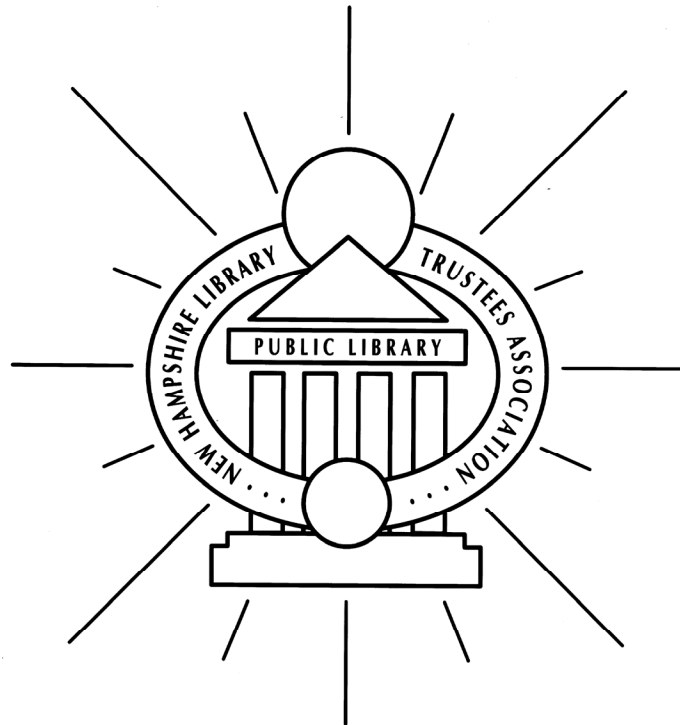


MANUAL

New Hampshire Library Trustees Association



*A Guide for
Library Trustees*

Welcome...

to an exciting and challenging term as a library trustee. In the ensuing months, you will be asked to do many unexpected and surprising things you never dreamed were part of this job. Therein lies the pleasure of dedicating your time and talent to the care and progress of your library. Accept this responsibility with **enthusiasm, diligence and team spirit**. It's a great privilege to share in serving the most **important cultural and informational resource** in your community.

The library is an access point for the literature, science, history, discoveries, thoughts and dreams of our world and universe. It expands our knowledge, introduces us to ideas, feeds our curiosity and challenges our creativity.

Elected or appointed, you have been trusted to preserve and protect everything for which our democracy stands.

A positive attitude with a willingness to work is an unbeatable combination leading to success.

Armed with knowledge, library trustees are a formidable force.

LIBRARIES, AN AMERICAN VALUE

As adopted by the Council of the American Library Association

February 3, 1999

Libraries in America are cornerstones of the communities they serve. Free access to the books, ideas, resources, and information in America's libraries is imperative for education, employment, enjoyment and self-government. Libraries are a legacy to each generation, offering the heritage of the past and the promise of the future. To ensure that libraries flourish and have the freedom to promote and protect the public good in the 21st century, we believe certain principles must be guaranteed. To that end, we affirm this contract with the people we serve:

- **We defend** the constitutional rights of all individuals, including children and teenagers, to use the library's resources and services.
- **We value** our nation's diversity and strive to reflect that diversity by providing a full spectrum of resources and services to the communities we serve.
- **We affirm** the responsibility and the rights of all parents and guardians to guide their own children's use of the library and its resources and services.
- **We connect** people with ideas by helping each person select from and effectively use the library's resources.
- **We protect** each individual's privacy and confidentiality in the use of library resources and services.
- **We protect** the rights of individuals to express their opinions about library resources and services.
- **We celebrate** and preserve our democratic society by making available the widest possible range of viewpoints, opinions and ideas, so that all individuals have the opportunity to become lifelong learners, informed, literate, educated and culturally enriched.

Change is constant, but these principles transcend change and endure in a dynamic technological, social and political environment. By embracing these principles, libraries in the United States can contribute to a future that values and protect the freedom of speech in a world that celebrates both our similarities and our differences, respects individuals and their beliefs and holds all persons truly equal and free.

Also available at www.ala.org

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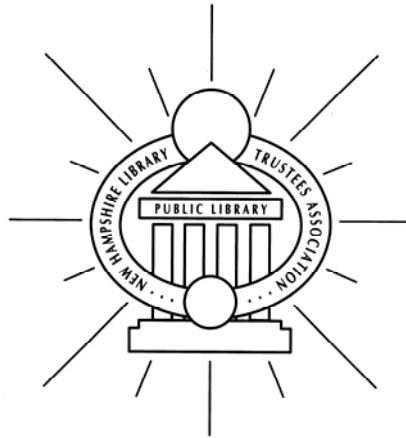
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MISSION

The New Hampshire Library Trustees Association educates library trustees to be knowledgeable and effective in order to serve, improve and promote New Hampshire public libraries, and advocates the right of free access to information for every person.



A Safe Harbor for Trustees

The vision of the New Hampshire Library Trustees Association is to be the acknowledged resource for all public library trustees.

This manual is provided as a benefit to members of the NHLTA. The manual is for informational purposes only. It does not, and is not intended, to provide legal advice. If you require legal assistance, you should consult an attorney. It is our policy to periodically review and update the information. Please mail any questions, comments, corrections or additions to:

President, NHLTA, 43 Regional Drive Suite 1, Concord NH 03302.

For the very latest library information and the most updated version of the manual, please visit our website at www.nhlta.org.

2010-11 Education Committee: Lillian Edelmann (Chair), Robert Gilbert, Marie Harris, Elizabeth Ives, Sara Jones, Adele Knight, Conrad Moses, Christie Sarles, Emma Smith, Craig Wark.

Additional assistance from Constance Kirwin.

INTRODUCTION

This manual provides guidelines to enable trustees to fulfill their responsibilities. It is not all encompassing and will not answer all of your questions. Hopefully, it will point you in the right direction and lead you to some resources and solutions. This is a guide to help you in general and specific stages of your responsibilities. If you have doubts about the correct procedures or questions regarding your duties, please call an NHLTA member. Visit our web site at www.nhlta.org for current news and information.

The actions of all trustees and libraries are bound by local, state and federal laws. This manual is not a legal document. When in doubt, consult an attorney if you require legal advice. The New Hampshire statutes cited in this manual are readily available online at: www.gencourt.state.nh.us.

Knowledge and learning, generally diffused through a community, being essential to the preservation of a free government; and spreading the opportunities and advantages of education through the various parts of the country, being highly conducive to promoting this end; it shall be the duty of the legislators and magistrates, in all future periods of this government, to cherish the interest of literature and the sciences, and all seminaries and public schools, to encourage private and public institutions, rewards, and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and natural history of the country....

Article 83, New Hampshire Constitution

“With a sense of history and the knowledge of enduring values and the continuity of our mission, the library can never be destroyed.”

Walt Crawford and Michael Gorman
Future Libraries: Dreams, Madness & Reality

LIBRARY TRUSTEES: THAT OTHER BOARD IN TOWN

**RSA 202-A:2 defines a board of library trustees
as the governing body of the library.**

“The buck stops here.”

President Harry Truman

A board of library Trustees is a group of citizens to whom the public library is entrusted. The trustees are vested with the entire custody and management of the library. They select a librarian (often called the library director), adopt policies to govern the library’s operation, and work for adequate financial support of the library. They have the power to expend all funds provided to the library, and determine how they will be spent.

Many people consider the library a town department, subject to jurisdiction and review by the town manager and/or board of selectmen. This is not the case. The NH Supreme Court affirmed in the Town of Littleton v. Kathryn Taylor (April, 1994) that **the library is a separate and distinct entity from the town. The court ruled that the board of trustees is the sole governing body of the library and that library employees are not town employees.** See Appendix A.

Note: All city charters, as well as trust instruments and other documents establishing certain libraries, must be consulted for specific power and duties of the board of library trustees. **(RSA 202-A:8)**

TRUSTEE SELECTION

QUALITIES FOR CANDIDATES

There are various methods for the selection of library trustees in New Hampshire. They may be appointed by the local government body, selected by the terms of the library's deed or elected by public vote.

Although any resident may be a potential candidate, trustees should be selected or elected for the special talents they can contribute to the library. They should have a strong interest in the library and its welfare, and a commitment to the importance of lifelong learning. Every potential trustee must understand that it is an ongoing job; he or she should be willing to commit more than just a few hours a month at a meeting. **A trustee must be willing to learn about library service and fully participate in fulfilling the responsibilities of the position.**

A board should represent the diversity of the community, its members chosen for their professional and personal skills.

GOVERNING AND ADVISORY BOARDS

Knowledge of the authority under which the board operates is essential for an effective, functioning board. Check your city or town charter.

If the board is a **governing board**, it is the policy making unit, responsible for the entire custody and management of the library. If the board is acting as an **advisory board**, its main function is to represent the thinking of the community regarding the use and policies of the library.

GOVERNING BOARD ELECTION

... Any town having a public library shall, at a duly warned town meeting, elect a board of library trustees consisting of any odd number of persons which the town may decide to elect. Such trustees shall serve staggered 3-year terms or until their successors are elected and qualified... . (RSA 202-A:6)

Altering the size of the board requires that the change be voted on at town meeting. **(RSA 669:16 and RSA 669:75)**

FILLING VACANCIES

Vacancies on the board are filled by appointment by the town's governing body until the next election. **(RSA 202-A:10) The board may and should recommend a candidate to fill the vacancy.** Once appointed, the new trustee may also run for the position in the next election.

CITY LIBRARIES (RSA 202-A:8)

Trustees may be appointed, elected or selected according to the charter of each city. In most New Hampshire cities, trustees are appointed by the mayor and/or governing board. They may act in an **advisory capacity** to the librarian and to a local governing body regarding the library budget, personnel and policies.

LIBRARIES ESTABLISHED BY TRUSTS, FUNDS, OR GIFTS

Many of the 19th and 20th century trusts stipulated the number of trustees and what positions or families in town they were to represent. If a town or city council votes to accept such a library (**RSA 202-A:3**) and the conditions do not provide for a representative of the public, such a special library trustee shall be elected by the town or city council for a 3-year term. (**RSA 202-A:7 and RSA 202-A:8**)

ALTERNATES TO THE BOARD

RSA 202-A:10 provides that every board of trustees may recommend to the appointing authority the names of up to 3 people to serve as alternate members of the board when elected members are unable to attend a meeting. The alternates are appointed for a one-year term and have voting rights only when filling in for an absent trustee. Because an ongoing awareness and knowledge of the library's business is required, the NHLTA does not recommend that alternates assume the roles of the chair or treasurer except in extraordinary circumstances. Alternates should attend and participate at every meeting and have the same concerns for the library as the regular trustees.

TERM LIMITATIONS

No matter how dedicated and effective, no trustee should serve indefinitely. A good practice would be to limit yourselves voluntarily to two or three consecutive terms of service.

New members bring fresh ideas and new perspectives; broaden the representation of the library in the community and the community in the library.

OATH OF OFFICE

After election or appointment, a trustee must take an oath of office before assuming any responsibility for the position. **No actions taken by trustees are legal and binding until the oath has been administered.** See **RSA 42:1 and 42:2**

BOARD RESPONSIBILITIES

“The three great essentials to achieve anything worthwhile are: first, hard work; second, stick-to-itiveness; third, common sense.”

Thomas Edison

CODE OF ETHICS

As elected or appointed public officials, trustees of New Hampshire public libraries have an obligation to meet the highest legal, moral, and ethical standards in their conduct and decisions. The following principals are to be used as a guide to achieve this goal.

- Sustain the core freedoms of our democracy by providing equal access to a broad diversity of viewpoints, beliefs, information, and the various forms of media.
- Abide by all state and federal laws that apply to New Hampshire public libraries.
- Observe the provisions of the Right-to-Know Law (**RSA 91-A**) by ensuring that all meetings are open to the public except as provided within the law; records of all meetings (including discussion and support materials) are available for public review; the subject matter of e-mails and phone calls to a quorum of the board DO NOT take the place of public meetings.
- Avoid real or perceived conflict of interest when making decisions for or about the library that may involve issues of personal gain for self, family, or friends.
- Keep confidential information confidential.
- Function as a whole unit; individual trustees cannot assume sole authority for comment or actions unless delegated to do so by the Board.
- Remain objective when dealing with staff or patrons and use Board established channels of communications to ensure consistent, rational resolution of library matters.
- Abide by Board established public information policies and refer requests to the library director when appropriate.
- Adhere to all Board established library policies, rules, and procedures.
- Promote a positive atmosphere of service and achievement throughout the library.
- Respect the director as the professional administrator of day-to-day operations and procedures; DO NOT undermine the authority of the director’s supervision of staff; administer regular performance reviews of the director according to library personnel policies.
- Protect the integrity and purpose of the library as a community institution; challenge proposals or actions that are illegal or contrary to the mission; challenge any Board member whose actions betray the public trust, violate the law, jeopardize the integrity of the library or cause dissension within the library.

- Study all laws pertaining to libraries; adequately prepare for board and committee meetings; participate in training to maintain current knowledge in order to effectively serve the library.
- Attend meetings regularly or resign so that a more active member can be appointed.

SOME THINGS ALL TRUSTEES SHARE IN COMMON

- You belong to a board, a group of people who share a common purpose.
- You have a commitment to the lifelong learning of residents of all ages.
- You ensure access to an unrestricted flow of information that is *essential to the preservation of a free government*.
- You represent the community in enabling the library to meet the challenges of the 21st century.
- You are bound by oath to uphold all applicable municipal, state, and federal laws and regulations.
- You obtain the necessary funding to provide for the service needs of the library.
- You are vocal activists for libraries as the most important resource in our communities.

Whether you are raising or spending money, determining how your libraries will be used, or defining staff responsibilities and benefits, all library trustees are bound by laws. When you are establishing policies or exercising authority to take action, boards of trustees must ask themselves: **Where does it say I can do this?**

JOB DESCRIPTION

JOB SUMMARY

Library trustees are the governing board of the library. (RSA 202:A-2) The library trustees shall have the entire custody and management of the public library and all the property of the town relating thereto except trust funds held by the town. (RSA 202-A:6, v)

Each trustee is elected by the general population unless a municipal charter or deeded charter for the establishment of the library specifies otherwise.

The Board of Trustees has sole responsibility for hiring and firing employees of a public library (RSA 202-A:16, 17) and the securing of sufficient funds to provide and maintain adequate library service or to supplement funds otherwise provided. (RSA-A:4)

QUALIFICATIONS

- Resident of the municipality the library serves (**RSA 669:6**)
- Knowledge of the services provided by the library
- Commitment to the library's role in the community
- Knowledge of the community's social, educational and political structure
- Ability to work well with others, listen effectively, and plan for the future
- Willingness to devote time and effort to the duties of trusteeship
- Participate with local, state and national government and library leaders to improve library service at all levels.

ESSENTIAL RESPONSIBILITIES OF THE TRUSTEE

- **Recruits**, appoints, supervises and reviews performance of the library director.
- **Appoints** all other employees of the library and determines their duties and wages in consultation with the director.
- **Establishes**, reviews and revises all policies, including but not limited to personnel, material selection/use and the use of the building.
- **Enforces** all local, state and federal laws that pertain to the library, library employees and the accessibility of materials to the public.
- **Prepares** the annual budget in consultation with the director.
- **Presents** and defends the budget to the municipal budgetary authority.
- **Has sole authority** to determine budget lines for expenditures and move monies from one budget line to another.
- **Reviews** budget on a regular basis and approves expenditures for unforeseen circumstances.
- **Maintains** library revenue in a separate non-lapsing account from the operating budget; approves all expenditures of those funds.
- **Provides** adequate insurance to cover the building equipment, collection materials, and their replacement costs.
- **Adopts**, reviews and revises bylaws, rules and regulations for the board's own transaction of business and for the governance of the library.
- **Develops** and approves the mission statement for the library; contributes to and approves the development of short and long term goals for the library.
- **Actively** participates in and contributes to the meetings and work of the board.
- **Supports** all decisions made by the board.
- **Acts** as a member of a board and assumes individually only those duties delegated by the board.
- **Acquires** full knowledge and awareness of local, state and federal laws pertaining to the governance of a public library.
- **Seeks** training opportunities for enhancing the performance of trustee duties and responsibilities.
- **Advocates** for the library and library service in the community, state and nation.
- **Participates** in state and national library organizations.

ORIENTATION

A good orientation is essential for a new trustee (including alternates) to perform effectively. This can range from an informal session with the chair of the board and the library director to a full meeting with the entire board. New trustees should be given a complete tour of the library, an explanation of its services and an introduction to the staff. We strongly recommend that each trustee should have a notebook containing the following information (the notebook should be passed on to incoming trustees from outgoing trustees):

- List of library trustees, including trustee address, phone, email, term expiration
- The board of trustees by-laws
- The board's committees, assignments and duties
- The charter/history of your library
- NH Library Trustees Manual
- Organizational chart of your library
- List of library staff, positions, date of hire (maybe birthday)
- Job descriptions of staff
- Mission statement
- Library goals/objectives and long range plan; board's annual goals
- Your library's policies and procedures; approved annual holidays
- Board approved budget for current year with back-up materials
- Library board meeting agendas, minutes, monthly reports
- Last annual report and current library statistics of use and holdings
- Copy of Director's Performance Review form
- NH state laws pertaining to libraries

After the new trustee has had a chance to review the notebook, the chair and director should meet with that trustee before the next board meeting. The chair should review the board's committee structure so the new trustee can express an interest in where he/she might best serve. The director should discuss what the staff is presently working on and what challenges he/she perceives for the future. This would be a good opportunity for the chair to review sections of the NHLTA Manual, especially the RSAs, duties and responsibilities and other pertinent sections.

It is essential that all new trustees be made to feel knowledgeable and welcome in order to find a place within the board to make their contribution to library service.

NHLTA holds a variety of workshops, including orientations, which are beneficial for new trustees. Board chairs should encourage new trustees to participate in continuing education programs as appropriate.

ADVOCACY: TAKING ACTION

WE SPEAK FOR LIBRARIES

“In proportion as the structure of government gives force to public opinion, it is essential that public opinion should be enlightened.”

George Washington

A public library is the heartbeat of democracy for every community.

You are the providers of all materials in the library, and protectors of the United States Constitution, especially the Bill of Rights provisions for Freedom of the Press, Freedom of Speech, Freedom to Exercise Religion, Assemble, and Petition Government for Redress of Grievances.

As citizens-voters-library users, trustees carry the primary responsibility for obtaining the money, expert staff and diverse materials to provide the best service possible. It is our job and responsibility to advocate for and champion the work of our libraries.

Libraries are changing, dynamic places of unlimited opportunities. They are unique in their place in the world because when you enter their portals, you find them to be the repository of the entire history of mankind, with all of its profound thoughts, accomplishments, errors and grievances! The very soul of man is there for your eyes, mind, heart, and soul to contemplate.

Libraries are the great equalizers in American Society. Immigrants striving to learn a new language or read a newspaper turn to libraries; students have equal access to research materials; the penniless can read the same books as the wealthy at the library. The enhancement of public access to the information highway has been a wonderful extension of all the marvelous resources available at our libraries.

Libraries are where we turn for help or just plain enjoyment. When internet information is incorrect, to whom do we turn? The librarian, of course! Libraries are an important part of the solution to the major social problems facing us today.

The library is the people's free university!

A massive grass-roots level of library advocacy is needed to transform the present day image of libraries as non-essential sites of “Cultural Entertainment” to the full understanding that “Libraries Matter!” The need for library advocacy is more vital than ever because: (1) information and the need for life-long learning are increasingly important for our global society; (2) costly technology changes must keep pace with society; (3) competition with municipal departments for limited funding

Dormant forces come alive when you are inspired, transforming mediocrity into motivated, educationally conditioned champions, fighting the just cause—library advocacy! You can be the catalyst for action in creating a unified community group of library advocates.

The library community must speak out loudly, clearly and with a single unified voice! We must be aggressive about getting others to speak out on behalf of libraries. We must prove beyond doubt why our public libraries are a basic American value that must be vigilantly protected and supported.

As library champions, you must be informed about local, state, and national issues and innovations concerning library service. You must speak out, informally and formally, about your services and programs; you must persuade voters and officials to meet your needs. **You must get their attention before you can get their money.**

BE A PRESENCE IN THE COMMUNITY

- Utilize newspapers and the municipal cable station, speak to organizations about what the library offers, participate in local celebrations, and make a video.
- Pay for the director's membership in the Rotary Club or Chamber of Commerce or other civic organizations.
- Talk about an upcoming program or new service or a good book at other meetings, standing in line at the supermarket, attending a school event, at the playgrounds and soccer games, to your co-workers...

SPEAK UP...

- For the library's inclusion in the municipal master plan, historical society brochure, community planning sessions.
- For ways the library can complement and enhance the school curriculum.
- For materials and information the library can provide to municipal officials and employees to enable them to carry out their responsibilities.

SPEAK OUT...

- When our democratic rights and principles are threatened.
- With letters to newspapers, state and national legislators about the importance of preserving the library as the portal to the world's cultural and scientific heritage.
- About library-related legislation; speak to your elected state and national representatives as one public official to another, both responsible for maintaining and sustaining public institutions and the allocation of funds. And both responsible for upholding the Constitution of the United States.

SPEAK FOR...

- The library as the community's most important resource for people of all ages.
- Funding the State Library to provide better service to a fast-growing population.
- Technology to provide outreach and communication services for the 21st century.
- Good salaries to recruit and maintain the best-qualified and most knowledgeable staff for collection development, authoritative resource identification, and customer service. A library is more than just a book store.

ALL ABOUT THE MONEY

It is reassuring to note that the New Hampshire legislature, in **RSA 202-A:1**, declares that the public library is a valuable supplement to the formal system of free public education and as such deserves adequate financial support from government at all levels. It is the job of the trustees to define adequate.

Boards of Library Trustees have extraordinary fiduciary responsibilities and power:

- Only trustees approve the proposed and final library budget.
- Only trustees make the decision of line allocations in the budget; only trustees make decisions regarding salaries and benefits, technology, and collection development.
- Only trustees can move money from one line to another.
- Trustees approve an Investment Policy for Trust Funds, bequests, and large donations made **to the library** (not to the town for the library).

The following definitions from **RSA 32**, the Municipal Budget Law, may help you as you deal with budget issues throughout the year.

APPROPRIATE: "... to set apart from the public revenue of a municipality a certain sum for a specified purpose and to authorize expenditure of that sum for that purpose..." (**RSA 32:3, I**). All appropriations lapse at the end of the fiscal year. (See also ENCUMBER)

PURPOSE: "... a goal or aim to be accomplished through the expenditure of public funds..." **RSA 32:3, V**. In addition, a particular line on the budget form, or an appropriation contained in a special warrant article, shall be considered a single "purpose." (**RSA 32:8 and 10, I. e**).

BUDGET: "... a statement of recommended appropriations and anticipated revenues submitted to the ... governing body." (**RSA 32:3, III**).

SPECIAL WARRANT ARTICLE: "... any article in the warrant for an annual or special meeting which proposes an appropriation by the meeting..." (**RSA 32:3, VI**). The warrant article is submitted by petition or calls for the issuance of bonds or

notes, may also call for an appropriation of a separate fund, including a capital reserve fund under **RSA 35**, or trust funds under **RSA 31:19-a**, or may be designated as a non-lapsing or non-transferable appropriation.

CAPITAL RESERVE FUND: for financing all or part of the cost of such things as construction or reconstruction, the acquisition of specific items or land, or the maintenance and operation of a specific public facility. Think of it as a savings account. (See **RSA 34** for cities or **RSA 35** for towns)

ENCUMBER: Anticipated expenditure or an uncompleted or undelivered portion of a purchase commitment.

Glossary of Terms, New York State Society of CPAs

Encumbered funds are a specific amount of money carried over to the next fiscal year to pay for a legally enforceable obligation or contract. For example, books on order or a contract for carpeting arranged in year one but the work will be done in year two.

PREPARING THE ANNUAL BUDGET: RSA 32 & RSA 202-A:11

The board of trustees, with input and recommendations from the director, prepares the annual budget. This budget should meet the mission statement and service goals of the library. The preparation is really the most important part of the whole process. It takes months to do this properly! You must review the past two years, estimate the present end-of-year, and project the future year. You have the tools: the library's long range plan, actual expenditures and revenues of the past two years, and the estimated expenditures and revenues for the end of the current year compared to the approved budget.

PROJECTED EXPENSES

Consider goals and needs for the upcoming year, salary and benefit adjustments, technology additions and replacements, building maintenance needs, furniture or equipment purchases or repairs, and collection development cost increases. A separate request shall be submitted for new construction.

Note: Generally speaking, the trustees cover the "inside" of the building; the municipality covers the "outside." It's really a matter of who makes the phone call to get it fixed. If the municipality charges the library for such services as custodian, plowing or repairing the driveway, or septic system maintenance, those costs should be in the library's budget on the appropriate line, not the town's.

The task is much easier if you have completed a community survey, a personnel survey and upgrade plan, technology replacement/addition plan, and building maintenance/expansion plan as part of your long-range plan. A separate budget request must be submitted for new construction or capital improvements. (See *Other Money* on page 21).

Once you have projected those costs, based on past history and future plans and needs, you must project your anticipated revenues from new cards, fines and fees, grants and donations, interest and trust funds, etc., to determine the amount requested from public funds.

PROJECTED REVENUES

All budgets must be prepared on a **gross basis**, which includes all proposed expenditures as well as **all anticipated revenues from all sources** with offsetting expenses in the appropriate lines. Remember, a warrant article authorizing the town to “raise and appropriate” money for the operation of the library does not authorize the raising of the total amount through taxation; it simply grants spending authority to the trustees to expend a maximum amount of money during the accounting period. It is important for the board to review funds available from all sources and decide how those funds will be allocated while drafting the budget to be submitted to the town.

The following income must be included:

- Overdue fines and payments for lost or damaged books (see below)
- The contracted support of a library in another city or town (see below)
- Income-generating equipment, i.e., photocopier and printer, to be used for general repairs and up-grading and for the purchase of books supplies and income-generating equipment, must be held in a non-lapsing fund. See **RSA 202-A:11-a**.
- Trust funds or interest income
- Grants, gifts, donations and bequests
- Bond issues
- Fees from non-resident cards
- AND...All monies received from fines and payments of lost or damaged books or for the support of a library in another city or town under contract...shall be used for general repairs and up-grading, and for the purchase of books, supplies and income-generating equipment, shall be held in a non-lapsing separate fund and shall be in addition to the appropriation. See **RSA 202-A:11, III**.

According to the Justice Department, Office of the Attorney General, **the appropriation shall not be lowered because trust income is available**. The board should have copies of all trust and will documents to ascertain their terms and financial knowledge in their management. See **RSA 202-A:22 and 23, RSA 31:25, and RSA 41:6**. However, all income from these funds that you anticipate spending must be included, with an offsetting expenditure, in the budget.

PERMISSION TO ACCEPT/EXPEND

Make sure that your library, at some point in the past, has gotten permission from the governing body and/or legislative body of your municipality to accept, retain, and expend certain funds and property. Make sure all warrants state that the “board of trustees has the authority to accept and expend.” **This permission only has to be given once.**

See the following statute citations for the exact wording of warrants:

RSA 202-A:4-c	Authority to accept and expend gifts
RSA 202-A:4-d	Authority to accept personal property
RSA 202-A:11-a, b	Authority to retain income generating money
RSA 202-A:23	Exceptions

See Appendix B, “Key to Funds Received by Libraries” and C, “Acceptance of Gifts, Bequests and Devises by Municipalities” for further information and clarification.

PRESENTING THE BUDGET

A sure way to stop a red-hot argument is to lay a few cold facts on it.

The board of trustees shall prepare the annual budget indicating what support and maintenance of the free public library will be required out of public funds for submission to the appropriate agency of the municipality. **(RSA 202-A:11, II)**

RSA 202-A:11 III adds that moneys be paid over by the town or city treasurer pursuant to a payment schedule as agreed to by the library trustees and the selectmen or city council. Be sure to establish that payment schedule request during your budget hearing so the governing/legislative body can adjust the municipality's anticipated revenue.

The “appropriate agency”:

- 1) CITY COUNCIL; generally, but consult your municipal charter.
- 2) BUDGET COMMITTEE; they decide the bottom line only.
- 3) BOARD OF SELECTMEN or TOWN COUNCIL; they decide the bottom line of the budget only.

Note: the Town Manager or Town Administrator has no authority whatsoever over the library budget. You might send a copy of the budget as a courtesy, but trustees deal directly with the “appropriate agency.”

Choose the trustee who can best explain what is “adequate” for the library in the coming year to make the presentation with the director. The presentation requires homework and maybe a rehearsal in front of the whole board that can play devil’s advocate! There should be no surprises for the appropriate agency because you have laid the groundwork all year. (Check the “Advocacy” and “Working with Local Government” sections.)

Trustees have the privilege of *the entire custody and management* of the community’s most important resource. You have a terrific product to sell! Enlist the support of friends and patrons at public hearings, deliberative sessions, and town meetings to demonstrate the vital role your library plays in the life of the community.

SIX BASIC RULES FOR EFFECTIVE PRESENTATION

- 1) **Be specific.** Refer to community needs and particular library services. Instead of saying “The library needs...” say, “The people request...” or “The tax-payers need...”
- 2) **Be informative.** Give specific reasons why a request should be supported; provide opportunities for questions.
- 3) **Be brief.** State your business concisely and listen carefully to all questions in order to answer them precisely.
- 4) **Be appreciative.** Acknowledge past support.
- 5) **Be courteous.** Ask and explain in a positive manner.
- 6) **Be prepared.** Have printed data and visuals on hand.

And remember that: this “agency” may move to reduce certain lines of the budget, but that is simply to arrive at a bottom line for the library. At least they’re dealing with real numbers instead of a percentage cut! Make sure it is clear to both the agency and the tax payers at town meeting exactly what the library is requesting from public revenues.

When the Board of Trustees receives the final bottom line figure from the legislative body of the town, it may be necessary to readjust the individual line allocations. Only trustees have control over individual lines in the library’s budget.

OTHER MONEY

- A) Capital Reserve:** Appropriating money to a capital reserve fund for a specific purpose is like putting it in a savings account. See **RSA Chapter 34** (cities) and **RSA Chapter 35** (towns) for purposes, procedures and methods of expending.
- B) Capital Improvement:** The appropriation request must be over a certain amount of money and the item must have a life-use over five years. The municipal finance director, town manager, or Capital Improvement Program committee can help define this for you.

C) Gifts, Grants, Donations: Sometimes unexpected money appears in the form of gifts and memorials; sometimes the library has applied for and received a grant. Grants applied for in anticipation of passage or contingent upon passage of particular warrant articles are considered *anticipated funds* and should be part of the annual budget.

Trustees must be sure the community has adopted the provisions of **RSA 202-A:4-c, d** for the authority to apply, *accept and expend... unanticipated money which may become available*. Read the entire law.

The public library trustees may establish the amount of unanticipated funds required for notice under this subparagraph, provided such amount is less than \$5,000. For unanticipated money in an amount less than \$5,000 the public library trustees shall post notice of the money in the agenda, and shall include notice in the minutes of the public library trustees meeting in which such money is discussed. The acceptance of unanticipated money under this subparagraph shall be made in public session of any regular public library trustee meeting.
(RSA 202-A:4-c, III)

Acceptance of personal property other than money... (RSA 202-A:4-d, II)

It is recommended that the donor bear the cost of appraisals prior to the purchase of insurance by the Board.

All money above \$5000 received from these sources must be formally accepted or rejected at a public board meeting by a recorded motion and vote. Notice of the time, place, and subject of this hearing must be published in a newspaper at least seven days before the meeting is held.

The charts on the following three pages illustrate the methods of acceptance of funds given to the library.

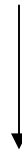
ACCEPTANCE OF GIFTS, BEQUESTS AND DEVISES BY MUNICIPALITIES MODEL

GIFTS, DONATION OR BEQUEST RSA 31:19

Warrant Article – acceptance in the name of the town all gifts, bequests, and devises by voters at **annual** town meeting. The voters may also accept gifts, devises, and bequests at a **special** town meeting.



Town meeting adopts, by warrant article, **RSA 31:95 b**, which permits Selectmen to accept all gifts, bequests and devises in the name of the town.



Town meeting adopts by, warrant article, (1) **RSA 202-A:4-c** which permits Library Trustees to accept gifts, bequests and devises made to the library specifically; pertains to cash, stocks, bonds, etc. and not to personal property.

(2) **RSA 202-A:4-d** which permits Library Trustees to accept gifts of personal property, other than money.

RSA 31:19 grants the authority for accepting gifts, bequests, and devises to the legislative body (voters) of a town. Voters may delegate this authority to the Board of Selectmen under **RSA 31-95-b**. The Selectmen then have the authority to accept gifts, bequests, and devises in the name of the town for all purposes. The voters may delegate the authority to accept cash and personal property for the library to the Library Trustees under **RSA 202-A:4-c** and **4-d**.

See next page for specific requirements of these laws.

ACCEPTANCE OF GIFTS, BEQUESTS, DEVISES AND PERSONAL PROPERTY BY LIBRARY TRUSTEES

RSA: 202-A:4-c Trustees Authority to Accept and expend Gifts

Have the voters adopted a warrant article adopting the provisions of **RSA 202-A:4-c**? → **NO** – Have article placed in the next town warrant.

YES



Is a public hearing required to accept a gift, bequest, or devise? → **YES**



Is a publication of a notice of hearing required? → **YES – RSA 91-A**



If it exceeds \$5000, notice of the time, place, and subject of this hearing must be published in a newspaper at least 7 days before the hearing is held.
If below \$5000, it is noted as an agenda item at a regular trustees' meeting and recorded in the minutes.

Can the library spend the money without including it in the budget?

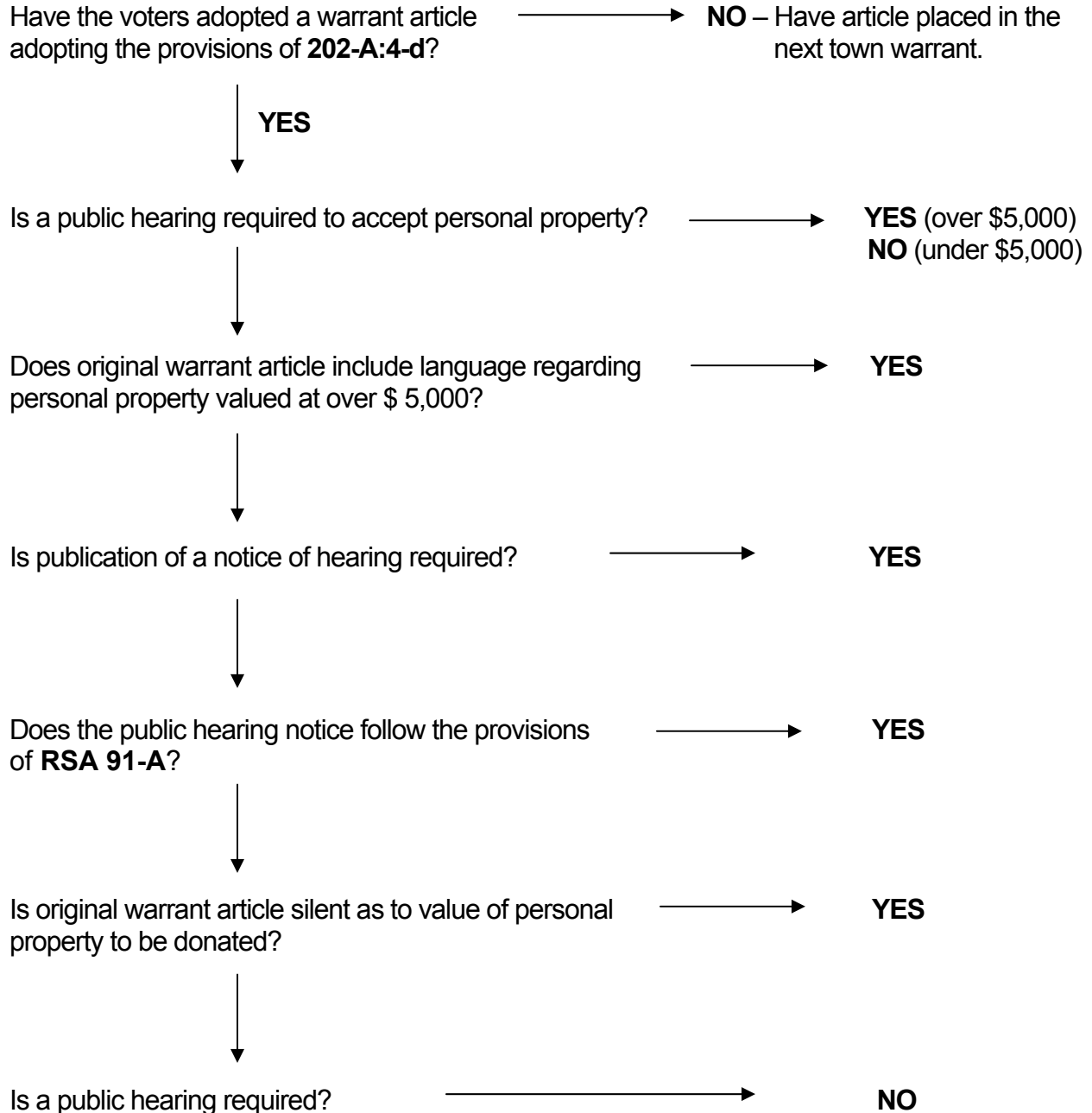


YES

As long as the money is expended in the same year it is received. If any money is not expended in that year it must be carried over and included in the budgeting process before it can be expended.

ACCEPTANCE OF GIFTS, BEQUESTS, DEVISES AND PERSONAL PROPERTY BY LIBRARY TRUSTEES

RSA: 202-A:4-d Trustees Authority to Accept Personal Property



No acceptance of any personal property under the authority of this section shall be deemed to bind the town or library trustees to raise, appropriate, or expend any public funds for operation, maintenance, repair, or replacement of such personal property. **(RSA 202-A:4-d, III)**

FUNDRAISING

The most secure funding for libraries is based on taxation, which places on trustees the role of influencing local decisions, raising public funds, and lobbying at local and state levels.

Faced with budgets that do not adequately cover the library's increasing costs of services and technology, trustees need to consider additional sources of funding. These sources are varied: the Friends of the Library organization and specific grants; legacies and endowments; memorials and gifts; civic organizations and service clubs; fundraising events. (Note: specific laws outside of the purview of trustee authority govern raffles.)

Tap your community resources for anyone with specialized knowledge in fundraising or grant writing. Seek legal assistance in establishing a library foundation or implementing an endowment campaign.

EXPENDING THE MONEY: RSA 202-A:11, III and IV

Once the money has been appropriated to the library, it cannot be withheld from the trustees. Arrange a payment schedule with the selectmen or city/town council to receive the library's money. It will probably be an uneven distribution throughout the year because of high cost payments at certain times, such as for database licenses or insurances or utilities (fuel and electric) due dates. See **RSA 202-A:11, III**.

The board tracks the expenditures through monthly financial reports under the guidance of the director, board treasurer and all the trustees. A more complete report about three-quarters of the way into the year is necessary so the board can project end-of-year costs (with help and advice from the director) and make any necessary adjustments in the budget lines. (See Paying the Bills on page 27 and Board Positions, Treasurer on page 36)

BANK ACCOUNTS

Except for a possible petty cash account that the director might manage and sign checks for, board-designated trustees are the only persons who should sign the library's checks.

Under no circumstances should the director sign any checks except for a possible petty cash account; this is for the director's protection.

The Library must track operating money and revenue separately. One tracking method for operating money and one tracking method for fines, lost or damaged books, financial support for another library as required by law. **(RSA 202-A:11-a). Trustees should review reports on BOTH accounts at every meeting.**

All trustees and alternates must be bonded, especially if the board has money that it invests. **(RSA 41:6)** All boards that invest funds must also have an investment policy that is approved annually. **(RSA 31:25)**

PAYING THE BILLS

Accurate, readily accessible accounting for every transaction of the library budget is of paramount importance to insure the board of trustees' accountability for expending public money. **Taxpayer/public funds** must be separate and distinct from any **private funds held by the library**. Transactions and budget lines must be clearly delineated for all uses of trust funds; donations and grants, fines, and income-generating equipment. State or federal reports may be required. AND unexpended public funds may lapse to the town's general fund at the end of the year. **It is extremely important NOT to include the library's private funds in the total funds lapsed!!**

NHLTA strongly recommends that the library trustees maintain control of all finances through the board treasurer, or the board treasurer and an employed bookkeeper, or a public accountant, or a private service. Some libraries enlist the aid of the town or a private service to do the payroll and benefits management because of extensive federal and state requirements regarding taxes and administration. In those cases, the library bookkeeper or director submits information to the service.

As the Chief Administrative Officer of the library charged with managing the budget, the director should check and approve all invoices and verify line account numbers. The board should make provisions for the director to respond to unexpected circumstances, such as purchasing emergency supplies. That's where the petty cash account might come in handy.

Many libraries make use of debit and/or credit cards. It is recommended that trustees adopt a policy that covers use and limitations.

No public official may over-expend the appropriation. It is the responsibility of the treasurer to oversee that the board stays within the bottom line of the library's budget. Funds remaining at the end of the year may be encumbered. See Appendix B, Key to Funds Received by Libraries.

BOARD OF TRUSTEES BYLAWS

Except in those cities where other provision has been made ... the library trustees of every public library in the state shall adopt bylaws, rules and regulations for its own transaction of business and for the government of the library. (RSA 202-A:11, I)

Bylaws are the internal rules that establish board structure, organization and operational procedures. Typical bylaws include:

- The election and terms of officers and their duties, established committees and their appointment procedures, number of designated signatories and their appointment, trustee/director responsibilities.
- Regular meetings open to the public, method for calling special meetings, what constitutes a quorum, procedures for conducting the meeting.
- Designation of responsibilities, limitations of authority.
- Provision for making amendments and any other area the board feels should be included.

These bylaws should be available for public review **and must be filed with the New Hampshire State Library**. Bylaws should be reviewed on a regular basis to keep current with changing needs and environment.

LIBRARY POLICIES

There are no unwritten policies, procedures or rules.

One of the primary responsibilities for all boards of trustees is to establish policies which cover all facets of library service and operation. These include hours, fines and fees, use of the building and all materials and equipment, collection development, personnel management, protection of staff and patrons, and library financial management. All policies should be reviewed and updated on a regular basis to ensure that they cover changes in technology and laws and regulations. Our social environment is changing too, and you may need to formulate policies for new situations. For example, one library recently had to establish a policy on unattended children; another had to establish a policy on the use of credit cards.

Policies encompass the **biggest** part of an issue; they determine your objectives. They are **management decisions**, unlike procedures which are steps to be taken, and rules which require specific actions in specific situations.

Policies must be equitable, non-discriminatory, clear, and consistent with other library policies regarding the same subject. Some questions you might ask yourselves when developing a policy are:

- What is the desired behavior/result? (Goal)
- Have we protected the staff and the library?
- Can we sustain it?
- Does it treat everyone fairly and equally?
- Does it serve the mission of the library?
- **Is it legal?**

Four tests of a legally enforceable policy are:

- It must comply with current statutes and court cases.
- It must be reasonable; all penalties must be reasonable.
- It must be clear and consistent with other policies in the library.
- It must be applied without discrimination.

See “What Every Library Must Have”, page 51 for complete list.

The New Hampshire Library Trustees Association holds regular workshops on developing personnel and library policies; the State Library can provide samples of policies to guide your thinking.

PERSONNEL POLICIES

Every library should have **library-specific** personnel policies that include position classifications, conditions of work, benefits (including all leave and vacation policies), employment practices, and personnel actions (including check distribution, discipline and grievance procedures).

If a **Governing Board** (see page 8) of trustees votes to accept the municipality's policies, the board should review them carefully to make sure they meet the service needs of the library.

Accepting the town's personnel policies and benefits *does not* make library employees town employees. (Appendix A, *Town of Littleton v. Kathryn Taylor*.)

To avoid confusion, NHLTA strongly recommends that the board rewrite the policies without any reference to the municipality or to the municipality's policies. Specific details of health benefits offered to library employee are best explained by the director or the insurance provider.

An **Advisory Board** of trustees should review the city's policies to make sure they meet the needs of the library. The board should make recommendations to the governing authority on revised and additional policies that are library-specific.

Personnel policies should be reviewed on a regular basis to meet changing needs.

The NHLTA recommends that all personnel policies be reviewed by an attorney to ensure compliance with state and federal employment laws.

The New Hampshire Library Trustees Association holds workshops on developing policies and personnel manuals. Both the Association and State Library web sites provide sample policies to guide your thinking.

LIBRARY STAFF

The Library staff is the most important resource in the Library.

HIRING AND REVIEWING

The board of trustees recruits, hires and supervises the library director. (RSA 202-A:11, V and A:15). The board appoints all other employees upon the recommendation of the library director. (RSA 202-A:11, V; A:16, II) and determines all compensation and terms of employment, including job descriptions, for every position. (RSA 202-A:11, V)

SELECTING A NEW DIRECTOR

This is one of the most important duties and activities in which a trustee participates. For both Governing and Advisory boards, a change in management offers an exciting opportunity to consider basic questions about the library and perhaps redefine its operation. For example:

- What is and what should be the role of the library in the community?
- Has the community changed and does the library reflect that change?
- Do we like what we've done in the past? What's changed?
- What will our community be in five years? Ten years?
- What type of library director do we need to move us forward and fulfill our goals?

All boards prepare, autonomously or in collaboration with the personnel department of the municipality, the job description of the director or revise a former description that answers the question, "What type of library director do we need"? (See *Working with the Library Director*, page 37 for ideas on specifics in the job description.) Elements of the job description and goals for the library should be used for the "Job Opening" announcement. All libraries are Equal Opportunity Employers and must abide by the laws that protect employees and job applicants against employment discrimination. These include unfair treatment because of race, color, religion, sex, national origin, age, disability or genetic information.

Criteria for the appointment are based on the direction and goals of the library and may be divided into three categories: personal characteristics, experience (including

business, technology, and personnel management), and education. **All applicants should be asked the same general questions.**

It is important to remember that the new library director, **not the trustee**, is the one who will administer the library for many years. The director needs a combination of confidence, expertise, friendliness, leadership ability, self-discipline, and vision that will carry your library service forward in the community.

RECRUITING AND INTERVIEWS

There are very specific state and federal laws and regulations governing these procedures. You (and the director) must be aware of them and abide by them.

JOB DESCRIPTIONS

Governing boards of trustees develop the director's job description. It should have specific responsibilities, expectations, supervisory actions, qualifications, and ADA specific physical demands and disclaimer. The board approves other staff descriptions as developed by the director and staff.

PERFORMANCE REVIEW

Trustees supervise and conduct performance reviews for the library director only. Governing boards of trustees should conduct a formal review of the director's performance at least once a year. Reviews are based on job descriptions and goals set by the board with the director. Regular informal performance reviews will avoid surprises. The board ensures that a performance review is in place and implemented yearly by the director for every staff member. All reviews must be in writing, signed by the reviewer(s) and the person reviewed. **Every personnel file must have written documentation that is factual and timely.**

DISMISSAL

<p>No employee of a public library shall be discharged or removed from office except by the library trustees. RSA 202-A:17</p>

There are specific grounds for discharge (**RSA 202-A:17**) and it is recommended that the board maintain a current job description, administer annual performance reviews, create a grievance procedure, and keep all records.

RETAINING THE MOST QUALIFIED AVAILABLE STAFF

- Ensure that staff receives compensation commensurate with their expertise, experience and hours worked.

- Provide salary and benefits, including vacation and sick time, comparable to other public service employees with similar education and duties in the community and surrounding area. Avoid perpetuating inadequate compensation.
- Encourage ongoing training and staff development opportunities through memberships in professional organizations and workshops. **(RSA 202-A:13, I)**
- Show your appreciation for special efforts, contributions to fulfilling the mission and goals, and community activism; brainstorm with the director to develop ways for the board to recognize and reward staff.

INSURANCE AND BONDING

Trustees must carefully evaluate insurance needs and periodically review coverage on:

- Liability for injuries to employees and patrons.
- Property coverage adequate to cover the replacement cost of all materials, equipment and furnishings.
- Liability coverage (usually known as *Errors and Omissions*) for trustee protection from litigation.
- The municipality's insurance on the building and all liability issues for the use of the building and land.
- Bonding for the entire board, alternates, and any other person who acts as bookkeeper on behalf of the board. **(RSA 41:6)**

GENERAL INFORMATION

REQUIRED ANNUAL REPORTS

Trustees must make annual reports at the conclusion of their fiscal year to their town/city and to the state librarian (on a form provided by the State Library) in accordance with RSA 202-A:12. Trust funds held and administrated by the library must be reported to the office of the state attorney general as required by RSA 202-A:12-a.

TAX ID NUMBER

It is recommended that libraries use their respective municipality's number.

AREA LIBRARY COOPERATIVES

NHLTA recommends encouraging your library director to join the area coop. It is an excellent source for networking and sharing ideas, knowledge, and information.

202-A:4-a Cooperatives. – Any public library may join library cooperatives consisting of public libraries...

ABUSE OF OFFICE

As elected public officials, trustees are subject to **RSA 643**, Abuse of Office. Exceeding the authority legally given to trustees may subject trustees to personal liability. Trustees may be responsible for actions they take or fail to take, **including the failure to stop others acting in violation**. It is advisable to consult an attorney prior to entering contracts (excluding those for maintenance and service), easements or other legal documents. **See Appendix B.**

COMPENSATION OF TRUSTEES

No trustee shall receive any compensation for service unless it is stipulated by terms of a bequest or gift establishing the library. All trustees may be reimbursed, however, for travel expenses, including the cost to attend professional meetings and/or workshops. (See **RSA 202-A:14**)

CONFIDENTIALITY OF LIBRARY USERS

Library records containing name or other personal identifying information about a user and an individual's use of any materials are strictly confidential. Statistical and circulation data may be released provided individuals are not identified. (See **RSA 201-D:11.**) Certain provisions of federal laws or state laws may necessitate the release of certain patron records, i.e. the USA Patriot Act, legal warrants or subpoenas.

COMPLYING WITH THE LAW

Trustees should be aware that many other state and federal statutes and regulations affect the administration of a library. Following is a partial list:

- USA Patriot Act
- Americans with Disabilities Act - P.L. 101-336
- Smoking in Places of Public Assembly - **RSA 155:66**
- Construction and Inspection of Public Buildings - **RSA 155-A** and the New Hampshire Building Code
- Rehabilitation Act of 1973, section 504
- Possession or Dissemination of Obscene Matter - **RSA 649A** and **RSA 650**
- All state and federal laws dealing with employment, including sexual harassment laws
- Copyright laws

There are no recognized excuses for ignorance of the law.

BOARD MEETINGS

STEPS FOR SUCCESSFUL MEETINGS

Boards of Trustees meetings are action-oriented:

- 1) Trustees develop plans, review/adjust the budget, propose/revise/approve policies, hire/compensate/dismiss employees, consider/discuss/decide overall operations.
- 2) The director reports issues, activities, maintenance and administrative operations; recommends personnel and policies.

Board meetings must be posted for public notice and held on a regular basis at a location that is open and available to the public. Most boards meet on a specific day. The director is an integral part of the board meeting but without voting power.

To accomplish the numerous tasks of board responsibilities in an expeditious manner, it is helpful to send each member (including alternates) the agenda and reports a few days prior to the meeting. These reports include the previous meeting minutes, director's report, financial report and any other materials or proposals.

The agenda should be developed by the chair of the board together with the director; see sample agenda (Appendix D). Board meetings should be action-oriented and time limits should be set on agenda items to ensure sufficient discussion.

You will have a successful board and meeting if every trustee:

- **Receives** the agenda and relevant information in sufficient time for study and review.
- **Has done** homework for committee meetings and board meetings in order to make informed decisions and formulate questions and ideas.
- **Reviews** the minutes carefully before they are approved to assure that they accurately reflect actual events.
- **Participates** in the discussions freely, requesting additional information if necessary, and expresses opinions about proposed items of business before they are brought to a vote.
- **Has an opportunity** to amend the agenda or request the chair to place on the agenda relevant business within the board's purview for consideration.
- **Respects** the points of view of his/her colleagues.
- **Accepts** the decisions of the majority and publicly supports those decisions.

“Don't find fault. Find a remedy.”

Henry Ford

CONFLICT OF INTEREST

As a member of the board of trustees, you have accepted an influential position in which you may learn of job openings, bid requests, land purchases, and building and maintenance contracts. In order to avoid even the appearance of impropriety, it is vital that members excuse themselves (recuse) from all discussions and votes where connections or bias can be questioned because of personal and family employment, memberships or association. The recusal must be acknowledged in the minutes of meetings.

THE RIGHT TO KNOW LAW as of August 2011

Public Session: RSA 91-A:2 II

- 1) Meetings shall be posted in two public places at least 24 hours prior.
- 2) Minutes shall be promptly recorded and available for public inspection not more than 5 business days after the meeting. Minutes shall be stored in a permanent file in the library.
- 3) The public is allowed to attend and any person can use recording devices except during non-public session.
- 4) No votes in public session may be taken by secret ballot.

Non-Public Session: RSA 91-A:3 II

Non-public sessions are limited, and include:

- 1) Dismissal, promotion, compensation, discipline, hiring public employees.
- 2) Matter which if discussed in public would adversely affect the reputation of any person except a member of the board.
- 3) Consideration of acquisition, sale, or lease of property.
- 4) Consideration of pending claims or litigation.

Procedures under the law for a non-public session:

- 1) Must be on the posted agenda citing the law and the reason from **RSA 91-A:3, II**.
- 2) A trustee shall make a motion to go into non-public session, citing **RSA 91-A:3, II-a, b, c, d** or **e**, motion seconded and a roll call vote recorded.
- 3) All non-trustees are asked to leave the room (except when the director is making a recommendation or requesting an action) or the board moved to another room.
- 4) Discussion must be limited to the specific matters described in the motion.
- 5) Minutes shall be recorded of the non-public session. A motion shall be made and roll call vote taken to end the non-public session and return to public session.
- 6) Minutes of a non-public session shall be placed in a permanent public file within 72 hours of the session unless sealed by a two-thirds vote of trustees present.
- 7) All minutes of non-public session must be approved at the next public session. If the minutes have been sealed, they must be unsealed when the board deems appropriate. Sealed minutes should be filed in a locked, confidential trustee file **at the library**.

BOARD POSITIONS

Board positions should be defined in the board's bylaws. Most boards have three officer positions: chair, secretary, and treasurer. Some boards have other positions, for example, an assistant chair.

The position of **Chair** is one requiring leadership, tact, and a thorough understanding of the library's goals and challenges. The chair may not assume any more authority than the board delegates. Certain state and municipal reports require the signature of the chair. Business is conducted more effectively when the chair prepares a written agenda and sends it to everyone in the board in advance of all the meetings. The agenda is prepared with input from the director.

The **Secretary** is responsible for accurately recording the minutes of board meetings and making them publicly accessible within 5 business days after every meeting. **RSA 91-A** requires that minutes shall be taken during public sessions and non-public sessions. Often the secretary is also responsible for any approved board correspondence.

The **Treasurer** is responsible for the oversight of all library funds. The treasurer must submit regular reports to the board on the financial status of the library in relation to the current budget. The treasurer helps with the preparation of the annual budget. **A person hired as bookkeeper that is not a trustee has no authority over expenditures other than to pay approved bills, and does not participate in the budget process.** The library's operating budget may be handled through the municipal financial structure, but the trustee treasurer handles the trustee special/fines accounts and receives and reviews monthly reports from the municipality. The treasurer and any library trustees investing funds (**RSA 202-A:23**) must follow guidelines established by (**RSA 31:25**) and must be bonded from a surety company authorized to do business in New Hampshire (**RSA 41:6**).

In addition to the treasurer, the board should designate at least one other trustee as a signatory for all library bank accounts in case of the treasurer's absence.

Individual members are reminded that the board functions as a group and no one member has any more power or authority than any other.

WORKING WITH...

State and local laws define the responsibilities of the library board, but the words alone do not make a successful library. An actively supported, healthy library is produced by a wide diversity of working relationships. In addition to the board, it takes many other people in the community to make a successful library.

These working relationships already exist. The only variables are whether they are productive or un-productive, close or distant, cooperative or un-cooperative. Library trustees should keep in mind constantly that, no matter how dedicated and capable the trustees are, the board's first responsibility is to the general public and the library, an obligation that takes precedence over personalities, politics, and individual achievements.

The following pages focus on the importance of the board's active communication with the numerous individuals and groups with whom it must work on a continuing basis. The essentials for productive working relationships include individual trustee and total board commitment, understanding, flexibility and astuteness in local government structure.

THE LIBRARY DIRECTOR

The librarian shall have education of sufficient breadth and depth to give leadership in the use of books and related materials. (RSA 202-A:15)

202-A:16 Powers and Duties. – In addition to any other duties which the librarian may be delegated from time to time, the public librarian shall:

- I. Serve as the administrative officer of the public library.**
- II. Recommend to the board of library trustees the appointment of all employees.**

BOARD AND DIRECTOR: BUILDING A TEAM

A cooperative and productive working relationship between the library director and the board of trustees is crucial to the success of the library.

Together, they are a team, sharing the same vision of library service for the community. They might disagree now and then on how to accomplish the vision—and that's all right so long as each respects divergent viewpoints and specific areas of responsibility.

It is our task to seek the most qualified, knowledgeable professionals for our libraries and rely upon their expertise to help develop and implement the mission of services.

The roles of the director and trustees are different, but complement each other when working together. The library director is the library administrator, supervising the internal management and daily operation. The board exists to represent the interests and needs of the community, to establish the library's mission and goals and provide policies, funding and planning for the overall operation and implementation of services.

Some local government structures make the situation more complex. City libraries may operate as departments of the local government; the director may be hired by the city and report to the city manager while working with an advisory trustee board.

Whatever the local structure, the relationship is one of teamwork—and it can be if all parties concerned concentrate their energies on the success of the library rather than on protecting their areas of authority.

Each trustee and director needs clarity of purpose, a sense of interdependence, and a shared commitment toward the value of the team. It does simplify and expedite mutually productive action if each has a clearly defined role that the other understands and acknowledges without attempts to interfere.

The chart on the following page is offered as a guideline to define authority and responsibilities. The differences between the two jobs are primarily indicated by the verbs.

WORKING AS A TEAM CHART

AREA	BOARD OF TRUSTEES	DIRECTOR
Mission and Long-Range Plans	Develops with director; approves; enables implementation; tracks progress	Develops with board; implements; reports progress
Day-to-day Operations	Establishes policies; Recommends to Director	Chief Administrative Officer
Policies	Develops; approves; periodically reviews	Recommends; implements
Budget	Develops with director; allocates; approves; presents; approves capital purchases; retains legal responsibility	Develops with board; presents; recommends capital purchases; administers; maintains audit trail. Prepares reports
Personnel	Hires all staff. Recruits, supervises director; sets all terms of employment; final grievance appeals; sole dismissal authority	Recommends for hire; supervises other staff; responds to grievances; schedules all work; maintains all records
Building	Entire custody and management; budgets for repairs; plans for renovation and expansion; signs contracts	Oversees; obtains bids; board-authorized to do emergency repairs to a given amount; monitors cleaning
Collection	Approves collection development plan; knowledgeable about; budgets for	Develops plan, submits to board; recommends budget allocation; authorizes purchases
Public Relations	Community representatives; advocates for library	Develops ongoing plan; submits news; spokesperson for operations
Local Government	Develops and maintains relationships; acts as total board to speak for library needs	Develops and maintains relationships; assists officials with library services; spokesperson regarding operation and services

THE STAFF

Trustees individually, and the board as a whole, have definite responsibilities relating to the hiring, compensation, and personnel policies of staff. Beyond that, trustees play an important role in creating and maintaining a rewarding atmosphere in which to work.

In order to accomplish these things, the trustee must be aware of the services the library provides, the trustees' legal and job responsibilities, and the requirements to implement them efficiently. The staff is part of the team (along with the director and board) that must work together to turn a mutually shared service vision of the library into reality.

The relations of trustees with staff should be friendly, appreciative, supportive, and business-like without exception. A staff member may be your neighbor or best friend, but in the library you are the employer. Effective trustees observe the library's management structure scrupulously, recognizing that all matters concerning day-to-day operations of the library are the responsibilities of the director and supervisory staff.

Trustees do not intervene between the staff and library director and absolutely avoid undermining the authority of the director. If a staff member approaches a trustee with a complaint or an idea for improving service, the trustee listens in a noncommittal manner and encourages the staff member to present the matter via the library's established channel of communication.

The wise library board:

- Ensures that relations between staff and director are independent of the board unless requested to intervene by either the staff or the director.
- Considers ways in which the library board can publicly (or informally) recognize staff.
- Encourages and provides for staff training and development.

There should never be any individual trustee request for, or expectation of, special privileges as an individual library user.

Trustees supervise the director. The director supervises all staff.

LOCAL GOVERNMENT

KNOWLEDGE AND COMMUNICATION

All municipal officials have the same charge: to serve the needs of the community. Our libraries are an integral part of our communities. As public officials, trustees have an obligation to report on the use and activities of the library, account for expenditures of public money, and plan for future development. We share that accountability to the public with all other municipal officials and must work together for the best interests of our communities.

Don't be hesitant, timid, or overawed about working with local officials. Remember that trustees are also public officials appointed or elected with a legal mandate to represent the best interests of the community for library services. Opportunities to hear from and work with other local officials should be mutually welcomed. **Often the difference between productive and adversarial relationships rests squarely on the extent to which each entity understands the responsibilities and authority of the other.**

WHO'S WHO IN YOUR TOWN HALL

- **Legislative body (Town Meeting):** sets general policy and budget. In municipalities with charters, it is whatever body that charter designates.
- **Governing body (Board of Selectmen or Town Council):** carries out the votes of town meeting; prepares the budget and the warrant; manages and regulates the use of all town property unless that authority has been delegated to others by statute (such as a library board) or a vote of town meeting; appoints officials, fills vacancies. Must act as a board, not as individuals.
- **Budget Committee:** prepares budget to submit to town meeting after hearings and governing body recommendation; meets periodically to review expenditures. The budget committee has bottom line authority only and may not dispute or challenge the discretion of other officials over current expenditures. The trustees have sole discretion on how the funds within the lines of the approved library budget are allocated. The budget committee CAN request the removal of officials for misuse of funds for current expenditures.
- **Town Manager or Administrator:** administrative head of all municipal agencies except libraries; implements directions of Selectmen; maintains and submits detailed municipal financial reports. In some municipalities, this person may be responsible for submitting a preliminary budget to the governing body.
- **Town Clerk:** licenses, permits, records, preparing and distributing warrants and ballots, swearing in of officials, etc.
- **Department Heads** such as Parks, Recreation, Public Works, Roads, Facilities.

COMMUNICATION: WHAT'S GOING ON

Usually the biggest problems that occur between library trustees and local government are regarding the development and administration of the library budget. Library trustees

must be willing to sit down and talk amicably about the library budget, programs, services, goals, building needs, and challenges.

ACTION STEPS FOR COMMUNICATION:

- 1) Invite a member of the municipal governing body to be a representative on your long-range planning committee.
- 2) Make sure the director attends municipal department head meetings to facilitate inter-department communications.
- 3) Give a copy of the trustee job description to the town clerk so that candidates can read it before registering to run.
- 4) Share the library's long-range plan, salary study and implementation plan, building maintenance plan, library patron use survey or statistics on use, programs and outreach to community.
- 5) Seek opportunities to offer the library's expertise and resources to local government personnel.
- 6) Take turns going to the governing board meetings.
- 7) Express thanks and appreciation to every town official or town employee who does the library a service.
- 8) Make sure the library's needs are included in the municipal capital improvement plan by participating in its development.
- 9) Most importantly **DO YOUR HOMEWORK!** Consider what else is going on in town. Have figures and facts for a salary plan, technology needs, building renovation and other operating and capital expenses. Seek help from all municipal officials to make library needs part of the goals for municipal services and public money. Make the library part of the town's Master Plan.

SCHOOLS

Although both the public and school libraries share many similar goals and philosophies, their roles and responsibilities differ. Mutual cooperation and support are essential for the responsible use of public funds and for providing the best possible service to students and other residents.

ACTION STEPS FOR AN ONGOING RELATIONSHIP

- 1) Work together to identify sources that support the curriculum; public librarians should meet with school staff to develop complementary materials.
- 2) Share print and electronic resources whenever possible; network the public and school library collections.
- 3) Design community-based projects, such as reading programs.
- 4) Invite school faculty and media personnel to the library to become familiar with the collection.
- 5) Obtain information about the content and timing of school assignments; share reading lists.

LIBRARY ORGANIZATIONS

There are three levels of library organizations in the United States: state, regional, and national. Trustees intent on doing an effective job will recognize the value of constantly widening their knowledge of library service and take advantage of the training and support resources these organizations offer.

Membership in and awareness of these organizations provides access to networks of knowledgeable and like-minded people, making it possible to share solutions to problems, innovative ideas, and current resource information. These organizations keep trustees current about trends and forces affecting library service with projections for the future. They can also strengthen library support that comes through unity of effort.

Each of the following organizations holds regular meetings and workshops and provides newsletters with information about the library world from a wider perspective. Your library budget should cover staff and trustee dues in at least one organization and the cost of attending work-related workshops and conferences presented by any organization (**RSA 202-A:14**). Please note that trustees and staff may attend training sessions and conferences even if they are not members of these organizations.

NEW HAMPSHIRE LIBRARY TRUSTEES ASSOCIATION

The Association is the resource for all New Hampshire public library trustees.

The mission of the NHLTA is to educate library trustees to be knowledgeable and effective in order to serve, improve and promote New Hampshire public libraries and advocate the right of free access to information for every individual.

Join NHLTA and become actively involved with your professional organization for several reasons: to keep up-to-date and well informed on library matters of concern to trustees who bear the responsibility of promoting and providing good library service to the community; to add to your effectiveness in carrying out your duties; to make possible, during and after your term of office, the sharing of your experience and expertise as a trustee; to participate in and support library activities.

NHLTA is governed by a Board of Directors elected at the annual meeting and conference. As New Hampshire's trustee organization since 1957, NHLTA needs active participation from all library trustees to: utilize your leadership abilities, learn from and share your experiences and expertise, and strengthen, through unity, the voice of library advocates.

NHLTA offers:

- Trustee manual for information and leadership development
- Regional workshops for continuing education
- Annual conference with seminars, workshops, and election
- Resources for problem-solving techniques
- Publication of quarterly newsletter
- Website providing information, programs, news and resources important to library trustees: www.nhlta.org.
- Awards program recognizing outstanding contributions to libraries and library services
- Scholarships for library-related workshops and courses
- Consultations and library visits
- LISTSERV[®] for trustee communications. An electronic forum for networking and sharing ideas, knowledge, and information: nhlta-l@maillist2.nh.gov

FRIENDS OF THE LIBRARY

Friends of a library are civic-minded individuals working cooperatively with the trustees and director to support programs that improve and expand library service in the community. A Friends group is a voluntary group with no statutory authority; once formed, however, it must follow certain legal procedures to become a recognized non-profit corporation and tax-exempt organization.

The Trustees, Director and Friends working together constitute a strong library team so long as each entity clearly understands its role.

Trustees are a legally appointed or elected board and are legally responsible for the results of their decisions and actions. They are restricted to function within the limitation established by local, state and federal laws.

Friends groups are separate independent organizations with their own officers and structure and are not responsible for the administration or governance of the library or and policy-setting functions. Legally, they cannot take on any functions assigned by law to the library board of trustees. Trustees and staff may be members of the Friends but should not be officers. It would be a serious conflict of interest for the governing board and employees of the library to administer the autonomous citizen's group.

Friends' activities may include:

- Raising funds for library enrichment programs/services
- Sponsoring children and adult cultural and educational programs
- Supporting library building and improvement incentives
- Running book sales

NEW HAMPSHIRE LIBRARY TRUSTEES ASSOCIATION

- Publishing news about the library
- Encouraging library support by others
- Providing equipment or furniture

One of the most important roles for Friends is serving as ambassadors and advocates in the community. In *Friends of Library Handbook*, Dr. Jean A. Ashfield wrote:

“Friends can make the difference between a mediocre and an outstanding library.”

ALA/ALTAFF

Association of Library Trustees, Advocates, Friends and Foundations
(Division of the ALA (American Library Association))
109 South 13th Street, Suite 3-N
Philadelphia, PA 19107

Toll Free: (800) 545-2433, ext. 2161

Direct Dial: (312) 280-2161

For general inquiries, please email: altaff@ala.org

Website: www.ala.org

NEW HAMPSHIRE STATE LIBRARY

20 Park Street, Concord, NH 03301

603-271-2392, fax 603-271-6826

Website: www.nh.gov.nhsl

The New Hampshire State Library, also referred to as the Division of Libraries, is the largest administrative agency within New Hampshire's Department of Cultural Resources (DCR). The Commissioner of Cultural Resources and the State Librarian work closely together to garner government, public and library community support for the services of the State Library.

Grants to individual libraries and multi-type library groups, which are always funded from federal money under the Library Services and Technology Act (LSTA), are made available at the discretion of the New Hampshire State Library Advisory Council (NHSLAC) and State Librarian.

The Advisory Council consists of nineteen members; three members are appointed by the Governor and Executive Council, six by the State Librarian, five by the New Hampshire Library Association, two by the New Hampshire Educational Media Association (NHEMA), one by the New Hampshire Board of Education, one by the New Hampshire Library Trustees Association, and one by the Association of New Hampshire Library Friends. The power and authority of the Council is found in **RSA 201-A**.

NEW HAMPSHIRE LIBRARY TRUSTEES ASSOCIATION

The following sections of the State Library assist in the promotion and development of statewide library services:

- Administrative and Fiscal Services
- Reference and Information Services
- Special Library Services composed of Family Resource Connection and Best Schools Resource Center
- Library Development Services
- Electronic and Government Information Resources
- Library Services to Persons with Disabilities
- Network Services
- Technical Services

NEW HAMPSHIRE LIBRARY ASSOCIATION

NHLA is made up of library staff, trustees, Friends of the Library, anyone interested in improving library service in the state and participating in library service in the library community. Libraries, schools and other institutions are welcome to join. NHLA provides workshops and conferences for continuing education in library service.

**P.O. Box 617
Concord, NH 03302**

Website: www.nhlibrarians.org

NEW ENGLAND LIBRARY ASSOCIATION

NELA provides an opportunity for all members of the library community in our six-state area to meet at least annually, explore common challenges and view exhibits of the latest library materials, furnishings and equipment. NELA also sponsors workshops throughout the year on topics vital to today's libraries.

Website: www.nelib.org

AMERICAN LIBRARY ASSOCIATION

ALA is the largest national library association with more than 60,000 members. The mission of ALA is to extend and improve library service and librarianship in each state and throughout the world. It is composed of several divisions reflecting specific types of activity and interest. The ALTAFF division provides resource materials, publishes fact sheets and a newsletter, holds conferences, and provides speakers for local meetings.

**50 East Huron Street, Chicago, IL 60611
800-545-2433
800-941-8478**

Website: www.ala.org

SPECIAL CHALLENGES

*In Chinese, the word for chaos and crisis is **Opportunity***

Today's special challenges for library trustees have an immediate as well as a future impact on your library, your community and, perhaps, the entire state. Libraries are faced with increasing competition for funding, the proliferation of technology and maintaining a balanced selection of print and technological materials, space and building needs, and continuing pressures of censorship from all sides.

This section deals with only three of the most vital challenges trustees may face during their tenure: intellectual freedom, library expansion, and technology. Although each library and situation is unique, there are some basic guidelines to meeting challenges and seizing opportunities.

PREPARE → PLAN → COMMUNICATE!

TECHNIQUES FOR MEETING THE CHALLENGES

- Prepare now. Don't wait until it is a crisis!
- Study and become thoroughly familiar with all aspects of the nature of the challenge.
- Search out resources and expertise, reliable advice and specific techniques.
- Enact policies and implement procedures that will deal effectively and fairly with all potential and present issues that confront libraries.
- Communicate with staff, local government and library users for a wide perspective and understanding of the issues and resolutions.
- Remember that no community and no library functions in isolation. Every trustee must be aware of challenges throughout the state and nation to uphold the rights and integrity of a public library in a democratic society.

“...common man should be given an opportunity to become
as uncommon as possible”

Joseph Wood Krutch
Is the Common Man Too Common?

LIBRARY EXPANSION

Whether your library is embarking on a comprehensive new building project or engaged in planning an expansion, there are a number of steps that should be followed in order to assure success. You will want to develop a project plan and tailor each step to your town's individual needs, but the points below can serve as a guide.

NEW HAMPSHIRE LIBRARY TRUSTEES ASSOCIATION

- Contract the services of a professional library consultant to work with the director and trustees to assess the short and long-term needs of your library. You will need to budget for this.
- Develop a long-range plan detailing each step of the process, from preliminary organization and community involvement to selection of architect and construction approach.
- Construct a Building Team that includes trustees, a core leadership group, and subcommittees such as Public Relations/Communication, Finance/Fundraising, Site Selection, Design, etc. The Building Team and each subcommittee should have a mission statement and set of goals. This is a crucial first step; you may find it useful to enlist the support of a professional consultant to help develop this structure. The team will make regular reports to the Board of Trustees.
- Develop a questionnaire (PR/Communication) that can be distributed town-wide (using a number of means) soliciting public input on your project. Schedule a series of open forums to solicit further input. Using the results, develop a FAQ flyer which addresses the common questions/concerns and provides answers.
- Request that your building project be included in the town's Capital Improvement Plan.

Each of the above points involves various levels of detail. Contact the NHLTA for more information and references.

INTELLECTUAL FREEDOM

“Congress shall make no law...abridging the freedom of speech, or of the press...”

United States Constitution Bill of Rights, Amendment I

The First Amendment is just one element that defines our freedom, but in a democracy, it is the most important. Freedom of speech and freedom of the press are inseparably tied to acquiring knowledge through the freedom of access to an uncensored spectrum of ideas and information.

“Let us contemplate our forefathers and posterity, and resolve to maintain the rights bequeathed to us from the former for the sake of the latter...Let us remember that if we suffer tamely a lawless attack upon our liberty, we encourage it, and involve others in our doom... that millions yet unborn may be the miserable sharers of this event.”

Samuel Adams, 1771

Library trustees have no greater responsibility in fulfilling their public trust, and have no higher contribution to make to every resident of their community, than to preserve the freedom of speech and thought in the library they serve.

“Those who expect to reap the blessings of freedom must undergo the fatigue of supporting it.”

Thomas Paine
The American Crisis IV

Attempts to have specified books or other materials removed from the shelves and restrictions placed on materials selected by the library are increasing nationwide. Granted, librarians make conscious choices about print materials that are selected, but **Trustees must ensure that the library's Collection Development Policy presents a variety of points-of-view, beliefs and ideas** in spite of a limited budget and personal preferences.

The Internet has created a new information platform for public access. It is a global entity with millions of sites, some of which may contain materials deemed objectionable or inappropriate. This has created challenges for parents. Only parents have the right to decide with their children how their children use libraries.

“Censorship, like charity, should begin at home, but unlike charity, it should end there.”

Clare Booth Luce

Trustees must protect equal access to print materials and the Internet. Libraries have a responsibility to provide the necessary guidance to enable patrons to be critical users of the best sources of information. The First Amendment applies to library users of all ages.

The library board and director together must:

- Maintain a well-defined materials selection policy, Internet use policy, and a written procedure for reconsideration of materials.
- Make sure the policies and procedures are clearly understood and fully implemented by the staff.
- Make all policies readily available to the public.

Benjamin Franklin was called the most dangerous man in America. He founded public libraries.

“The libraries of America are and must ever remain the home of free, inquiring minds. To them, our citizens—of all ages and races, of all creeds and political persuasions—must be able to turn with confidence that there they can freely seek the whole truth unvarnished by fashion, uncompromised by expediency.”

President Dwight David Eisenhower, 1953

TECHNOLOGY

“Effective users of electronic resources must learn to surf the networks and, on occasion, to swim in information without drowning in data.”

Walt Crawford and Michael German
Future Libraries: Dreams Madness & Reality

Technology development in every library is a remarkable tool that expands collections by the millions. However, boards should plan carefully for this exciting venture. The board and the director should work together to formulate a sound long-range technology plan for the library. The plan should meet the needs of the community and the collection development policy of the library.

Consider the following key questions:

- How will this improve the services this library provides?
- Does this support or replace some print material?
- What are the most authoritative resources?
- What equipment will best withstand extended use?
- What training does staff need to implement service?
- How much help must we provide patrons to use technology?

As always, trustees must do their homework and call in the experts, preferably those thoroughly familiar with libraries and networking. For a good starting point, get in touch with Technical Services at the State Library. Libraries that have developed their technology are also excellent sources. Perhaps your municipality has a computer expert on its staff.

Make your needs known! There are companies and community people who will donate their time and expertise *when you tell them exactly what you need*. Seek grants from all sources; however be wary of the fine print!

A word of caution: when making the budget presentation, the presenters should be very knowledgeable about the library's technology system and materials. Since most people have a personal computer at home and use one at work, almost everyone assumes a degree of "expertise" on computers. Without knowledge of the types of information and resources the library provides, many funding committee members rely on their own personal experience with computers and overlook the technological specifics required by a library. It is important that the trustees and director know how to present the budget so that all listeners understand needs specific to libraries. Libraries are different. Do your homework!

WHAT EVERY LIBRARY MUST HAVE

- Mission Statement and goals, short-term and long-range plan
- Organizational chart
- Bylaws of the board of trustees
- Emergency/Disaster plan
- Technology plan
- Risk management/Safety plan
- Building maintenance and renovation plan
- Furniture and equipment replacement and addition plan
- Staff addition/salary plan
- Annual report submitted to municipality
- Annual report to NH State Library (RSA 202-A:12)
- Annual report on trust funds held by the library to NH Director of Charitable Trusts
- Procedures manuals for circulation, interlibrary loan
- Posting of state and federal employment laws, as required
- Customer service plan
- Circulation and Use statistics
- Insurance

PERSONNEL POLICY:

- ✓ Job descriptions and classifications
- ✓ Performance review and procedures
- ✓ Employee feedback mechanism
- ✓ Disciplinary procedures and actions
- ✓ Conditions of work (i.e., salary distribution, raises, schedules, supervisions...)
- ✓ Benefits, including leave and vacation
- ✓ Sexual harassment statement and action plan
- ✓ Jury and Armed Services duties
- ✓ Background check of staff and volunteers

LIBRARY POLICIES:

- ✓ Technology use
- ✓ Use of materials, borrowing limits, fines and fees
- ✓ Unattended children
- ✓ Hours of library operation
- ✓ Request for reconsideration of materials
- ✓ Collection development
- ✓ Reference service
- ✓ Investment (RSA 35:9) if trustees manage trust funds
- ✓ Use of the meeting room
- ✓ Use of bulletin boards and display areas
- ✓ Behavior in the library
- ✓ Acceptance and disposition of gifts, including materials

Policies and revisions can be initiated by the director, a trustee, a staff member through the director, a board committee or by the board itself. The director acts as advisor and makes recommendations for the content and form of the policy. **The board of trustees approves all policies and reviews them on a regular basis.**

LIBRARY BILL OF RIGHTS, ALA 1996

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services:

1. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of their origin.
2. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
3. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
4. Libraries should cooperate with all persons and groups concerned with resisting abridgement of free expression and free access to ideas.
5. A person's right to use the library should not be denied or abridged because of origin, age, background, or views.
6. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

SUMMARY

EXEMPLARY BOARDS HAVE THESE TRAITS:

- Knowledge of library services and importance to the community
- Knowledge and awareness of municipal structure and authority
- Knowledge of laws governing library service
- Commitment to and advocacy for lifelong learning
- Willingness to invest time and effort in trustee duties
- Ability to listen and respect all points of view
- Ethical commitment to support the decisions of the majority
- Enthusiasm, intellectual curiosity, good judgment, creativity
- Abiding belief in the unrestricted flow of information to citizens of all ages
- A strong sense of the community
- A sense of humor

Remember that your library is more than an information center.

Don't be afraid to discontinue a program or service if it's not working or no longer needed. Take the risk of adding a new one on a trial basis. Wear your "trustee hat" at all times; tell your story accurately and often through every available medium. Become involved in the library's programs and encourage activities that meet the needs and enhance the quality of life in your community.

Do your homework. Expand your horizons with training at NHLTA workshops and annual conference. Well-prepared and enthusiastic trustees are essential to the continued success and growth of New Hampshire's public libraries.

Good luck and enjoy the adventure!

APPENDIX

**APPENDIX A: Town Of Littleton & a.
vs.
Kathryn Taylor**

No. 93-250

SUPREME COURT OF NEW HAMPSHIRE

138 N.H. 419, 640 A.2d 780

April 12, 1994

HEADNOTE

1. Appeal and Error—Dismissal of Complaint—Standards for Review

Trial court's dismissal of declaratory judgment petition regarding legality of defendant's simultaneous employment as librarian and service as town selectman would not be disturbed absent an abuse of discretion or a finding that the decision was unsupported by evidence or legally erroneous.

2. Public Employees—Rights, Powers and Duties—Conflicts of Interest

Trial court did not err in finding that defendant was a full-time employee of town's public library, but not of town, and consequently defendant's simultaneous employment as librarian and service as town selectman did not violate statute; managerial and fiscal control over both librarian and library was vested in library's board of trustees, not in town. RSA 202-A:6, :11, 669:7.

3. Public Employees—Rights, Powers and Duties-Conflicts of Interest

Common law doctrine of incompatibility of offices bars an individual from holding two offices when one office is subordinate to the other, as governmental checks and balances are eliminated because individual is reviewing his or her own work.

4. Public Employees—Rights, Powers and Duties—Conflicts of Interest

Defendant's simultaneous employment as librarian and service as town selectman was not precluded by common law doctrine of incompatibility of offices, since defendant, as librarian, was not subordinate to town's board of selectmen or town manager, and defendant's public declaration that she would abstain, as selectman, from voting to fill vacancy in library board would defuse possible conflict of interest. RSA 202-A:10, :15.

5. Attorney—Fees—Recovery

In reviewing trial court's denial of attorney's fees, court will defer to trial court's decision and will not overturn it absent an abuse of discretion.

6. Attorneys—Fees—Recovery

Defendant who successfully defended against declaratory judgment petition in order to retain her official, elected position as town selectman was entitled to recover attorney's fees from town, where petition essentially placed her in same position as if a quo warranto proceeding had been brought against her, and defendant not only vindicated her own right to hold office of selectman, but also conferred substantial benefit on town.

COUNSEL

Moulton, Samaha, Vaughn & Foley, P.A., of Littleton (Stephen U. Samaha on the brief and orally), for the plaintiff, Town of Littleton.

NEW HAMPSHIRE LIBRARY TRUSTEES ASSOCIATION

Douglas & Douglas, of Concord (Charles G. Douglas, III and Susanna L. Giombetti on the brief, and Mr. Douglas orally), for the intervenors, Eddy L. Moore, Ferne J. Foster, Jr., and Kenneth E. Curran.

Stebbins, Bradley, Wood & Harvey, P.A., of Hanover (David H. Bradley on the brief and orally), for the defendant.

JUDGES

JOHNSON, J., DID NOT SIT; THE OTHERS CONCURRED.

AUTHOR: BROCK

OPINION

Three taxpayers (the intervenors) from the Town of Littleton (the town) appeal an order of the Superior Court (Morrill, J.) dismissing the town's petition for the declaratory judgement. The intervenors argue that RSA 669:7 (1986) and the common law doctrine of incompatibility of offices precludes the defendant's simultaneous employment as librarian and service as town selectman. The defendant cross-appeals an order of the Superior Court (Morrill, J.) { *421 } denying her motion for attorney's fees. The defendant argues that she should be awarded attorney's fees under the "public trust" theory set forth in *Silva v. Botsch*. 121 N.H. 1041, 1043, 437 A.2d 313, 314 (1981). We affirm the order concerning declaratory judgement, reverse the order concerning attorney's fees, and remand.

The defendant, Kathryn Taylor, was appointed librarian of the Littleton Public Library (the library) by the Littleton Board of Library Trustees (the board) pursuant to RSA 202-A:11, V (1989). Twelve years later, she was elected to the office of town selectmen for a three-year term and took office. The next day, the town's two other selectmen petitioned in the name of the town for declaratory judgement and injunctive relief. The town sought both a judgement as to whether the defendant's simultaneous employment as librarian and service as town selectman violated RSA 669:7, and an injunction against her participation as selectman until the issue was resolved. The two selectmen asserted neutrality on the issue, and three town residents intervened in order to protect the interests of the town's taxpayers. All parties submitted an agreed statement of facts. The court dismissed the town's petition, holding that the defendant had not violated the statute as she was not a full-time employee of the town. The court denied the defendant's motion for reimbursement of her legal fees incurred in defending the action.

{1} We will not disturb the trial court's ruling absent an abuse of discretion or a finding that the decision is unsupported by the evidence or legally erroneous. *In re Kearsarge Regional School District*, 138 N.H. 211, 214, 636 A.2d 1033, 1035 (1994).

The intervenors argue that the defendant's simultaneous employment as librarian and service as town selectman violate RSA 669:7. The statute reads, in pertinent part: "No full-time town employee shall at the same time hold the office of selectmen."

The trial court found that the defendant "is not a full-time employee of the Town. She is a full-time employee of the Town Library." Consequently, we first determine if the trial court erred in finding that the defendant is a full-time employee of the Library.

In determining whether an employer-employee relationship exists, we consider factors such as managerial and fiscal control. *Samaha v. Grafton County*, 126 N.H. 583, 586, 493 A.2d 1207, 1210 (1985). The characteristics of the defendant's employment were enumerated in the parties' agreed statement of facts. Those facts are consistent with the trial court's determination that the defendant was an employee of the library and not of the town. They provide ample evidence of the library board's

NEW HAMPSHIRE LIBRARY TRUSTEES ASSOCIATION

managerial and fiscal control over the { *422 } librarian and the town's lack thereof. For example, the board appoints the librarian, determines compensation and other terms of employment and has the exclusive power to discharge or remove the librarian from office. RSA 202-A:11, V, :17 (1989). Neither the town's board of selectmen nor the town manager has any authority to assign duties to, to supervise the work of, or to remove the librarian. In contrast, public employees of the town are appointed and removed by the town manager, who also sets their compensation. RSA 37:6, II (1988); P Loughlin, 13 New Hampshire Practice. Local Government Law § 383, at 260 (1990). We find no error in the trial court's conclusion that the defendant is a full-time employee of the library. See *Samaha* 126 N.H. at 586, 943 A.2d at 1210.

The intervenors argue that that the trial court's order is "confusing" and "legally erroneous" because it stated that the defendant was "the full-time public librarian for the Town," but that she "is not a full-time employee of the Town." Any confusion on the intervenors' part stems from their erroneous assumption that employment as librarian of a public library in a town automatically equates with employment by that town. A "public library" is defined as a library "which provides regular and currently useful library service to the public without charge," and which receives regular financial support from public sources, such as a town, or private sources. See RSA 202-A:2, I (1989). Further a "public library" is "every library regularly open to the public, or the some portion of the public, with or without limitations, ... whether its ownership is vested in the town, in a corporation, in an organized association, or in individuals." RSA 41:21 (1991).

The intervenors' argument ignores the trial court's specific finding that the library "is a separate and distinct entity" from the town. The Littleton Public Library was established pursuant to a contract between Andrew Carnegie and the town in 1902. Carnegie donated funds to construct the library building in return for the town's pledge to provide continuing financial support. The Littleton Board of Library Trustees is the governing board of the library. RSA 202-A:2, II (1989). The publicly elected board is vested with the entire custody and management of the library and of all the property of the town relating thereto, except trust funds held by the town. RSA202-A:6 (1989). The board has adopted and maintained by-laws which govern the library. RSA202-A:11, I (1989).

[2] The library budget is funded by both town taxes and private sources. The board determines how to expend, and has the power to expend, all funds provided to the library. RSA 202-A:11, II-IV (1989). { *423 } Most important, the town has no power to discontinue the library. RSA 202-A:18 (1989 & Supp. 1993). We find no error in the trial court's finding that the defendant's employment as librarian of the Littleton Public Library does not equate to employment by the Town of Littleton. Cf. *Jaskola v. City of Manchester*, 134 N.H. 45, 49, 587 A.2d 256, 258 (1991). Consequently, the defendant's simultaneous employment as librarian and service as town selectman do not violate the statute. See *Tappan v. Shaw*, 113 N.H. 353, 354-55, 306 A.2d 762, 763 (1973).

[3] The intervenors also argue that the common law doctrine of incompatibility of offices precludes the defendant from simultaneous employment as librarian and service as town selectman. We disagree. The doctrine bars an individual from holding two offices when one office is subordinate to the other, as the governmental checks and balances are eliminated because an individual is reviewing his or her own work. Loughlin, *supra* § 622, at 420. We have held that membership on a school district's prudential committee (officers of the school district) was incompatible with the position of auditor of that same school district. *Cotton v. Phillips*, 56 N.H. 220, 223 (1875). Prudential committee members administered the affairs of the school district, took custody of and disbursed the money apportioned to the district, and made contracts with school teachers. The auditors examined the accounts and vouchers of the prudential committee and reported their findings. The two offices were incompatible as an auditor sat in judgement on the acts of the prudential committee, and could conceal a misappropriation of funds from the district. *Id.*

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We have also held that the position of school teacher in a city school district was not incompatible with the office of city councilman, where the school district hired the teacher and determined teacher salaries, and the general management and control of the public schools was vested in the school board and not the city council. *Tappan v. Shaw*, 113 N.H. at 354-55, 306 A.2d at 763. As noted above, the defendant librarian is not subordinate to the town's board of selectmen or the town manager. The library board of trustees appoints the librarian, determines her salary, and is vested with the management and control of the library.

[4] It is true that the town's board of selectmen fills a vacancy in the office of library trustee by appointment. RSA 202-A:10 (1989); RSA 669:75 (1986). The doctrine of conflict of interest, however, is not equivalent to that of incompatibility of offices. Loughlin *supra*. The defendant has publicly declared that she would abstain, as { *424 } selectman, from voting to fill a vacancy in the library board, should one occur. Such abstention would defuse that possible conflict of interest. Although the city charter does not appear in the text of *Tappan*, selected sections of it are a part of the record in this case. We note that the city council in *Tappan* was also charged with filling any vacancy in the offices of the school board. We hold that the defendant's simultaneous employment as librarian and service as town selectman do not violate the common law doctrine of incompatibility of offices.

On her cross-appeal, the defendant argues that the town should pay her attorney's fees under the "public trust" theory set forth in *Silva v. Botsch*, 121 N.H. 1041, 1043, 437 A.2d 313, 314 (1981). The town argues that attorney's fees are not appropriate in this case because the town's petition did not seek defendant's removal as selectman, and because the defendant did not initiate the litigation. The town also argues that if the attorney's fees are awarded, the intervenors should pay them and not the town.

[5] In reviewing the trial court's denial of the defendant's motion for attorney's fees, we defer to the trial court's decision and will not overturn it absent an abuse of discretion. *Maguire v. Merrimack Mut. Ins. Co.*, 133 N.H. 51, 54-56, 573 A.2d 451, 453-54 (1990). Although the general rule is that each party pays his or her own attorney's fees, the legislature and judiciary have created a number of flexibly applied exceptions. *Irwin Marine, Inc. v. Blizzard, Inc.*, 126 N.H. 271, 276, 490 A.2d 786, 790-91 (1985). The legislature has provided that both State and county officials who successfully resist removal may obtain costs and attorney's fees. *Foster v. Town of Hudson*, 122 N.H. 150, 151, 441 A.2d 1183, 1184 (1982); see RSA 4:1, IV (1988); RSA 28:10-a, IV (1988). We have held that local officials should have the same privilege. *Foster*, 122 N.H. at 151, 441 A.2d at 1184.

[6] This petition for declaratory judgement, brought after the defendant had already taken office as selectman, essentially placed her in the same position as if a quo warrantor proceeding had been brought against her. See *Attorney General v. Marston*, 66 N.H. 485, 486-87, 22 A. 560, 561 (1891). She defended against the petition in order to retain her official, elected position as selectman. Therefore, we hold that the defendant is entitled to an award of attorney's fees. See *Silva*, 121 N.H. at 1045, 437 A.2d at 315; *Foster*, 122 N.H. at 152, 441 A.2d at 1184. We further find it appropriate under these circumstances to require the town to pay the defendant's attorney's fees. As a public trustee elected to administer municipal affairs, the { *425 } defendant not only vindicated her own right to hold the office of selectman, but also conferred a substantial benefit on the town she serves. See *Irwin Marine, Inc.*, 126 N.H. at 276, 490 A.2d at 791.

We reverse the trial court's denial of the defendant's motion for attorney's fees and remand for a determination as to the reasonable amount of attorney's fees that she should receive from the town.

DISPOSITION

Affirmed in part; reversed in part; remanded.

APPENDIX B: KEY TO FUNDS RECEIVED BY LIBRARIES

DEPARTMENT OF THE ATTORNEY GENERAL CHARITABLE TRUSTS UNIT

Excerpted from "The Other Money" workshop

SOURCES OF FUNDING:

Taxation (**RSA 202-A:11 III**)

Income Generating Equipment (**RSA 202-A:11 III**)

Fines and Lost Books (**RSA 202-A:11 III**)

Library Service Contracts (**RSA 292-A:11 III**)

Trust Funds (**RSA 202-A:11 IV**)

Donations (**RSA 202-A:11 IV**)

HOW TO ACCEPT FUNDS

TAXATION

*Library Trustees are required to "prepare an annual budget indicating what support and maintenance of the free public library will be required out of public funds. A separate budget request shall be submitted for new construction and capital improvements." (**RSA 202-A:11 II**) Once the town meeting or city council has approved the library budget the Library Trustees "shall direct that such moneys be paid over by the town or city treasurer pursuant to a payment schedule as agreed to by the Library Trustees and the selectmen or city council." Since the citizens of the town or the city council has received notice and subsequently approved the amount of the budget it is not necessary for the Library Trustees to hold a public hearing to accept the funds received through taxation.*

INCOME GENERATING EQUIPMENT

*Libraries wishing to retain funds produced from income generating equipment must first obtain permission from the voters by following the provisions of **RSA 202-A:11-b**. Once this permission has been granted by the town, it is not necessary for the Library Trustees to hold a public hearing to accept revenues produced by the income generating equipment.*

FINES AND LOST BOOKS

Libraries are permitted to receive revenues from fines and reimbursements for lost books under **RSA 202-A:11 III**. It is not necessary for the Library Trustees to hold a public hearing for purposes of accepting money received from fines and lost books.

LIBRARY SERVICE CONTRACTS

Libraries are permitted to receive revenues from library service contracts under **RSA 202-A:11 III**. It is not necessary for the Library Trustees to hold a public hearing for purposes of accepting money received from library service contracts.

TRUST FUNDS AND DONATIONS

If the town has adopted the provisions of **RSA 202-A:4-c** permitting Library Trustees to accept and expend gifts over \$5,000, Library Trustees are required to hold a public hearing before receiving and/or expending any trust funds, gifts or donations given to the library (see charts starting on page 22). Notice of the time, place and subject of the hearing shall be published in a newspaper of general circulation in the relevant municipality at least seven (7) days before the hearing. (**RSA 202-A:4-c III**). Remember: any gifts, bequests, or donations accepted under this provision may not require the expenditure of any other town funds except those funds lawfully appropriated for the same purpose. (**RSA 202-A:4-c IV (a)**).

WHERE FUNDS GO AFTER ACCEPTANCE

TAXATION

Funds received from taxation may be co-mingled with other funds in checking or savings accounts held by the Library Trustees, however, bookkeeping entries must accurately track the identity and expenditure of these public funds as separate and distinct from any private funds held by the library. Not only is this procedure essential for auditing purposes but any unexpended tax revenue may lapse to the general fund of the town at the end of the year and it is important not to include private funds in the total funds lapsed.

INCOME GENERATING EQUIPMENT

RSA 202-A:11-a states "All money received from a library's income-generating equipment shall be retained by the library in a nonlapsing fund." The statute does not state this must be a separate nonlapsing fund. Therefore the Trustees may co-mingle funds received from income generating equipment in checking or savings accounts held by the library provided proper bookkeeping entries are maintained to insure these funds do not lapse to the general fund at the end of the year.

FINES AND LOST BOOKS; LIBRARY SERVICE CONTRACTS

RSA 202-A:11 III states "All money received from fines and payments for lost or damaged books or for support of a library in another city or town under contract to furnish library service to such town or city...shall be held in a nonlapsing separate fund." Since this statute does mandate a separate fund, the Library Trustees must establish an individual fund/bank account into which is deposited money from fines, lost books, and library service contracts.

TRUST FUNDS AND DONATIONS

Unless the will or trust instrument specifies otherwise, trust funds and donations may be invested in common, that is, two or more trust funds and/or donations may be commingled in bank accounts, stocks, bonds, etc. For auditing **and reporting purposes, separate bookkeeping entries must be maintained for the principal and income of each individual trust or donation even if the funds are invested in common.**

WHAT HAPPENS NEXT?

Budgeting: Remember, whether or not your town has adopted the provision of the Municipal Budget Law, it is necessary to prepare the library's budget according to the gross budget concept. Therefore the total amount of funds necessary to operate the library for the coming year must be requested *regardless of the source of funding*. Remember, a warrant article authorizing the town to "raise and appropriate" money for the operation of the library does not authorize the raising of the total amount through taxation, it simply grants spending authority to the Library Trustees to expend a maximum amount of money during the accounting period. It is important for Library Trustees to review the funds available from all sources and decide how funds will be allocated before drafting the budget to be submitted to the town.

APPENDIX C: NH RSAs THAT PERTAIN TO LIBRARIES

Note: RSAs are subject to change by the State Legislature therefore only the Titles and Chapters are cited below for reference. Check the state government website to verify amendments: www.gencourt.state.nh.us.

TITLE XVI: LIBRARIES

CHAPTER 201-D • Statewide Library Development System

201-D:11 Library User Records; Confidentiality.

CHAPTER 202-A • Public Libraries

202-A:1 Declaration of Policy.

202-A:2 Definitions.

202-A:3 Establishment..

202-A:4 Maintenance.

202-A:4-a Cooperatives.

202-A:4-b Contracts for Services.

202-A:4-c Trustees' Authority to Accept and Expend Gifts

202-A:4-d Acceptance of Personal Property Donated to Libraries

202-A:5 Status

202-A:6 Library Trustees; Election; Alternates.

202-A:7 Special Provisions..

202-A:8 City Trustees.

202-A:9 Repealed

202-A:10 Library Trustees; Vacancies; Alternates.

202-A:11 Powers and Duties.

202-A:11-a Use of Additional Funds.

202-A:11-b Procedure for Adoption

202-A:12 Annual Reports.

202-A:12-a Trust Fund Annual Reports.

202-A:13 Discretionary Powers.

202-A:14 Compensation of Trustees.

202-A:15 Public Librarian; Qualification and Tenure.

202-A:16 Powers and Duties.

202-A:17 Employees; Removal.

202-A:18 Discontinuance of Library.

202-A:19 Defunct Libraries.

202-A:20 Custody of Publications.

202-A:21 Penalties.

202-A:22 Custody and Control of Trust Funds.

202-A:23 Exceptions.

202-A:24 Offenses Against Libraries.

202-A:25 Detaining Books.

TITLE III: TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES

CHAPTER 31 • Powers and Duties of Towns
TRUST FUNDS

CHAPTER 32 • Municipal Budget Law

CHAPTER 34 • Capital Reserve Funds For Cities

CHAPTER 35 • Capital Reserve Funds of Counties, Towns, Districts, and Water Departments

CHAPTER 41 • Choice and Duties of Town Officers
BONDS

CHAPTER 42 • Oaths of Town Officers

TITLE VI: PUBLIC OFFICERS AND EMPLOYEES

CHAPTER 91-A • Access to Governmental Records and Meetings

TITLE X: PUBLIC HEALTH

TITLE XII: PUBLIC SAFETY AND WELFARE

CHAPTER 155 • Factories, Tenements, Schoolhouses, and Places of Public Accommodation, Resort or Assembly

INDOOR SMOKING ACT

155:66 Smoking Prohibited.

TITLE LXII: CRIMINAL CODE

CHAPTER 649-A • Child Pornography

CHAPTER 649-B • Computer Pornography and Child Exploitation Prevention

CHAPTER 650 • Obscene Matter

TITLE LXIII: ELECTIONS

CHAPTER 669 • Town Elections

669:6 Qualifications of Officers

669:9 Oaths of Town Officers

APPENDIX D: SAMPLE TRUSTEE MEETING AGENDA

(_____) PUBLIC LIBRARY
BOARD OF TRUSTEES

DATE:

1. Call to Order at *[time]*
 - a. Roll call, introduction of guests, approval of agenda
 - b. Approval of minutes of previous meeting
 - c. Correspondence
 - d. Public Comment *[the chair can allow or not]*
2. Reports *[mailed or e-mailed prior to the meeting]*
 - a. Financial: written report of accounting for previous month should include income and expenditures, balance remaining against budget, year to date balance, and any other information
 - b. Library Director: written report of circulation statistics, personnel, programming, maintenance, and any other information
 - c. Committees: written reports on progress on specific goals and any other information
3. Action Items: those needing motions and vote
4. Old or unfinished business
5. New business
6. Summary list of decisions made, directives and actions to be completed with deadlines
7. Announcements
8. Next meeting date
9. Adjournment at *[time]*

REMEMBER: A well-run meeting depends on a carefully planned agenda. All items of business should be listed on the agenda that is mailed or e-mailed prior to the meeting.

AFTERWORD

This manual is provided as a benefit to members of the NHLTA. It is our policy to periodically review and update the information. We gratefully acknowledge some content ideas and text from the California, Connecticut and Maine Trustee Manuals, and “Knowing the Territory” by the New Hampshire Municipal Association.

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