Whenever and where ever possible they speak up in favor of the library.

Trustees are also the “listening ear” for the library, learning from the community its local concerns and conveying that information at board meetings. It helps the library when trustees are good listeners, asking open-ended questions and probing for facts behind opinions.

Trustees work with the library director to project a positive image of the library to the community. The trustee who is an ardent supporter of the library will become known in the community as a person who can answer questions about the library and its services.

The board asks the community for opinions, using surveys and/or questionnaires developed by the director and staff. Useful suggestions can be implemented. Trustees, formally and informally, promote the library’s services and needs to community leaders, business leaders and other civic agencies.

State Advocacy

Trustees are libraries’ best advocates at the state level. They are viewed by legislators as advocates of a respected segment of the public. Through the Trustees and Advocates Division of the Michigan Library Association (*see Chapter 12, Resources and Support*), trustees combine to create a vital, powerful voice for library services. Visit the division Web site at <http://www.mla.lib.mi.us/units/roundtable/trus/index.html>.

National Advocacy

The same holds true at the national level. Through the American Library Trustee Association (ALTA), library trustees gain a voice in national events concerning libraries. Visit ALTA’s Web site at <http://www.ala.org/ala/alta/alta.htm>.

B. Public Relations Responsibilities

Trustees perform public relations responsibilities:

Hire a good director. It is the board's responsibility to hire the best director they can afford for the job.

Provide quality service. The board ensures the library's policies support quality service. No amount of good public relations can make up for bad service. Trustees ensure that library services are evaluated at regular intervals.

Adopt a public relations policy. The board, with the director, develops and adopts a strongly defined public relations policy. This policy guides the library director in the development of a schedule of activities to promote the library's role and to market its services and materials. QSAC provides three public relations checklists in its appendices section at <http://www.plfig.org/qsac-appendices.htm>.

Publicize the library. The board supports the expenditures of time and funds needed to support the library's public relations efforts. News releases, program flyers, radio and television announcements, cable TV, community organizations' newsletters, billboard space and announcements made at club meetings and civic associations and local business newsletters are all possible. Often, library trustees are the best means of spreading news about the library and need to seize every opportunity available.

Explain the library budget. As public officials responsible for the use of public library funds, trustees are accountable to the community for that money. Effectively explaining how and why the library spends its money comprises a great deal of the trustees' public relations role.

Use the library. This may seem obvious, but it bears mentioning. Trustees need to visit and use the library regularly. Never ask for personal exceptions to the library's rules and regulations. Excellent libraries have trustees who:

- Have library cards;
- Attend special events at the library;
- Assist with surveys of the community;
- Encourage the development of a Friends' group and/or library foundation; and
- Make public presentations on behalf of the library

Trustees' vocal and visible enthusiasm for the library attracts the support of other community members. A trustee who is knowledgeable, enthusiastic and supportive of the library will serve as the library's best public relations advocate.

Checklist for Chapter 7

- ☐ Are you aware of your public relations role?
- ☐ Is the board working with the director to promote a positive image of the library?
- ☐ Has the board adopted a public relations policy for the library?
- ☐ Do you use the library yourself? Do you have a library card?

Quality Services Audit Checklist (QSAC) Measures for Trustees

Essential Level – Elective Measure for Governance/Administration

Board members, Friends and other citizens act as advocates for the library. The library encourages their participation at the local, cooperative, state and national levels.

Essential Level – Core Measure for Public Relations

The library board approves a public relations policy. The library board and staff annually evaluate its policies and procedures in terms of their effect on the public and the library's public relations efforts.

Enhanced Level – Elective Measure for Human Resources

The library board encourages and supports staff, with budget allocations and release time, to be involved in community organizations and activities. Typical local organizations for library staff to work with are the chamber of commerce, Kiwanis, Rotary, school boards, planning committees, historical and genealogical societies, senior centers, public and private schools, foundations, governmental units and other non-profit organizations.

Enhanced Level – Elective Measure for Governance/Administration

The director and/or board member make at least annual appearances before local funding officials, if applicable.

Enhanced Level – Elective Measure for Public Relations

The library board and administration promote the formation of and support active participation in a Friends group.

Excellent Level – Core Measure for Governance/Administration

The director and board regularly participate in Michigan Library Association legislative activities.

Excellent Level – Elective Measure for Governance/Administration

If applicable, all board members join the regional trustee group.

Excellent Level – Elective Measure for Human Resources

The library pays for board members' membership in the Michigan Library Association.

Chapter 8: Facilities and Technology

A. Buildings and Equipment

The construction or remodeling of the library building is one of the most exciting and ambitious projects a library can undertake. The library's initial step is the formation of a building team that draws in a variety of individuals. The basic building team usually consists of the library director and staff representatives, selected board members, appropriate government officials, the architect and, later, the building contractor.

The library's building team prepares a building program. The building program is a description of the library's:

- Goals and objectives;
- Service area and population;
- Service statistics;
- Existing and projected services and collections;
- Projected need for space, equipment and furnishings;
- Function and area relationships;
- Technical and legal requirements; and
- Local needs or requirements.

Hiring the right architectural firm is the most critical step in a successful building program. While experience with library design is important, rapport and the ability to communicate between the architect and the library's building team are equally necessary. The architect should be free to create an individual design but needs to be open to significant input from the team regarding the library's specific needs.

Financing a new or expanded facility is always a major financial challenge. Some options for funding include a millage vote or bond issue, community fund raising, securing a mortgage against the present facility, or setting aside part of the library fund as a capital improvement or building fund.

It is hardly possible to over-prepare for a building project. Such projects can be frustrating and time-consuming, but they also can infuse library staff and board members

with excitement about the community's future library service. The rewards, like the challenges, are great.

The Quality Services Audit Checklist has a special section for libraries that are considering a new building or an addition to an existing building. Your cooperative may have resources to help in the planning process.

B. Technology

Library technology projects improve the efficiency of library services and raise the quality of service to patrons. Technology is a complex and rapidly changing area and often requires the services of a consultant or outside advisor. Some examples of library technology projects are:

- Purchasing a microcomputer and software packages for automating office work, implementing electronic mail, using the Internet and accessing available databases;
- Subscribing to online reference services to gain information on business, agriculture, medicine, law, science, education and other topics; and
- Installing an integrated library system (ILS) to automate all library/patron transactions.

Library technology is ever changing. At the library, you are never "done" with technology. As soon as one major technology project is completed, it is usually time to start planning another. A library's budget should include allocations for technology improvements on a regular basis.

All Michigan libraries are required to have technology plans on file with the Library of Michigan, if they are applying for federal E-rate funds. More information can be found at the Library of Michigan's Web site: http://www.michigan.gov/hal/0,1607,7-160-17451_18668_18690---,00.html and at the QSAC Appendix Web site <http://www.plfig.org/qsac-appendices.htm>.

Checklist for Chapter 8

- ⇒ Has the board recently considered the need for remodeling the library or building a new library facility?
- ⇒ Does your library have a technology plan on file with the Library of Michigan?

Chapter 9: Intellectual Freedom

Protecting the Public's Right to Information

A. Intellectual Freedom

The library board has the responsibility of championing the cause of intellectual freedom, which includes fighting censorship efforts. This responsibility calls for the right of library access for all members of a community to obtain library-held materials and information. This is a challenging and sometimes uncomfortable responsibility, but it is one you agreed to support when you became a library board member.

The selection of library materials is a central activity in support of intellectual freedom. Collection development includes a selection policy written and approved by the board that reflects the library's objectives in providing materials. It also supports the right of all members of the community to have access to a wide range of materials, including items some people might find objectionable.

Persons objecting to library materials may request the library remove the items. To respectfully carry out its duties, the library board needs to adopt a policy and procedure for addressing such patron complaints. The patron is usually required to discuss the matter with the director or specified staff member and to define the matter before the board considers the complaint.

Some protests about library materials result in patrons appearing at regular board meetings to present their points of view. The Michigan Open Meetings Act requires boards to give any member of the public an opportunity to address the board on any subject central to library operations. (*See Appendix B, Libraries and the Law*). This is not an unlimited right, and boards can adopt rules to limit the length or volume of such presentations. Such rules provide reasonable time limits, while still respecting free speech and open participation of the citizenry.

One common objection refers to materials as being "obscene," a word that is usually legally inaccurate. It is unlikely that any material commonly found in libraries fits the legal definition of the word "obscene." However, if an item is ruled legally "obscene," the library staff is immune from prosecution and there is little chance of legal action being brought successfully against the board or its trustees.

Handling a censorship attempt can be an uncomfortable experience. It helps to remember that what trustees feel as individuals is separate from the legal duties as library board members.

The Michigan Library Association's handbook on intellectual freedom is available at http://www.mla.lib.mi.us/units/committee/ifc/ifc_pdfs/ifmanual.pdf. This handbook includes sample forms and policies, and a wealth of other information on censorship. The American Library Association's Office of Intellectual Freedom contains helpful online information concerning censorship challenges at <http://www.ala.org/ala/oif/challengesupport/challengesupport.htm>.

Board training on how to assume its responsibility of protecting intellectual freedom and how to cope with censorship challenges is invaluable. Handling a challenge to library materials can be emotionally unsettling. Be prepared with policies and background to meet any challenge.

B. Collection Development

A library's collection-development policy must be written down and approved by the library board in a formal meeting. If a library is faced with a formal censorship challenge, the written materials-selection policy gives the board a local statement to rely on in its defense of the challenged material. Obviously, book reviews and other outside sources are helpful in defending the material, but a collection development policy adopted by the local library board before a challenge arises provides the best defense.

For good selection policy advice, see the Michigan Library Association's Handbook on Intellectual Freedom, 2003 edition, found at http://www.mla.lib.mi.us/units/committee/ifc/ifc_pdfs/ifmanual.pdf and the Library of Michigan's Quality Services Audit Checklist Collection Development Appendix found at http://www.mla.lib.mi.us/units/committee/ifc/ifc_pdfs/ifmanual.pdf.

A materials selection policy contains the following:

- **Statement of purpose of the materials selection policy** (why does the public library have a materials selection policy?);
- **Responsibility for selection** (who selects library materials?);
- **Budget allocation** (how will funds be allocated for collection development?);
- **Criteria for selection** (what are the broad requirements for including materials in the library's collection?);
- **Description of the selection process** (how are materials selected?);
- **Gift items** (what are the criteria for adding gift items to the collection and how are they handled?);

- **Weeding (de-selection) of materials** (what are the criteria for removing materials from the collection?);
- **Steps for handling objections to materials** (if an item is challenged, how will the library formally respond?);
- **National standards** (American Library Association’s “Library Bill of Rights” found at: <http://www.ala.org/ala/oif/statementspols/statementsif/librarybillrights.htm>); and
- **Local procedures** (a standard written complaint form for the patron to fill out, usually called a “reconsideration of library materials”) Your cooperative director will help you find sample forms.

C. Patron’s Right of Access to Libraries

The Michigan Constitution, Article 8, Section 9, provides for access to public libraries by Michigan residents. The Elliott-Larsen Civil Rights Act, Public Act 453 of 1976, provides that public accommodations, which include public libraries, may not discriminate against patrons based on “religion, race, color, national origin, age, sex, height, weight or marital status.”

Because Michigan public libraries are required to provide access to Michigan residents, and because the Elliott-Larsen Civil Rights Act indicates that public libraries may not discriminate based on any of these conditions, a public library board must make all facets of library service available to all residents, regardless of classifications.

Checklist for Chapter 9

- ⇒ Do you understand the library's duty to make a wide range of materials available to the public, including materials that some will consider offensive?
- ⇒ Are you familiar with the Library Bill of Rights and the Freedom to Read statement?
- ⇒ Has your board adopted a written materials selection policy?
- ⇒ Does the policy include provisions on handling patron complaints about library materials?
- ⇒ Do you know how to proceed against attempts to censor library materials?

Chapter 10: The Director

In Chapter 1, we read that the library board is responsible for broad policymaking for the public library. It's the library director who is responsible for carrying out those policies in the day-to-day management of the library. It follows that the board's most important function is to hire a good director and then to delegate to him or her sufficient authority to run the library. The board is responsible for hiring, supervising and evaluating the director. The board, however, delegates to the library director the hiring, supervision and evaluation of all other staff. In essence, the board has one employee: the director.

Basic delegation is done through the official job description of the library director. Further delegation of authority is made through formal resolutions of the library board in an open meeting. By passing such a resolution and its inclusion in the bylaws, board members have the means to remind members of their agreement to let the director run the library.

The director is the person appointed by the board of trustees to administer the library, chosen because of his or her professional competence to carry out this responsibility. The director's primary duty is to assist the library board in making sound decisions on behalf of the public. A director fulfills this duty by undertaking and managing the following responsibilities (in larger libraries, many of these duties are delegated by the library director to other staff members):

Administration. The director assumes responsibility for administration of the library within the framework of a board-approved strategic plan, policy manual and budget. The director reports on each area at board meetings and keeps the board up-to-date between meetings via email. The director attends all regular and special board meetings, and Friends of the Library board meetings as well.

Human Resources. The director employs and directs all staff within the guidelines established by board-approved personnel policies or union contracts.

Collection Development. The director manages the selection and purchase of library materials.

Planning. The director works with the board on strategic planning, helping to analyze the library's strengths and weaknesses, to assess community needs, to recommend plans for the library's growth, and, specifically, the means to implement those plans. The director administers the strategic plan adopted by the board.

Policies. The director recommends policies as needed and advises the board on the merits of decisions under consideration. The director administers the library in accordance with adopted policies, and interprets policies to staff and public.

Finance. The director prepares annual budgets based on present and anticipated needs in relation to the library's strategic plan. The director supplies information to the board to aid in members' interpretation of the library's financial needs. In communities where the library funding is by appropriation, the director attends budget hearings to answer questions on library administration and financial details. The director decides on the use of money within the budget allotment and recommends budget revisions in planned expenditures.

Advocacy. The director participates in community activities and works with other local agencies and groups on behalf of the library. The director seeks to influence governmental action at the local, state and national levels, on behalf of public library services. The director calls the board's attention to any pending legislation that affects library funding.

Continuing Education. The director attends workshops and conferences, helps orient new trustees and, by supplying relevant information, encourages board members to study library-related topics. The director alerts trustees of important meetings for them to attend and recommends budget allotment for librarian and trustee expenses for membership and attendance at meetings.

Although most library functions are delegated to the library director, there are functions the library board cannot delegate. These include:

- Hiring, evaluating, disciplining and dismissing the director;
- Final approval of the budget;
- Final approval of new building plans and construction contracts;
- Accepting large in-kind donations or donations with specific restrictive conditions; and
- Ratification of union contracts.

Checklist for Chapter 10

- ⇒ Has your board written a clear job description stating the specific duties of the director?
- ⇒ Does your board know the state certification requirements for the library director?
- ⇒ Has your board delegated the proper amount of authority to the library director?

Quality Services Audit Checklist (QSAC) Measures for Trustees

Essential Level – Core Measure for Governance/Administration

There is a director. The library board hires the director, or, if an advisory board, assists in the hiring. The board evaluates the director on a regular basis.

Essential Level – Core Measure for Human Resources

The library gives each board member a copy of the *Michigan Public Library Trustee Manual*.

Essential Level – Elective Measure for Human Resources

Any first-time administrator and chair of the board of trustees attends the New Directors and Trustees Workshop offered by the Library of Michigan.

Chapter 11: Friends of the Library

Many public libraries benefit from a volunteer non-profit group known as “Friends of the Library.” “The Friends,” as they are called is an organization whose members volunteer their assistance on behalf of the library.

Friends groups are an invaluable asset for a library. They are motivated to promote the services of the library to the community. They serve as advocates for the library, working to influence public opinion and governmental action on behalf of the library on the local level. In conjunction with a state level group known as Friends of Michigan Libraries, they work on the state and national level on behalf of public library services. This state organization offers at its Web site, <http://www.foml.org/>, a handbook, named Friends.link, “dedicated to assisting libraries in finding answers to fundamental concerns about Friends’ organizations.”

Friends also collectively use their influence to assist the board in obtaining desired financial support. Their financial support during a district library or millage campaign can be the key to a successful outcome.

Friends usually work to raise additional funds to augment a library’s budget. Organizing community book sales, offering special programs and selling homegrown cookbooks are just three of the many ways Friends groups generate extra funds from their community. Working with the library director, and with approval of the library board, Friends select areas of the library they wish to support with these supplemental funds.

Representatives of the Friends often serve on library planning committees. They report their observations of library and community needs and suggest how their organization can help. It is good library practice for a library board member to attend Friends’ board meetings as an official representative of the board. The same is true for the Friends’ board, selecting a member to represent the Friends at library board meetings. Time on the agenda can be set aside for a Friends’ report.

Library trustees and library staff members show their support by membership in the Friends of the Library. However, to avoid conflicts of interest, current trustees and staff should not hold office in the Friends of the Library organization. Doing so could jeopardize the Friends’ standing as a non-profit organization.

Checklist for Chapter 11

- ⇒ Does your board understand how a Friends group can help the library?
- ⇒ Does your board understand its relationship to the Friends group?

Quality Services Audit Checklist (QSAC) Measures for Trustees

Enhanced Level – Elective Measure for Public Relations

The library board and administration promote the formation of, and support active participation in, a Friends group.

Chapter 12: Continuing Education, Resources and Support

A. Continuing Education

Continuing education (CE) is the all-inclusive term for training, staff development, career development and any other educational activity an individual engages in after receiving a formal academic degree

Library board members are responsible for seeing that library employees have the necessary knowledge, skills and abilities to do the job. This includes continuing education as needed. Trustees ensure that the library budget incorporates amounts to cover staff CE expenses.

Continuing education for the trustees is also important. While trustees are not expected to acquire the education necessary to be librarians, they need to know how to do their jobs well, to understand the changing world of librarianship, and to be able to recognize the needs and demands of their changing communities.

As you have read this manual, you've encountered areas where you would like to increase your knowledge. The agencies listed below provide trustees with many continuing education programs and opportunities. These agencies also provide trustees with information, advice and support.

B. Resources and Support

The Library of Michigan. The Library of Michigan (LM) is the official state library agency for Michigan. On Oct. 1, 2001, the library became part of the Michigan Department of History, Arts and Libraries (HAL). In part, the Library of Michigan mission statement reads:

The Library of Michigan promotes, advocates and consistently works to achieve the highest level of library service to the State of Michigan, its government, its libraries, and its residents.

As the state library agency, the Library of Michigan has the dual role of (1) providing direct service to patrons from its own staff and collections and (2) fostering the development of quality library service throughout the state.

In its role as a support agency for library development, the Library of Michigan provides resources and services to the library community. Library of Michigan staff members provide help to library staff and trustees in administering state aid, penal fines, millages, the legal establishment of libraries, grant administration, statewide resources, continuing education, children's services, staff certification and quality measures certification.

The Library of Michigan provides a variety of educational opportunities for trustees, including this manual. LM sponsors workshops to update trustees on the basics of trusteeship as well as latest developments in the field. Other workshops include new director and trustee workshops, financial seminars for directors and trustees, grant writing and library law workshops, and the Mahoney Children's workshop. Ask your library director for current information, or check LM's Web site: <http://titan.libraryofmichigan.org/cgi-bin/webevent.cgi?cmd=open&cal=cal2&>. This Web site links you to a calendar of all library continuing education events in the state.

Every two years, the Library of Michigan supports the Loleta Fyan Small and Rural Libraries Conference. Usually held in the northern part of the state, this conference focuses, as its name suggests, on the specific needs and challenges of libraries serving patrons in small communities and in rural areas of Michigan. Traditionally this conference has a day set aside with programs especially for trustees.

The Library of Michigan administers the Library Services Technology Act (LSTA) federal grants for library services. The Library of Michigan encourages the sharing of resources through library networking and automation and funds projects such as the Michigan Electronic Library (MeL) with its popular statewide database licenses.

Most recently, the Library of Michigan, using LSTA funds, has supported projects that allow libraries to join a statewide catalog, MeLCat. The catalog will give any Michigan resident, whose library participates, the opportunity to locate and borrow materials not owned by their local libraries.

Please call upon staff of the Library of Michigan for assistance. The toll-free number is (877) 479-0021.

Public Library Cooperatives. At board meetings, you hear references to “the co-op.” The State Aid to Public Libraries Act, Public Act 189 of 1977, provides for the establishment and funding of public library cooperatives. There are currently 12 operating cooperatives whose boundaries cover the entire state.

Cooperative directors act as general consultants to the member libraries. Library cooperatives also offer various support services for member libraries. These services vary among the cooperatives, depending on the specific needs of its members. Priority is given to resource sharing and professional development of library staff and board members. Other optional services are automation, centralized processing, cataloging, delivery service and rotating collections.

Membership in the cooperative is voluntary for the public libraries located within the cooperative’s geographic boundaries. If a public library qualifies for state aid, they also qualify for an equal amount of state aid, that may be used all or in part for cooperatives services. Some cooperatives also offer services, which public library members may elect to receive and pay for out of their general library fund. In addition, cooperatives receive direct state aid payments for its operating expenses.

Each public library cooperative is governed by a nine-member cooperative board, made up of representatives from the member libraries. Some boards are comprised entirely of trustees, some are entirely directors, while other cooperative boards include both.

After new trustees have gained experience, they may be asked to serve on the cooperative board. It’s a good way to learn more about regional and statewide library issues, and to make further use of your expertise as a trustee to serve your library.

The Michigan Library Association. The Michigan Library Association (MLA) engages in a number of activities to increase awareness of the benefits of good library service. MLA makes use of a registered lobbyist on behalf of libraries. The executive director serves as a spokesperson for MLA at legislative hearings and in meetings with state officials. By working with its lobbyist, MLA is able to maintain a daily presence at the Capitol and maximize the effectiveness of the executive director and library members in communicating with legislators.

The association provides a legislative update via e-mail to all institutional members. MLA's Advocacy Web site includes MLA's policy positions and links to legislative resources. For more information, see <http://www.mla.lib.mi.us/advocacy.htm>

MLA's Public Policy Committee sets MLA's legislative agenda, alerts members of legislative activity and works with the executive director and lobbyist on policy statements. The Public Policy Committee's Web page can be found at:
<http://www.mla.lib.mi.us/units/committee/ppc/index.htm>

The Association has a group specifically for library trustees, the Trustees and Advocates Division. The goal of this unit is to "provide better communication with all library trustees in order to further improve libraries and library service throughout the state." Their Web site is
<http://www.mla.lib.mi.us/units/roundtable/trus/index.html>. Call (517) 394-2774 for more information.

The Michigan Library Association sponsors an annual library conference for library staff and trustees. Every fall, this conference offers four days of learning opportunities for the trustees, directors and staff of libraries of all sizes and types. Information about conference programs for trustees can be viewed at the Trustee and Advocates Division Web site.

MLA's Intellectual Freedom Committee carefully monitors activities in the state that appear to be attempts at censorship and guards against legislative attempts to curb free speech. The Intellectual Freedom Committee acts as a resource for library staff and trustees needing assistance in meeting censorship challenges. This committee also updates its Intellectual Freedom Handbook, available free online. More information can be found at its Web site:
<http://www.mla.lib.mi.us/units/committee/ifc/index.html>.

Michigan Library Consortium. The Michigan Library Consortium (MLC) is a non-profit membership organization comprised of all types of libraries in Michigan. MLC is a convenient, single point of contact for training, support and group purchasing of library products and services. MLC saves member libraries time and money.

MLC is governed by a board comprised of librarians from all types of libraries: school, public, special and academic. The Library of Michigan has a permanent seat on MLC's board. The MLC Board's goal is "technologically advanced, effective and relevant libraries," and all MLC activities are directed toward achieving this goal.

MLC has taken a leadership role on statewide initiatives to provide expanded services to the citizens of Michigan. Thanks to a grant contract with the Library of Michigan, MLC staff is involved with all facets of the Michigan Electronic Library (MeL) project, including training and support for MeL Databases, implementation of MeL Catalog and MeL Delivery, planning for MeL Digital and providing technical support and server space for MeL Internet.

American Library Association and the American Library Trustee Association. The American Library Association (ALA) and the American Library Trustee Association (ALTA) both provide support and educational opportunities for trustees through conferences, newsletters, publications and programs. Visit ALTA's Web site at <http://www.ala.org/ala/alta/alta.htm>.

Library Consultants. A library's staff and board of trustees cannot include all the expertise and training the library will need to conduct its programs. At some time, a library may need the services of an outside consultant who can suggest correct procedures, prevent mistakes, introduce fresh ideas and defuse controversy.

Appropriate consultant services may include:

- A certified public accountant (CPA). In Michigan, a CPA must complete and file the library's annual audit;
- An attorney;
- A building consultant;
- An architect;
- A library services consultant;
- A technology consultant;
- A strategic-planning consultant; and
- A fund-raising professional.

The director drafts a request for proposal (RFP) for the needed services for potential consultants to review. After the RFP is approved by the board, a bid is selected, and a contract is signed by both parties before the consultant begins the project.

There are a number of ways to locate a consultant appropriate to a library's needs. Local government employees, your cooperative director and other cooperative members, the Library of Michigan and the Michigan Library Association can all offer recommendations for locating qualified consultants. Helpful publications for finding good consultants include:

- Michigan Library Association's Professional Services Directory (2004), found at the Web site: <http://www.mla.lib.mi.us/units/unitpdfs/proservdir04.pdf>.
- Chief Officers of State Library Agencies (COSLA) Directory: State library agencies, consultants, and administrative staff, compiled by Association of Specialized and Cooperative Library Agencies' Headquarters Staff for the Chief Officers of State Library Agencies. Published in Chicago by the Association of Specialized and Cooperative Library Agencies (ASCLA).

- Library Buildings Consultant List, edited by the Library Administration and Management Association, Buildings and Equipment Section, and published by the American Library Association in Chicago.

Checklist for Chapter 12

- ⇒ Have you attended any continuing-education programs for library trustees?
- ⇒ Are you able to sign up and receive ACCESS, the Library of Michigan's online newsletter at:
http://www.michigan.gov/hal/0,1607,7-160-18835_18895_20702--,00.html?
- ⇒ What cooperative-provided services does your library currently use?
- ⇒ Are you a member of the Michigan Library Association's Trustee and Advocates Division?

Quality Services Audit Checklist (QSAC) Measures for Trustees

Essential Level – Elective Measure for Human Resources

Any first-time administrator and chair of the board of trustees attends the New Directors and Trustees Workshop offered by the Library of Michigan.

Enhanced Level – Elective Measure for Human Resources

Library trustees participate in at least one continuing-education opportunity every other year. Such opportunities include the Library of Michigan's New Directors and Trustees Workshop, the Michigan Library Association's annual conference and other Library of Michigan and Michigan Library Association, and library cooperative-sponsored programs.

Enhanced Level – Elective Measure for Governance/Administration

The library provides funds for an annual board development workshop or the board completes continuing education activities at the local, regional or state level.

Appendix A: Public Library Establishment

There are six different types of public libraries in Michigan: city, village, township, district, county and school district libraries. Your authority as a trustee depends on which type of library you serve. The next sub-sections detail the state statutes that give your board the legal right to govern your library. These statutes can be found in detail in the publication, Library Laws Handbook, published by the Library of Michigan. Copies are available free of charge from the Library of Michigan.

Reading the section that pertains to your library will tell you if your responsibilities are governing or recommending. For example, a district library board has the final authority for your library. A county library board, however, makes recommendations to the county commissioners, which has final authority over the library's operations. There may be local contracts specific to your library, that determine your exact measure of authority. Regardless of which type of board leads your library, this manual is designed to help you make effective library decisions.

A. City Public Library

A city public library may be established in one of five ways:

- Public Act 164 of 1877, Section 1. (See Michigan Compiled Laws 397.201.);
- Public Act 164 of 1877, Section 10a. (See Michigan Compiled Laws 397.210a.);
- Charter provision;
- Ordinance; and
- Special act.

A city public library established under Section 1 of Public Act 164 of 1877 has a five-member appointed board. A city public library established under Section 10a of Public Act 164 of 1877 has a six-member elected board. City libraries may also be established by provision in the city charter or, in some special cases, by city ordinance or by special act of the state Legislature. These provisions, city charter or ordinance or special act will outline the details of the board membership and type.

A city public library, regardless of its original organization, may be reorganized under Section 10a of Public Act 164 of 1877. The reorganization involves a petition

signed by at least 50 voters and approval of an establishment/millage issue at the regular annual election.

Libraries established under either Section 1 or Section 10a of Public Act 164 of 1877 have autonomous boards. Their authority is outlined in Section 5 of the Act. (See Michigan Compiled Laws 397.205.) City libraries established by city charter, special act, or ordinance may or may not have autonomous boards, depending on the specific provisions of the establishment instrument.

B. Village Public Library

Village public libraries are established by vote of the electorate pursuant to Section 10 of Public Act 164 of 1877. (See Michigan Compiled Laws 397.210.) Village libraries established under Section 10 have six-member elected boards. (See Michigan Compiled Laws 397.211.) This board has powers enumerated in Section 5 of the Act. (See Michigan Compiled Laws 297.205.) They are autonomous boards.

C. Township Public Library

Township public libraries are established by vote of the electorate under Section 10 of Public Act 164 of 1877. A township library established pursuant to Section 10 of the Act has a six-member elected library board. (See Michigan Compiled Laws 397.211.) Their powers are enumerated in Section 5 of the Act. (See Michigan Compiled Laws 397.205.)

Township public libraries that do not have six-member elected boards and that were not established pursuant to Public Act 164 of 1877 may have been established pursuant to a former law, Public Act 265 of 1959, which was repealed several years ago. Under that repealed statute, the township board acted as the library board.

If a township library was established under the repealed statute, there is no statutory method of funding the library, and the library should be re-established pursuant to Section 10, Public Act 164 of 1877 (See Michigan Compiled Law 397.210) in order to obtain stable millage funding. Re-establishment under Section 10 requires voter approval of an establishment/millage issue at a regular annual election.

D. District Public Library

District libraries are authorized by Public Act 24 of 1989. Section 6 of that act (See Michigan Compiled Law 397.176) grandfathered into operation all district libraries established under the previous statute, Public Act 164 of 1955.

District libraries are comprised of two or more municipalities, which have joined together to establish library service for their residents. The statute defines a “municipality” as a city, village, school district, township, or county. They have **autonomous library boards**, which may be elected (seven members) or appointed (five to eight members), as indicated by each district library’s individual Organizational Plan or District Library Agreement.

For further information on district libraries, consult the Library of Michigan’s publication, the Library of Michigan’s District Library Law document at http://www.michigan.gov/documents/hal_lm_distliblaw_51001_7.pdf.

E. County Public Library

County libraries are established pursuant to Public Act 138 of 1917. (See Michigan Compiled Law 397.301 *et seq.*). County libraries have five-member **advisory boards** appointed by the county board of commissioners. Counties with populations over 1 million have seven-member boards. These boards have the powers enumerated in Section 2, Public Act 138 of 1917 (See Michigan Compiled Law 397.302).

The county library’s legal service area includes all areas of the county, except those areas served by other legally established public libraries. County library often have a legal service area of less than the entire county. Millages for county libraries are authorized by the county commissioners, and must be voted on by all residents of the county.

F. School District Public Library

Prior to March 1994, school district public libraries were established pursuant to Section 1451 of the School Code of 1976 (See Michigan Compiled Law 380.1451). The governing board of a school district public library is the school board, although state aid regulations require the school board to appoint an advisory board as well.

In March 1994, Michigan voters approved Proposal A, which eliminated all millage funding for school district public libraries. Although the establishment of new school district public libraries is still authorized under state law, these libraries face significant funding challenges. Most school district public libraries have re-established as district libraries due to the elimination of millage funding under Proposal A.

Appendix B: Libraries and the Law

The Open Meetings Act, Freedom of Information Act, Michigan Privacy Act, USA Patriot Act and Children's Internet Protection Act

You do not need to be a lawyer to be an excellent board member. However, a basic understanding of how these five acts affect library service will help you in governing your library. A library will, as is pointed out from time to time in this manual, need legal counsel. The more informed you are, as a board member, on the legal issues that affect your library, the better use you will make of this counsel.

A. Michigan Open Meetings Act (Act No. 267 of the Public Acts of 1976, Michigan Compiled Law 15.261-15.275).

General Information. The Open Meetings Act applies to all board meetings, regardless of type of library and board. Board members who come with experience from other non-profit boards may not realize that library boards are held to a different standard when it comes to conducting open meetings. Library boards, whether of the governing type or the advisory type, are considered public bodies and are subject to all of the rules of the Open Meetings Act. Language of the complete act can be found in the Library of Michigan's publication Library Laws Handbook.

Failure to follow the legal demands of the Open Meeting Act can result in criminal and civil action being taken against the board. Equally as serious, the public loses faith in the library board and consequently, the library itself.

The Open Meetings Act supersedes all local resolutions. For example, standing rules concerning requirements for meetings must be open to the public. The Open Meetings Act also covers meeting minutes, notices and postings. Meetings are defined as such when a quorum is present. Closed sessions are meetings or parts of meetings that are closed to the public.

Board members need to keep in mind the five following rules of the Open Meetings Act:

- All meetings of a public body are open to the public and held at a place available to the general public unless specifically exempted by a provision of this Act. **The best place to hold your board meetings is at the library.**
- All decisions are to be made at meetings open to the public.
- Whenever a quorum of its members is present, all deliberations, except as exempted by this act, take place at a meeting open to the public.
- Any members of the public that wish to attend may do so. They need not supply their names or any other information as a condition for their attendance at the meeting.
- Members of the public have the right to address the public body. However, the library board may establish rules governing the public's right to speak, as long as they are recorded in the board's bylaws. Rules regulating the right of public address may include the length of time any one person may be permitted to speak, the portion of the agenda set aside for public address, and a requirement that persons wishing to address the board identify themselves. The rules may also require that if a large group knows in advance that it will attend a meeting and address the board, it must make that desire known to the body in advance so as to facilitate planning time allotments and room size.

The Open Meetings Act does **not** apply to:

- A board committee that adopts a non-policymaking resolution. The purpose is not to deliberate toward, or render a decision on, public policy. However, a good rule of thumb is to treat committee meetings as if they were governed by the Open Meetings Act.
- Social or team-building gatherings, such as board picnics or retreats, chance gatherings or conferences such as Michigan Library Association's annual conference, that are not designed to avoid the act, are exempt from the Open Meetings Act.

Meeting Notices. Library boards are required to post notices of all their meetings. The Open Meetings Act dictates the contents of the notice, the locations where it is to be posted and the timing of the postings. These duties fall to library staff, but the board must formally designate by resolution a person to carry out the posting of the required public notices.

Closed Sessions. There are only five valid reasons for a library board to close a meeting. Procedures for closing a meeting are found in Library Laws Handbook, available from the Library of Michigan.

1. Disciplinary proceedings, or personnel evaluation of, a public officer, employee, staff member or individual agent **when said person requests a closed hearing.** The library board itself may NOT close a meeting for this purpose; only the employee may do so.
2. Disciplinary proceedings against a student by a public body that is part of the educational system that the student is attending, **when the student or his parents or guardians so request.**
3. Strategy and negotiation sessions connected with a collective bargaining agreement when **either** party so requests.
4. Consideration of the purchase or lease of real property until an option to purchase or lease the particular property is obtained.
5. Consultation with counsel regarding settlement strategy in connection with specific pending litigation, but only when an open meeting would have detrimental **financial** effect on the litigation or settlement position of the public body.

Minutes. The Open Meeting Act contains specific language regarding library board, advisory and governing, minutes. Minutes for all meetings shall reflect the following:

1. Date, time, place and members present and absent;
2. Any decisions made at an open meeting;
3. Purpose or purposes for which a closed session was held; and
4. All roll call votes

Timing of corrections to the minutes, their location and their availability are also part of the act. The posting schedule dictated by the Open Meetings Act can be found in Appendix C of this document.

B. The Freedom of Information Act (FOIA)

The federal Freedom of Information Act (FOIA) protects the public's right to know what their governmental agencies are doing. A member of the public may apply, at any time, for library records, except personnel and circulation records. The most common requests are for board meeting minutes and many libraries keep an extra copy at the information desk for patrons who wish to read them.

The board must appoint a FOIA coordinator. For convenience' sake, this person is usually the director. FOIA requests must be made in writing. The library may charge a fee for large requests, such as copying an entire year of board minutes. For more

details concerning the law, consult the Library Laws Handbook, available from the Library of Michigan.

C. Michigan Privacy Act (Public Act 455 of 1982, Michigan Compiled Law 397.601-397.605)

Michigan's Privacy Act is legislation that protects many aspects of our lives, including library records. In libraries, the act applies mostly to circulation and Internet use records. The act provides for the protection of library records, an exemption to FOIA. A library may not disclose "library records" to any person without the written consent of the person liable for payment for or return of the materials identified in that library record.

A "library record" is defined in the act as "... a document, record or other method of storing information retained by a library that contains information that personally identifies a library patron, including the patron's name, address or telephone number, or that identifies a person as having requested or obtained specific materials from a library." Your library needs to have in place policies that reflect the law's charge to protect the public from untoward invasions of privacy. Staff members, particularly those who work in circulation, need specific training, so as not to violate the act.

If Internet access is provided, the act requires the adoption and enforcement of a system or method designed to prevent minors from viewing obscene or sexually explicit matter harmful to them. Consult your director and cooperative director for more information.

D. Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA Patriot Act)

As part of an FBI investigation, board members and library staff can be served with a federal search warrant or court order that supersedes the Michigan Privacy Act. The order is a formal request for the production of tangibles such books, records, papers and other documents.

Those served with such an order may NOT disclose to anyone its existence, or that federal law enforcement has obtained what it sought, **except to those necessary to obtain the materials sought in the warrant.** If your library policy says that only the director can reply to U.S. Patriot Act requests, this means that all such requests can be given to the director. Also, include in your policy the requirement that the director contact the library's attorney for advice.

A good educational source on the Patriot Act is the Michigan Library Association's video series **USA PATRIOT Act Workshop**, published in March of 2003.

The series includes 3 VHS tapes for a cost of \$150, or a six-week rental for \$50 plus return postage. The tapes include discussions with a diverse set of speakers about the USA Patriot Act. Speaker handouts in most cases come with the tapes.

E. Children's Internet Protection Act (CIPA)

On June 23, 2003, the United States Supreme Court overturned the United States District Court for the Eastern District of Pennsylvania and reinstated the filtering mandate for public libraries found in the Children's Internet Protection Act (CIPA). In short, the High Court ruled that public libraries that receive funds through the Library Services and Technology Act (LSTA) or E-rate programs for Internet access must install software to block obscene or pornographic images to prevent minors from accessing materials harmful to them, as well as adopt an Internet safety policy.

Please note that the U.S. Supreme Court decision only applies to those public libraries that receive E-rate funds for Internet access, or internal connections, or LSTA funds for Internet access or for purchasing personal computers. If your library does not receive those types of federal funds, these legal implications do not apply.

The ruling means that public libraries need to use content filters to block visual depictions of child pornography, obscene materials for children under the age of 17, and materials harmful to minors, or forego E-rate funds for Internet access, or internal connections, or LSTA funds for Internet access, or for purchasing personal computers. These requirements apply to both staff and patron computers that access the Internet.

Checklist for Appendix B

- ⇒ Do you understand the reasons for avoiding closed sessions whenever possible?
- ⇒ Do you respect the public's rights of attendance and participation at board meetings?
- ⇒ Does your library have a Freedom of Information Officer and policy?
- ⇒ Do your circulation and Internet policies comply with the Michigan Privacy Act?
- ⇒ Does your library have a U.S. Patriot Act policy?
- ⇒ Does your library comply with the requirements of Children's Internet Protection Act?

Quality Services Audit Checklist (QSAC) Measures for Trustees

Essential Level – Core Measure for Governance/Administration

The board provides public access to minutes, policies, financial records and other documents in accordance with the Freedom of Information Act.

Essential Level – Core Measure for Governance/Administration

The board meets at least bimonthly and complies with the Michigan Open Meetings Act.
The board maintains minutes of its meetings in accordance with state law.

Enhanced Level – Core Measure for Governance/Administration

The board meets monthly and complies with the Michigan Open Meetings Act.

Appendix C: Posting Schedule for the Open Meetings Act

Regularly scheduled meetings: Ten (10) days after the first meeting in a calendar or fiscal year, the public body must give notice (described above) of the schedule for regular meetings for the remainder of the year.

- (a) Regular Meetings – Change of Schedule: Within three (3) days after a meeting at which the schedule for regular meetings is changed, notice must be given of the new regular meeting dates, times and places.
- (b) Rescheduled Regular Meetings: At least 18 hours prior to a rescheduled public meeting, notice must be given of that particular rescheduled meeting.
- (c) Special Meetings: At least 18 hours prior to a special meeting, notice must be given. The 18-hour notice does not apply to special meetings of sub-committees.
- (d) Reconvened Meetings: If a meeting is recessed for more than 36 hours, then the notice shall be given 18 hours prior to reconvening the meeting.
- (e) Emergency Meetings: In the event of severe and imminent threat to the health, safety or welfare of the public, no notice is required to hold any meeting if two-thirds of the members serving on the public body decide that delay would be detrimental to efforts to respond to the threat.
- (f) Meetings in Residential Dwellings: A meeting may only take place in a residential dwelling if a nonresidential building within the boundary of the local governmental or school district is not available without cost to the public body. Notice must be published not less than two days before the date of the meeting in a newspaper of general circulation in the city or township where the meeting will be held.

The notice must be published as a display advertisement, and must conspicuously set off the following language: “This meeting is open to all members of the public under Michigan’s Open Meetings Act.”

(g) Additional Recipients of Notice

- (1) Public At Large: The public body shall send a copy of the notice to any individual, firm, organization or corporation that submits a written request. Said notices are to be sent by first-class mail at the times designated above. For this service, the requesting party shall pay a yearly fee which reflects the reasonable estimated cost of printing and postage of such notices.
- (2) Media: Upon written request to the public body, any newspaper published in the state or any radio or television station located in the state shall receive copies of all notices from that public body at the time said notices are to be posted. There shall be no fee for this service.

Appendix D: Ethics Statement for Public Library Trustees

The Michigan Library Association has adopted the following code of ethics for library trustees:

“Government is a trust, and the officers of government are trustees; and both the trust and trustees are created for the benefit of the people.” So postulated Henry Clay in 1829 in a speech in Kentucky.

Trustees in the capacity of trust upon them, shall observe ethical standards with absolute truth, integrity and honor.

Trustees must avoid situations in which personal interests might be served or financial benefits gained at the expense of library users, colleagues or the situation.

It is incumbent upon any trustee to disqualify himself-herself immediately whenever the appearance of a conflict of interest exists.

Trustees must distinguish clearly in their actions and statements between their personal philosophies and attitudes and those of the institution, acknowledging the formal position of the board even if they personally disagree.

A trustee must respect the confidential nature of library business while being aware and in compliance with applicable laws governing freedom of information.

Trustees must be prepared to support to the fullest the efforts of librarians in resisting censorship of library materials by groups or individuals.

Trustees who accept library board responsibilities are expected to perform all the functions of library trustees.

Adopted by the Michigan Library Association Executive Board June 19, 1989

Appendix E: Quality Services Audit Checklist for Trustees

A. Essential Level

Governance/Administration – Core

- There is a director. The library board hires the director, or, if an advisory board, assists in the hiring. The board evaluates the director on a regular basis.
- The board meets at least bimonthly and complies with the Michigan Open Meetings Act. The board maintains minutes of its meetings in accordance with state law.
- The board has approved bylaws that define its board officers, such as president, secretary and treasurer; outlines its purpose and operational procedures; and addresses board conflict-of-interest issues. The board periodically reviews and, if necessary, updates its bylaws.
- The board is responsible for approving written policies for all aspects of library services such as services offered, collection development, personnel, maintenance, technology, finance and public relations.
- The board provides public access to minutes, policies, financial records and other documents in accordance with the Freedom of Information Act.
- The board adopts an annual budget and reviews monthly financial reports. If appropriate to its governance, the board contracts for and reviews an annual audit. The board maintains appropriate insurances.
- New board members participate in an orientation program which includes a description of library services, the role of the Library of Michigan, and library cooperatives, instruction on their role as policy makers versus policy implementers and a complete tour of the library facilities.

Governance/Administration – Elective

- Board members, Friends members and other citizens act as advocates for the library. The library encourages their participation at the local, cooperative, state and national levels.
- The board participates in an orientation program that includes background on the Michigan Open Meetings Act, guidelines for setting agendas and methods for running meetings.

Human Resources – Core

- The library gives each board member a copy of the Michigan Public Library Trustee Manual.

Human Resources – Elective

- Any first-time administrator or chair of the board of trustees attends the New Directors and Trustees Workshop offered by the Library of Michigan.

Public Relations – Core

- The library board approves a public relations policy. The library board and staff annually evaluate its policies and procedures in terms of their effect on the public and the library's public relations efforts.

B. Enhanced Level

Human Resources – Elective

- Library trustees participate in at least one continuing-education opportunity every other year. Such opportunities include the Library of Michigan's New Directors and Trustees Workshop (Nov. 13), the Michigan Library Association's annual conference and other Library of Michigan, Michigan Library Association and library cooperative-sponsored programs.
- The library board encourages and supports staff, with budget allocations and release time, to be involved in community organizations and activities. Typical local organizations for library staff to work with are the chamber of commerce, Kiwanis, Rotary, school boards, planning committees, historical and genealogical societies, senior centers, public and private schools, foundations, governmental units and other non-profit organizations.

Governance/Administration – Core

- The board meets monthly and complies with the Michigan Open Meetings Act.
- The board adopts a written financial plan including a written

procurement plan for purchasing materials necessary to operate the library.

- The board approves a plan to recognize contributions to the library.

Governance/Administration – Elective

- The library provides funds for an annual board development workshop or the board completes continuing education activities at the local, regional or state level.
- The director and/or board member make at least annual appearances before local funding officials, if applicable.

Public Relations – Elective

- The library board and administration promote the formation of and support active participation in a Friends group.

C. Excellent Level

Governance/Administration – Core

- The board establishes a policy regarding, and a plan for the acceptance, of gifts of real and personal property, endowment funds and planned giving.

Governance/Administration – Elective

- The director and board regularly participate in Michigan Library Association legislative activities.
- If applicable, all board members join the regional trustee group.

Human Resources – Elective

- The library pays for board members' membership in the Michigan Library Association.
- The board recruits candidates with expertise in identified areas (such as legal, marketing and insurance), or to represent a segment of the population.

Appendix F: Hiring, Evaluating and Dismissing a Library Director

A. Hiring a Library Director

The person hired as library director represents the library board as the administrator of the library, and the library board essentially has to answer for any actions of the library director.

With careful planning, inclusion of an accurate job description and a thorough interview process, the board puts itself in a good position to hire the best person for the job. By ensuring the interview and hiring process is legally sound, the board should avoid lawsuits from unsuccessful applicants.

The first step is writing a clear job description that states the specific duties of the library director. An abbreviated form of the job description may be used in the job posting, but complete job descriptions should be sent to applicants for the position. Your cooperative director can help you find sample job descriptions if you do not already have one.

The job description indicates the minimum requirements for education and work experience. Prior to writing the job description, library boards can contact the Library of Michigan Library Development Office at 877-479-0021 to learn the state aid certification requirements (educational status) for their particular library. *Failure to meet minimum requirements will result in the library losing state aid funds.*

The job description also includes any preferred characteristics, such as specific job experience or other work-related qualifications. Note that library boards may hire a person who does not meet all of the “preferred” qualifications but may not hire a person with less than the stated minimum requirements.

For both minimum requirements and preferred qualifications, do not list anything unless it is job-related. Also, do not list any discriminatory requirements or qualifications unless they are directly related to the job. For example, the requirement that the applicant be in “excellent health” may be interpreted as discrimination against the handicapped. It is quite likely that a handicapped person who is not in “excellent health” could perform the library director’s job quite satisfactorily. Never include any qualifications based on religion, race, color, national origin, age, sex, height, weight or marital status.

To select candidates for an interview, check applicants for eligibility against the requirement criteria.

There are two important things the board needs to know about the interview process:

Open Meetings Act Requirements

When hiring a new director, the library board must carefully follow the requirements of the Open Meetings Act (see Appendix B, Libraries and the Law). The act requires boards to conduct their business in an open manner that permits public scrutiny.

The board’s consideration of employment applications should be done in open session, unless the person named in the application requests confidentiality, in which case the board must go into closed session. Members of the public are not permitted to attend closed sessions.

Interviews must be held in open session. The public may attend interviews, but they are not permitted to ask questions or make statements during interviews. The Open Meetings Act requires that the interviews be held in public buildings. Notice of all interviews must be posted at the library.

Open Meetings Act violations lead to serious problems, especially in the hiring process, so be sure all members of the library board understand and follow all parts of the Open Meetings Act.

Illegal Questions

During the interview of the candidate, the library board is not permitted to ask any questions related to the following:

- Marital status
- Nationality or religion
- Age

- Race, height or weight
- Specific handicaps, health and diseases (except for “Do you have any physical or mental disability which would prevent you from performing the job as described in the job description and the interview process?”)
- Citizenship (except for the questions “Are you a U.S. citizen?” and “If not, are you legally in this country and legally able to work here?”)
- Criminal history (you may ask whether a person has been convicted of a crime or whether the person has any felony charges pending against them. You may not, however, ask about arrests.)

Note: These last two questions are usually covered on the application form.

Note that these “illegal” questions may not be asked on the written application form or during the oral interview process. If the board asks an illegal question of an applicant, and the applicant is subsequently hired, there will be no problem. Problems arise, however, if an applicant is asked an illegal question and answers it, and the board does not hire that applicant. In that case, the applicant may file a suit against the library board for discrimination in hiring.

Ask each applicant the same questions and in the same order. This not only helps protect against asking illegal questions, but it also helps to focus the library board’s questions on pertinent issues relating to the applicant’s job-related abilities. Also, by asking the same questions of each applicant, it is easier to compare applicants when the interview process is completed.

Library boards are encouraged to attend workshops on interviewing and hiring, as well as to read articles on interviewing prior to beginning the process. Some boards hire professional consultants to help them hire a new director. Remember, too, that your library cooperative director can provide great assistance.

B. Evaluating a Library Director

Just as the library director performs annual staff evaluations, the library board annually assesses the work and performance of the library director. This evaluation is performed during a board meeting conducted pursuant to the Open Meetings Act. However, the director has the option of having the evaluation conducted in a “closed session” (see Chapter 4).

The annual evaluation is based on the library director’s job description and goals agreed upon at the time of hiring (or subsequent agreed-upon revisions). The annual evaluation may be linked to salary increase.

There are several reasons for conducting annual evaluations of the director. First, the evaluation lets the library director know if he or she is effectively performing the job expected by the library board. If the library director is not living up to the board's expectations, it may be due to a lack of communication between the board and the library director. The annual evaluation is a good time to clear up any miscommunications.

The annual evaluation is also a good time for the board to communicate its expectations for the upcoming year. It will be easier for the library director to fulfill the board's expectations if they are clearly communicated during the evaluation process.

The library director's first annual evaluation should not be sprung on the library director "by surprise" or with short notice. Rather, shortly after the director is hired, he or she should meet with the board to outline goals for the year and determine criteria for evaluation.

C. Dismissing a Library Director

If there is a serious problem with the library director's performance, don't wait until the annual evaluation to address the situation. The library board or the board's personnel committee, as a group (and in a closed session if the library director requests it), needs to communicate its concerns or displeasure with the librarian's performance as soon as possible. This gives the library director adequate time to adjust his or her performance to meet the wishes of the library board.

If the library director is unwilling or unable to change his or her performance to meet the demands of the library board, dismissal of the library director may be necessary. The library board should not dismiss the library director without careful consideration of the facts, as it is not uncommon for dismissed employees to bring wrongful termination lawsuits against their former employers.

Be sure to determine whether your board is the proper body to do the firing. For example, the library boards of city, village and township libraries established pursuant to Public Act 164 of 1877 are authorized by statute to fire employees. Other types of city or township libraries may or may not have that authority.

Unless the director is hired “at will” the library board must also look at the reasons for dismissal. Is the reason legal? If the library director’s contract indicates that he or she may be terminated only for “just cause,” does the reason for termination qualify as “just cause?” For example, firing someone because they attempted to organize a union would not be legal.

The reason for dismissal must be reasonably related to the job. For example, being drunk on the job, poor attendance or illegal activities at work are all be reasons for dismissal that would satisfy the “just cause” requirement.

Before the board fires the library director for any reason, even if it is for “just cause,” the board should first document the behavior and have proof of notice to the employee to stop the behavior. The following seven factors should be considered prior to making a final decision to dismiss a library director:

- Was there notice to the employee?
- Was the reason for termination reasonably related to library employment?
- Was there an investigation and documentation?
- Was the investigation fair and objective?
- Was there proof of a violation?
- Have other library employees in similar situations been treated in the same manner?
- Is termination of the library director an appropriate penalty? In other words, even if the library director has done something wrong, has been given notice and has not ceased the activity, is termination too harsh a penalty? Or is there some lesser penalty that would be more reasonable?

Prior to any termination, it is important to remember that the library director may be “acting improperly” not because of “insubordination,” but because of poor communication by the library board. Without clear communication from the board, the librarian may not be aware of the problem. If the reason for terminating the library director is “poor performance,” the library board must document that notice was given prior to termination and that the library director was given an opportunity to improve performance. The documentation must indicate specific requests made by the library board, which the library director did not carry out.

The problems that arise when an employee is dismissed highlight the importance of the library board hiring a good library director in the first place.

Glossary of Terms

Ad Hoc

For this; for this special purpose. Ad hoc board committees are established for a specific period of time; for example a building committee would cease to exist upon the completion of a building project.

Administration

The staff of the library that has financial responsibility for the library. These administrators plan, organize and control the activities of the library so that long-term objectives many be achieved.

Advisory Board

Advises a library director and local government on library concerns, promotes library service in the community and advocates for the library on a local, regional and state level. This entity is the liaison for the service area, the local governmental authority and the library. The responsibilities are outlined locally.

Children's Programming

Conducting or sponsoring special events, such as story times, book discussions, summer reading motivational activities and others to encourage children to read and use the library and its resources.

Circulation of Materials

The library checks items in and out of its collection on temporary loan to library users.

Community Need

A mixture of local interest, populations and age mix, and the availability of programming through a community's other social, cultural and recreational organizations.

Database

A file of digitized information (bibliographic references, abstracts, full-text documents, directory entries, images, statistics, etc.) consisting of records of uniform format organized for ease and speed of search and retrieval.

Digitize

To transcribe printed data into a digital format so it can be directly processed and accessed by a computer.

Delegation

The transfer of authority by one person or board to another; the entrusting of a general power to another to act for the good of those who appoint him or her.

Et Seq.

An abbreviation for “et sequentes,” meaning “and the following.”

Friends of the Library

Volunteer community support group that often raises funds and supports legislative advocacy for the library.

Governing Board

A board (established by Michigan law) that has legal, financial, policy-making and planning responsibilities for all library operations. This board selects and evaluates the library director.

Integrated Library System (ILS)

A system that allows for circulation, computer catalog, acquisitions, cataloguing, inter-library loan and database operations to be delivered online.

Interlibrary Loan

When a library identifies a user’s requested item as not being in its collection, the library will canvass other libraries’ catalogs to locate the item, and then borrow it on behalf of the user from the library which owns it.

Ipsa Facto

By the fact itself, by the mere fact; by the mere effect of an act or a fact.

Legal Service Area

Geographical area and its residents for which a public library has been established to offer services and from which the library derives income. It may also include other areas served under contract.

Mission Statement

A concise statement of the library’s purpose, it identifies the area served, how the library serves its customers and how the library is unique.

Operating Budget

Includes all expenditures except capital expenses and debt retirement.

Per Capita

By the head, according to the number of individuals.

Reference Staff/Service

Staff available during a library's hours of operation to assist users in clarifying their information needs and then help them locate information resources to address those needs, including instruction to efficiently navigate the information resources.

Reciprocal Borrowing

Independent cooperating libraries agreeing to loan materials to each other's patrons.

Statutory

Relating to a statute; created or defined by a statute; required by a statute; conforming to a statute.