



# Maryland Library Trustee's Manual 2009

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# **Trustee Manual for Maryland Public Library Trustees**

**2009**

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## Foreword by the State Librarian

Public library trustees play an essential and critical role in developing and maintaining public libraries in Maryland. Library trustees give of their time, experience and energy to advocate for the public libraries both in their community and statewide. During difficult times, library trustees can be counted on to carry out their role and the accompanying challenges with equanimity and insight.

After two years of collecting input, *The Maryland Library Trustee's Manual* has been prepared for distribution in an electronic format. This format gives us the flexibility to update these guidelines as needed to ensure you have the latest information available regarding the orientation of new trustees, meeting protocol and suggestions on how to handle difficult or awkward circumstances.

As Maryland State Librarian, I am proud of the library resources provided by Maryland's public libraries. Our libraries circulate books, offer media in electronic and audio format including DVD's and CD's, provide programming choices for all ages, and offer over 3,000 computers for public access. The ability to provide these resources would not be possible without advocacy, guidance and support from the trustees.

The Maryland State Library for the Blind and Physically Handicapped (LBPH) serves as the public library for over 10,000 blind, visually impaired, and physically, reading and learning disabled Maryland residents. This library is the primary source of books, periodicals and other information in formats such as Braille, large print, and recorded books. Over 350,000 items are borrowed per year.

Please accept my deepest thanks as you fulfill your term as a public library trustee. I trust that you will find this commitment rewarding as you contribute to the future of Maryland's public libraries.

Irene M. Padilla  
Assistant State Superintendent for Libraries

October, 2009

## Chapter 1: The Top 5 Things a Library Trustee Should Know

### 1. Role of the Board and Role of the Library Director

The single strongest indicator of the health and viability of an organization is the relationship between the members of the Board of Trustees and the Library Director. The board and the director are a team - working together for the good of the library and the community it serves.

A key trustee role is to build and maintain a relationship of mutual respect, cooperation, and trust with the director. A trustee must consistently work in partnership with the director; and the director with trustees. It is only through this collaboration that the library and the community can truly thrive.

In order to partner successfully, the role of the board and the role of the director must be clearly defined and followed. ***As a general rule, it is the role of the board to recommend (or not) and adopt; and the role of the director (and staff) to recommend policy, provide information, and implement.***

The powers and duties of the board are specified in the [Laws of Maryland Relating to Public Libraries](http://www.sailor.lib.md.us/MD_topics/lib/MD_PUBLIC_LIBRARIES_08E.pdf) ([http://www.sailor.lib.md.us/MD\\_topics/lib/MD PUBLIC LIBRARIES 08E.pdf](http://www.sailor.lib.md.us/MD_topics/lib/MD_PUBLIC_LIBRARIES_08E.pdf)) § 23-405.

Following is a chart highlighting the difference in roles between the director and the board. It is important to remember that even though the roles for the trustee and the director differ for each function, to be effective the board and the director must work together collaboratively and not operate in silos.

**Chart Indicating Different Roles**

Library Board of Trustees	Library Director
<p><b>Staff</b> Employ a competent and qualified library director. Includes recruiting, hiring, regularly communicating with and annually evaluating the director based upon a well-defined job description and expectations. Adopt personnel policies and set an adequate and fair salary scale and fringe benefits for all staff.</p>	<p><b>Staff</b> Recruit, hire and annually evaluate library staff based upon well-defined job descriptions and performance measures. Recommend improvements in salaries, working conditions and personnel policies as needed.</p>
<p><b>Policy</b> Recommend and adopt written policies to govern the operation of the library.</p>	<p><b>Policy</b> Provide information and recommend policies to the board. Carry out the policies of the library as adopted by the board.</p>
<p><b>Planning</b> Regularly determine the direction of the library by studying community wants/needs/interests. Ensure that a plan is developed for meeting wants/needs/interests and see that the plan is carried out.</p>	<p><b>Planning/Management</b> Recommend and carry out plans for library services and programs. Manage the day-to-day operation of library. Continually refine library services to meet community wants/needs/interests. Report library's current progress and future needs to the board.</p>
<p><b>Budget</b> Examine preliminary budget developed by the director; make revisions as needed; officially adopt the budget; present library budget to city/county council/commissioners. Review expenditures in accordance with budget, amending line items within the budget if needed and allowable by local statute.</p>	<p><b>Budget</b> Prepare and submit to the library board a budget request based on present and anticipated needs. Maintain complete and accurate records of finances. Expend funds based on approved budget.</p>
<p><b>Advocacy</b> Advocate for library through contacts with general public, civic organizations and state and local elected officials. Attend city/county</p>	<p><b>Advocacy</b> Advocate for the library through contacts with the general public, civic organizations and state and local elected officials. Attend</p>

<b>Library Board of Trustees</b>	<b>Library Director</b>
council/commissioners meetings to keep them informed on library activities. Work to secure adequate funds to carry out the library's service goods and objectives.	city/county council/commissioners meetings. Assist board with annual report to city/county. Advocate to secure adequate funds to carry out the library's services.
<b>Legal Issues</b> Be familiar with the library's bylaws as well as state and federal laws affecting the library.	<b>Legal Issues</b> Be familiar with library bylaws and keep board informed on laws affecting library.
<b>Continuing Education</b> Participate in continuing education activities and professional organizations and encourage library director to do the same. Provide and/or see that new trustees receive an orientation to the library.	<b>Continuing Education</b> Participate in continuing education activities and professional organizations; encourage continuing education for library staff. Participate in orientation of new trustees.
<b>Communication with the library director</b> Keep communications open and honest. Set a regular communication schedule with the director (specifically the president) such as once a week by phone. Provide frequent, substantive and constructive feedback to the director not just during the annual performance evaluation. Actively seek input from the director on library issues.	<b>Communication with the library board</b> Keep communications open and honest. Keep the board informed of all major issues in a timely fashion. Have regularly scheduled discussions with the board president. Let the board know what you need from them in order to be effective. Include regular email updates.
<b>Collection Development</b> Adopt collection development policy.	<b>Collection Development</b> Select and order all books and other library materials and resources. Most library directors delegate this responsibility.
<b>Board Meetings</b> Attend board meetings; conduct affairs of board at regularly scheduled and special meetings.	<b>Board Meetings</b> Attend board meetings; prepare written progress report; provide information as needed/requested by board.
<b>Board Member Recruitment</b> Recommend qualifications and candidates for board to city/county council/commissioners. Some boards are required to notify city/county of board vacancies. Refer to the library's bylaws.	<b>Board Member Recruitment</b> Assist in developing qualifications for new trustees. May recommend candidates.

*Adapted, in part, from the Iowa Library Trustee Handbook, 2009*

For more information on roles, see Chapter 2, Section 1.

## **2. The Library and its Role in the Community**

What role does the library play in the community? Is it a gathering place? A place where children first develop a love for reading? A place where people can have access to computers and other materials that they otherwise would not?

The library trustee sets the direction for the public library. The trustee is the vital link between the library and the community.

It is important that the trustee gets to know the library and the role it plays in the community. Get a library card and use the library's services, visit the branches, attend programs, find out about the information needs and interests of the community.

In this way a trustee can work on behalf of the community for needed library services and ensure that the library is providing the best possible service.

For more information on working with the community, see Chapter 9.

## **3. Your Library and the County/City**

With the exception of Regional Libraries, most of the library's funding comes from the city/county. The city/county also plays a pivotal role in bond issues, capital project decisions, and other similar important matters. It is, therefore, very important to cultivate

and develop positive relationships with City Council members or County Council/Commissioners so it is easier to call upon them when needed.

The relationship developed with state officials is also a critical one. The General Assembly and Governor provide a part of your funding and are also responsible for making the laws that establish the framework for the way your library operates.

For more information about working with your city/county, see Chapter 9.

#### **4. Laws Governing Public Libraries**

Another key responsibility of every trustee is to understand and follow the law. The library board is legally responsible for its actions and for the operation of the library. Since specific laws and regulations affecting libraries, and even the wording of laws, change from year to year, the Division of Library Development and Services distributes as needed, the latest edition of *Laws of Maryland Relating to Public Libraries* ([http://www.sailor.lib.md.us/MD\\_topics/lib/MD\\_PUBLIC\\_LIBRARIES\\_08E.pdf](http://www.sailor.lib.md.us/MD_topics/lib/MD_PUBLIC_LIBRARIES_08E.pdf)), reprinted from the Annotated Code of Maryland. Reading this publication can be difficult at times, but it is necessary to take the time to understand the laws which affect the library.

Some public libraries have exceptions to the law (separate and in addition to what is in this trustee manual) that are specific to the library as a result of the city/county in which it operates. Make sure to ask the library director for a copy.

For more information on laws governing public libraries, see Chapter 10.

#### **5. Funding and Your Library**

As a trustee, another key role is to provide general oversight of the financial management of the library system. How this is done will vary based on the rules and regulations of the city/county governing body.

It is important to know how the library is funded. Most library funding comes from local and state funds. Federal funds may come from grants for special programs and projects. Fines for overdue materials and fees for special services (like photocopying) are also sources of library funding.

For more information on funding, see Chapter 6.

## Chapter 2: Learning the Job

### 1. Major Roles of the Library Trustee

#### a. Recruit and Retain the Library Director

The single most important responsibility of the board is the hiring and support of a competent, qualified director and ensuring that he or she receives the support and continuing education to maintain these skills and abilities. The board is responsible for communicating expectations and providing constructive feedback on performance to the director on an ongoing basis. The board also conducts a formal, structured evaluation of the director once a year.

For more information on recruiting and retaining the library director, see Chapter 8.

#### b. Advocacy

The trustee serves as both an advocate for the community and as an advocate for the library. Some examples of advocacy include:

- Obtaining funding for the library
- Developing relationships with city/county officials and state representatives and making them aware of library needs and issues
- Keeping abreast of trends and library needs in the community
- Promoting library services and programs
- Communicating regularly with community groups to identify their needs and inform them of library services

For more information on advocacy, see Chapter 11.

#### c. Planning

What library services will the community need in three years? Five years? What effect will changes in the community have on the type of services the library delivers? How can the library meet increasing expectations with the resources it has available?

With information and support provided by the library director and staff, trustees should anticipate **what** the library will need, **when** it will need it, and **how** the board will provide it. Planning is an ongoing process.

For more information on effective planning see Chapter 4.

#### d. Monitoring and Evaluating the Effectiveness of the Library

The board is responsible for ensuring that the library is meeting the needs of the community and for being fiscally responsible. The board should have a structured process to periodically review the following information:

- Reports on library revenues and expenditures;
- Reports on key library activities, accomplishments and results; and
- Feedback from the community on library services.

For more information on effective financial management, see Chapter 7.

### **e. Adopting Library Policies**

The board sets the direction for the library. Once a policy has been developed and adopted by the board, trustees must monitor the effectiveness of the policy and make adjustments when necessary.

NOTE: It is a true partnership. While the board may recommend and always adopts policies, the director and staff are responsible for carrying out the policies and for writing the procedures through which the policies will be implemented.

For more information on effective policy making see Chapter 5.

### **f. Learning the Community**

A trustee should have an understanding of the community the library serves. This includes demographic information, trends, and what the community wants from the library. A lot of this information can be obtained from attending community meetings and engaging with the community at local events.

For more information on working with the community, see Chapter 9.

## **2. Important Characteristics of a Library Trustee**

### **a. Team Player**

Board members are part of a group and must work as team members, and not as individuals. Each trustee must work to be a valuable member of the team. Disagreements with colleagues on issues will happen, but should not become personal. However, always remember that ultimately board members all share the same goal – to make the library the best it can be. Shared values and shared commitment to excellent public services produce a high performance team.

Keep an open mind and respect the opinions of other members. Listen carefully to other trustees. Be candid, but tactful in stating any views.

### **b. Commitment**

Being part of a team requires attendance at all board meetings to the fullest extent possible. Not attending meetings means discussions will be missed and all members of the team will not have the same information. Remember the simple adage that most success stems from *just being there*.

Being a trustee demands a significant time investment. Trustees need to attend board meetings, library functions, city/county council/commissioner meetings, and

community events, as well as make the time needed to read and prepare for board meetings.

Trustees are an important, valuable part of a team and if all members are not in attendance or actively participating, the whole team suffers.

### **c. Common Sense and Humor**

Don't be overwhelmed by the complexity of the library system or its problems. With thoughtful consideration and common sense, board members will arrive at the best solutions and make the right decisions for the library. Remember to look on the lighter side. A shared laugh can sometimes put things in perspective as it relieves tensions and brings people together.

### **d. Sense of Public Good over Personal Gain**

Trustees have an obligation to represent the library and not any personal agendas. All decisions for the library must be based on what is good for the public over what would be in the trustee's best interest; and there may be times when the two will be in conflict.

### **e. Courage**

Trustees will be called upon to make unpopular decisions and the possibilities for conflict are many. There are inevitable free speech issues that spring from an open society where divergent values, morals, and perspectives are often the source of controversy in library management and policy.

Trustees will have to make decisions involving large sums of money. Deciding on a new automation system, the location and size of a new building, the addition or removal of services, or the termination of an employee; these seldom please everyone.

Trustees need to understand the law, pertinent information, and informed professional recommendations. But, most of all, trustees need courage to do what is required: to act in the best interests of the community in support of the library.

## **3. Organization of the Library Board**

### **a. Types of Boards**

It is essential that trustees clearly understand the authority, role and duties of the board. These functions may differ depending on the type of board and the library. There are two types of boards – governing boards and advisory boards.

**A Governing Board** is legally responsible for the control and management of the library and all that happens in it. The board sets library policy, hires and fires the director, and sets the budget.

**An Advisory Board** has only those legal responsibilities granted by the local government. An advisory board generally makes recommendations and acts as a

liaison between the library, the local government, and the community to promote the library's services and programs.

For more details on your board type, refer to your library's bylaws.

## **b. Officers**

Maryland law specifies that each board of library trustees shall annually elect a chair, and may elect any other officer it requires, [Laws of Maryland Relating to Public Libraries](http://www.sailor.lib.md.us/MD_topics/lib/MD_PUBLIC_LIBRARIES_08E.pdf) ([http://www.sailor.lib.md.us/MD\\_topics/lib/MD\\_PUBLIC\\_LIBRARIES\\_08E.pdf](http://www.sailor.lib.md.us/MD_topics/lib/MD_PUBLIC_LIBRARIES_08E.pdf)) § 23-404 (a). This gives the board leeway to organize in a way that works best for the library. Typically, Maryland library boards elect a president, vice-president, secretary, and treasurer.

The library's bylaws will name the officers and outline the respective responsibilities. Officer responsibilities vary in the different libraries. Usually, duties are similar to those of most civic or non-profit organizations.

### **Board President**

The president is the board's leader. The board must always function as a team and it is the role of the president to ***promote teamwork*** among board members. It is his or her duty to ***run board meetings***, making sure all board members have an equal voice in board matters, and ensure the board follows its meeting agenda.

The president has no more authority than any other individual member except in those instances where he or she is empowered by the board to act on its behalf regarding a specific issue.

The president ***assigns board members*** to committees or to investigate other board matters and is usually an ex officio member of any committee. He or she is usually the ***board's public voice***, speaking for the board at budget hearings, community affairs, and to the media.

The president is the ***director's conduit to the board*** and works with the director to set meeting agendas, handle matters that come up between meetings, and discuss joint concerns with the director.

### **i. Who the Director Reports to**

It is important to clarify who the library director reports to. Does the director report to just the board president or to the whole board? Customarily, the director reports to the board president.

Also remember the director has reporting relationships with and accountability to the City Manager/County Executive/Mayor. If you have an advisory board the director most likely reports to the City Manager/County Executive and not to the board.



### **Vice-President**

The vice-president is often a president-in-training and traditionally serves as a back up for the board president in the event of his or her absence. In addition to stepping in for the board president, the vice president should accept extra assignments such as chairing a committee or presiding over various functions to help prepare for the possibility of moving to the presidency position when the president completes his or her term.

### **Secretary**

In many library systems, a library staff member takes notes, produces the minutes and stores them in both paper and electronic form. Regardless of who produces and maintains the minutes, the board secretary is responsible for making sure that the minutes are properly maintained and accurately reflect the business addressed during the meeting.

### **Treasurer**

It is not uncommon in many library systems for staff members to take on tasks that have traditionally been done by the board treasurer. This would include keeping the board informed of financial activities, writing checks and handling the books.

In larger systems, the finance director prepares the financial reports and presents them to the board. In smaller systems the director often handles both preparation and presentation.

In either case, the board treasurer is responsible for making sure the library's financial functions conform to the letter of the law and meet all reporting requirements.

NOTE: Even if the board treasurer no longer keeps the books or pays the bills, Maryland law requires the treasurer to be bonded, [Laws of Maryland Relating to Public Libraries](http://www.sailor.lib.md.us/MD_topics/lib/MD_PUBLIC_LIBRARIES_08E.pdf) ([http://www.sailor.lib.md.us/MD\\_topics/lib/MD\\_PUBLIC\\_LIBRARIES\\_08E.pdf](http://www.sailor.lib.md.us/MD_topics/lib/MD_PUBLIC_LIBRARIES_08E.pdf)) § 23-404 (b). Your board's bylaws may also require the treasurer's signature on library checks, sometimes in conjunction with that of the president or the library director.

### **c. Committees**

The purpose of the Committee is to preserve the board's limited meeting time for in-depth discussion and action rather than fact-finding. Many boards have standing committees to deal with certain items of business. These are permanent committees which meet with the Director and staff to carry out the duties enumerated in the library's bylaws. The most common permanent committee is the finance committee.

If there is a special issue or problem the board wishes to deal with in some depth, it may meet as a committee of the whole. No action can be taken on the subject under discussion until the board meets in formal session. The president may also appoint ad

hoc committees or task forces to deal with specific issues. Once an ad hoc committee makes its report, the committee is disbanded.

If the president appoints a trustee to a committee, it is the responsibility of the trustee to understand exactly what the committee has been assigned to do so that he or she can effectively fulfill his or her responsibility. Committee work requires the same level of commitment as full meetings of the library board.

Committee members must remember two important points. First, the committee has only the authority assigned to it by the board. The purpose of the committee is to study an issue and report to the board; final decisions must be made by the **entire board** in the regular manner.

Secondly, the committee exists to lighten the board's work load. Board members will ask committee members questions but they don't want to review all the committee's background work. That defeats the committee's purpose and increases the board's work load.

#### **d. Bylaws**

Maryland law states only that boards may adopt bylaws. Bylaws cover the basic structure under which the board conducts its business. They are the rules that govern the board's actions. Well-defined bylaws help fulfill the library's mission and conduct business in an orderly, logical way. Bylaws cannot conflict with any local, state, or federal laws/regulations.

Because bylaws are so important to determining how a board conducts its business, the board should review its bylaws regularly, ensuring that trustees understand them, that they meet the needs of the library and board, and that they comply with local, state or federal laws/regulations. When writing bylaws from scratch, look at other Maryland boards' bylaws and use them as a foundation for designing a set of rules that fit your board's unique needs.

Typically, bylaws include the following information:

Name, Purpose, and Authorization

Governing Body:

- Membership information (composition, authority, responsibility/ selection, and appointment)
- Officers' terms and duties
- Duties of standing committees
- Provision for special or ad hoc committees

Board Meetings:

- Meeting schedule and order of business
- Definition of a quorum

- Attendance requirements
- Method for calling special meetings

Parliamentary authority

Procedure for amending the bylaws

Required reports

Dates of adoption and amendments.

### **e. Ethics**

As a library trustee this means doing what is right for the library and the community. When taking a place on the board, trustees are acknowledging the trust placed in them by the community to perform the job with integrity and honor. The very title – trustee - implies that board members will serve in the best interests of the community and that each trustee will observe a high ethical standard.

#### **Basic principles**

There are several fundamental tenets of ethical behavior, including the following:

***Public good over personal gain:*** Trustees must avoid situations which might benefit him or her personally or financially at the expense of library customers or the situation. A trustee must disqualify him or herself immediately if his or her actions may be viewed as putting personal interests ahead of his or her duty as a trustee.

***The group's decision is paramount:*** Trustees must distinguish clearly between actions and statements as a board member and personal philosophies and attitudes. Trustees may disagree with each other when considering a vital issue before the board; but after the vote is taken, trustees must not undermine the board's decision, even if a trustee personally disagrees with it.

***Confidentiality vs. the public's right to know:*** Trustees must respect the confidential nature of some library business while being aware of and in compliance with applicable laws governing access to public records and requirements to hold open public meetings. This is particularly important when dealing with personnel issues and land acquisition. When in doubt about trustee responsibilities, always consult the board's legal authority.

***Intellectual Freedom:*** As a public official, trustees have an obligation to uphold the right of free speech as guaranteed to every citizen by the country's Constitution. Trustees have a responsibility to resist censorship of library materials by groups or individuals, regardless of personal feelings and beliefs.

***Fulfill board responsibilities:*** When a trustee accepts an appointment to the board, he or she is agreeing to perform all of the functions required of a trustee. Trustees must be prepared to honor this commitment.

[The Ethical Statement for Public Library Trustees](http://www.ala.org/ala/mgrps/divs/alta/links/ethicsstatement.pdf)

(<http://www.ala.org/ala/mgrps/divs/alta/links/ethicsstatement.pdf>), adopted by the Association for Library Trustees, Advocates, Friends and Foundations (ALTAFF) and the Public Library Association (PLA), is a good model to follow. (Appendix A)

The American Library Association (ALA) also has a Code of Ethics statement that can be found at

<http://www.ala.org/ala/aboutala/offices/oif/statementspols/codeofethics/codeethics.cfm>. (Appendix B)

**f. Conflict of Interest**

Trustees must avoid *even the appearance* of using the board position to benefit personally, or to benefit family, friends, or any other organization he or she is affiliated with. Trustees will experience many instances where a conflict is possible, because trustees constantly make decisions that give monetary benefits, programs, or services to one party over another. Even in the formal bid process, if the bids are close or if other factors are being considered the board will have to decide between vendors. The monetary consequences of any decisions could be great.

The board should have a policy defining conflict of interest which states whether a board member may discuss or be present during discussion on an issue when that member has a conflict of interest; and when he or she should recuse him or herself from the discussion and decision.

To be safe, follow established policies and procedures, consult with the board attorney in unclear situations, make any decisions in public meetings, and be sure decisions are documented in the meeting's minutes.

**g. Board Self-Evaluation**

Individual board members should periodically take measure of how he or she is doing as a trustee. The board should regularly evaluate how it acts and functions as a whole with a formal evaluation at least every other year.

In addition to identifying areas where the board is strong and weak, the regular performance evaluation also helps highlight the importance of the board acting as a unit rather than as a loose confederation of individuals. Set aside time for the whole board to go through this process and give it the board's full attention.

The information from the evaluation has several uses:

- provides board members and committees with feedback on performance and provides a framework for developing improvement plans
- helps board members identify the board's areas of expertise, and whether the board or individual members are lacking any critical skills
- helps the board determine how effectively the board and its committees are functioning

- provides information on whether the board is living up to its fiduciary responsibilities
- provides information on whether the board is using its time efficiently
- demonstrates to stakeholders that the board takes its responsibility very seriously and is constantly looking for ways to improve and become more efficient and effective

Some boards may choose to engage the services of an external consultant to conduct the board evaluations. Attached in the Appendix K of this manual are two sets of forms that can be used or modified by the board when conducting the group and individual board evaluations.

### **h. Continuing Education**

Even though a lot of the learning for the job takes place during orientation and at board meetings, it is highly recommended that trustees take advantage of continuous learning opportunities by attending conferences, workshops, and sessions at annual meetings.

Some helpful resources include the [State Library Resource Center](http://www.slrc.info/index.aspx?id=9902) (SLRC) (<http://www.slrc.info/index.aspx?id=9902>), [Maryland Library Association](http://www.mdlib.org/divisions/td/default.asp) (MLA) (<http://www.mdlib.org/divisions/td/default.asp>), [American Library Association](http://www.ala.org/) (ALA) (<http://www.ala.org/>), [Association for Library Trustees, Advocates, Friends and Foundations](http://www.ala.org/ala/mgrps/divs/altaff/index.cfm) (ALTAFF) – formerly ALTA (<http://www.ala.org/ala/mgrps/divs/altaff/index.cfm>), and [WebJunction](http://www.webjunction.org/training) (<http://www.webjunction.org/training>).

Trustees can also participate in trustee blogs like [BlogJunction](http://blog.webjunctionworks.org/index.php/category/trustees/) (<http://blog.webjunctionworks.org/index.php/category/trustees/>) or trustee discussion lists such as the [ALTAFF Discussion List](http://www.ala.org/ala/mgrps/divs/alta/altamemonly/for_members_only.cfm) ([http://www.ala.org/ala/mgrps/divs/alta/altamemonly/for\\_members\\_only.cfm](http://www.ala.org/ala/mgrps/divs/alta/altamemonly/for_members_only.cfm)).

It is also a good idea to join library associations including the [MLA](http://www.mdlib.org/) (<http://www.mdlib.org/>), the [American Library Association](http://www.ala.org/) (ALA) (<http://www.ala.org/>), and the [Public Library Association](http://www.ala.org/ala/mgrps/divs/pla/index.cfm) (PLA) (<http://www.ala.org/ala/mgrps/divs/pla/index.cfm>).

Some libraries, when finances are available, may reimburse trustee membership dues in these organizations and support attendance at continuing education events.

The library director is also a great resource. Ask your director to present or arrange trainings on topics of interest to the board.

## **4. Understanding the Board/Director/Staff Partnership**

### **a. Teamwork**

Trustees, the director, and library staff form a team that works together collaboratively for the good of the library and the community. **A good team has**

**clearly defined goals and objectives to enable it to work effectively and efficiently.** The roles of the director and the board are outlined in detail on pages 7 and 8 of this manual.

The board delegates all library day-to-day management responsibility to the director, and as a rule, does not work directly with staff. However, there may be occasions that require trustees to work with members of staff. Some examples include during committee meetings, on the long-range planning process, or during library social events.

### **b. Chain of Command**

When a trustee receives a complaint directly from a staff member, the trustee should report it to the director for resolution. When trustees directly address staff complaints/issues with staff, trustees are in essence undermining the authority of the director.

The proper procedure is for staff to discuss issues with the director. If the result of this discussion is not satisfactory then the board as a whole can address the issue only through the grievance procedure outlined in the board policy. A staff member should not take his or her concerns and complaints directly to individual members of the board.

### **c. Handling Conflict**

Our natural tendency is to avoid conflict and hope it will go away on its own. Unfortunately, the only way to effectively resolve conflict is to address it directly. The quickest way to achieve conflict resolution is to treat each other with dignity and respect while trying to reach a consensus.

Genuinely consider the other viewpoint and work hard to find areas of common ground and build on them. Find ways as a trustee that can help someone save face, it will make it easier (and faster) to reach a resolution.

If a trustee is in the wrong, he or she should quickly admit it and take responsibility.

### **d. Providing Support and Recognition**

Your director is more likely to stay with the library if trustees support him or her and recognize his or her achievements on a regular basis. In the same way, library staff and volunteers are more likely to stay if they feel supported and recognized. Make it a point to work with the director on ways the board can periodically acknowledge good performance for all staff, including the director.

Trustees should also work to ensure that staff salaries are equivalent to city/county positions, provide good benefits, and create a pleasant working environment. By doing this trustees are showing support and concern for staff well being which will go a long way in encouraging retention.

## **5. Board Communications**

### **a. What and How the Board Communicates**

The board **MUST** always speak with one voice when communicating with staff, local officials, business leaders and the community. In this way the board always projects an image of unity and the perception of a board that knows what it is doing and is confident of its decisions and actions.

At the end of each meeting the board should discuss and agree on how board actions or decisions will be communicated. This will ensure that meeting information is communicated accurately and the message is consistent, enabling the board to speak with one voice. It also makes it easier for board members by eliminating any guesswork on what should or should not be said at any given time.

Especially when the library is dealing with a controversial issue, speaking points should be developed in collaboration with the library director for use as issues arise when trustees are out in the community. Trustees might find it helpful to have agreed upon responses to questions that are likely to come up, such as what is the board's position? What are you doing to resolve the problem? What is the delay in the decision?

Never miss an opportunity to say something good about the library.

### **b. Interacting with the Media**

Dealing with the media can always be a challenge especially when the issues are controversial or polarizing. Make sure to refer to the library's board policy for specifics on how to handle the media in your particular city/county.

Following are some general tips that might be helpful:

Appoint a board "spokesperson". This is usually the board president but could be any other member.

Write down your talking points and stick to the script. Do not get side tracked...this is easier said than done - but try.

Do not discuss the specifics of who said what during the meeting. Remember the board always speaks with one voice.

## **6. Trustee Orientation**

A trustee is more effective when he or she knows how the library functions and what is expected of him or her. The orientation session(s) should start as soon as possible after the trustee is appointed, preferably before his or her first board meeting. The orientation plan is usually developed by members of the board with the help of the director.

The process should include:

A meeting with the director to learn about the library; how it is:

- Organized and governed
- Funded
- Operated day-to-day
- Structured to serve community needs

A meeting with the president of the board (and other trustees) to learn about the board;

- Type of board, organization, officers, committees
- Meeting logistics (location, schedule)
- Responsibilities, expectations, relationships
- Goals, long-range plans, on-going projects, and accomplishments

Tour of the library system to see programs and services in action and meet the staff.

#### **a. Trustee Orientation Checklist**

Following is a sample checklist that can be modified and used when conducting orientations.

A new trustee packet containing up to date library and board information to be mailed to the trustee before any face-to-face meetings:

- Bylaws
- List of board members (indicating terms of office, terms, and contact information such as address, phone and email)
- Copy of Library Trustee Manual
- Copy of Maryland Trustee Manual
- Calendar of upcoming events
- List of board committees and members
- Contact list of local officials

Given to the trustee during the orientation meetings or shortly after:

- Latest annual report, monthly statistical report and financial report
- Strategic plan
- Library policies
- Current and previous year's budgets
- Board meeting minutes for the previous six months
- Director's reports for the previous six months
- Director's job description and performance evaluation tools
- Library organization chart including staff names and titles.



These documents and information will be new to many trustees. Do ask questions in order to fully understand all the material.

## Chapter 3: Effective Meetings

### 1. Responsibilities of each Board Member

#### a. Attendance

Meeting attendance is so critical to the effectiveness of the board that it is a state law requirement outlined in the [Laws of Maryland Relating to Public Libraries \(http://www.sailor.lib.md.us/MD\\_topics/lib/MD\\_PUBLIC\\_LIBRARIES\\_08E.pdf\)](http://www.sailor.lib.md.us/MD_topics/lib/MD_PUBLIC_LIBRARIES_08E.pdf) § 23-404. If a trustee fails to attend at least half of the scheduled meetings of the board during any calendar year they shall be considered to have resigned from the board.

A trustee's good judgment and intelligence is only valuable if he or she attends meetings and voices his or her opinion. By not attending meetings trustees may prevent the board from conducting important public business since the board can only act on issues when a quorum is present.

But just as important as having a quorum is having all members present so that everyone has complete background information on issues. Many discussions carry over from one meeting to the next and trustees must be there to become knowledgeable. Make board meetings a top priority.

If, after a trustee is appointed he or she finds out that he or she cannot attend board meetings regularly, consider resigning from the board so that the position can be filled by someone who will be able to attend and participate in the board's business.

If a trustee must miss a meeting, notify the board president and the library director as soon as possible. Later, the trustee should read the minutes and review the discussion with the board president or the director.

Remember, if a quorum is not present, board members may discuss issues, but cannot vote on any matter.

Finally, always arrive on time and do not leave early.

#### b. Preparation for the Meeting

It isn't enough just to show up for the meetings. To be an effective and valuable board member, trustees must do some homework before a meeting. The minutes of the previous meeting, the agenda for the upcoming meeting and other materials will be sent to trustees well in advance of the next board meeting. Read them carefully.

If trustees have questions or need more information about agenda items, call the director or the board president so that the trustee can be prepared to participate in the meeting and discuss the issues.

#### c. Actively Engage

Trustees are selected to represent the community on the board because his or her input is valued. Trustees should speak up at meetings. Speak honestly and candidly.

Listen to other opinions and do not interrupt or dominate the discussion. Stay on topic and do not get the board off track.

#### **d. Act as One**

The board can only *act as a whole*. Individual members do not have authority over the library. Any decisions at a legally constituted public meeting are considered to be the action of the entire board, regardless of whether the board agreed unanimously.

Once the board has decided an issue, it is a [breach of ethics](http://www.ala.org/ala/mgrps/divs/alta/links/ethicsstatement.pdf) (<http://www.ala.org/ala/mgrps/divs/alta/links/ethicsstatement.pdf>) to criticize the board's decision outside the meeting to staff or to members of the community.

#### **e. Connections**

One of the many things trustees bring to the table as board members is an extensive network of potential library stakeholders in the community. Part of the trustee role is to open doors for the library to develop and maintain effective partnerships that will help the library better serve the needs of the community. As much as possible, introduce the director to key people within the trustee's personal and professional networks who will support and be of value to the library.

## **2. Open Meeting Laws – Sunshine Law**

All meetings of the board must be open to the public. A library board is a public body, so it is required under the state's Open Meetings Act – Annotated Code of Maryland, State Government, Title 10 Governmental Procedures §10-505 and §10-506 (sometimes referred to as [Sunshine Laws](http://www.oag.state.md.us/Opengov/Openmeetings/support.htm) - <http://www.oag.state.md.us/Opengov/Openmeetings/support.htm>) to conduct its business in open, public meetings.

**Notice of Meeting:** Under the law advance notice of a meeting must be given to the public. The local newspaper should be notified and the agenda posted in the library.

**Executive/Administrative Sessions:** The board may only hold executive/administrative sessions (closed meetings) to discuss sensitive issues such as personnel or land acquisition matters. However, the board cannot take action in a closed session.

To close a meeting the board must justify the reason and cite the part of the law that enables the holding of an executive/administrative session. The board must vote to close the meeting and include in the minutes both the reason for closing the meeting and the results of the vote to close the meeting.

Try to avoid closed sessions. After all, the board is a public body, conducting the public's business. Interpret the statute authorizing executive/administrative sessions very strictly and limit closed meetings to those topics that would be detrimental if discussed in open session.

**Social Board Gatherings:** Although it may seem innocent, it is not proper to discuss board business at social gatherings such as a dinner before the board meeting. No matter how

pure the intention, if a quorum of the board is present and board business is discussed, the board is violating the law.

To be safe, when meeting socially keep the meeting social. Taking care to keep the social function separate from the business function will keep the public happy and trustees out of hot water.

**E-mail and Telephone Calls:** If trustees call or e-mail other board members in order to discuss and vote on library matters that is the same as conducting the public's business in private. In an emergency, if trustees must discuss a situation by phone or e-mail and agree on a course of action, consult the board's attorney first for advice on how to proceed.

### ***3. Rules of Conduct – Robert's Rules of Order***

It is in the best interest of the board and the library to have meetings that are structured and orderly. A well-structured meeting ensures that -

- all members are heard on the issues;
- the board's business is conducted in an orderly manner; and
- the board meets its legal responsibilities.

Try using a formal set of parliamentary rules, such as [Robert's Rules of Order \(http://www.robertsrules.com/\)](http://www.robertsrules.com/), in order to assure proper procedure and order. Parliamentary procedures are to make meetings run smoothly, not to curb debate or impede the business at hand. The board may want to appoint a Parliamentarian to interpret the rules as needed.

### ***4. Meeting Agenda***

The purpose of the agenda is to set a clear road map and direction for the meeting. A well-crafted agenda assures that the board has time to discuss each issue fully. By following the agenda the board will conduct a productive meeting without wasting time.

When developing the agenda, the estimated amount of time and the desired outcome should be clearly kept in mind. The time allotted for each agenda item should be realistic.

The agenda is prepared by the president and the director. Any board member can add items to the agenda by speaking with the president. If a trustee would like to include an agenda item be sure to allow sufficient time to prepare any supplementary information relating to the item that will need to be sent out with the agenda.

Trustees, who wish to make changes to the agenda after it has been sent out, should have reasonable justifications for doing so. The bylaws may set the rules for changing the agenda.

Each trustee should receive the proposed agenda several days before the meeting so he or she will know what issues the board will discuss and act upon.

A typical board agenda might include the following elements:

Call to Order and Determination of Quorum

Approval of Agenda  
Approval of Minutes  
Financial Report  
Correspondence and Announcements  
Director's Report  
Citizens' Time  
Committee Reports  
Unfinished Business  
New Business  
Adjournment

### **5. Minutes**

Trustees will receive, and should read, the minutes of the previous meeting ahead of time so that valuable meeting time is not wasted by having the minutes read aloud. If a trustee thinks there is an error in the minutes, speak up, because after the board votes to accept the minutes, they become the legal record of the meeting.

If possible, appoint a staff member to take the meeting minutes and to tape-record the meeting so that all of the trustees can participate fully in the discussions without being distracted. All actions the board takes are recorded in the minutes, including the exact wording of motions and the names of trustees who made the motions.

If someone makes a motion but no one seconds it, it is then not a formal discussion item and does not have to appear in the minutes. Along with recording the vote of the board in the minutes, many boards also include a brief description of the discussion, usually without reference to the names of the participants. All written reports presented at the meeting should be appended to the minutes.

The minutes should be written immediately after the meeting. If prepared by a staff member, they should be reviewed by the board secretary. Board members may find it helpful to receive the minutes (unofficial minutes until voted on at the next meeting) right after the meeting, while the discussions are still fresh. In this case trustees should receive a second copy when the agenda for the next meeting is sent out.

The board secretary must date and sign the final version of the minutes. The board must also maintain a copy of the minutes.

Board minutes are a public record, so they must be available to the public. Many library boards meet this requirement by posting copies in the library or on the website and by making copies available at the next board meeting.

## **6. Reports**

**Committee Reports:** The board should receive regular reports from each committee about its progress. Board members not on the committee should feel free to ask questions and get clarification from committee members. Trustees should receive written committee reports in the agenda package before the meeting. This will save valuable meeting time. If the report includes recommendations that call for a vote, the item should be listed under either unfinished business or new business on the agenda.

**Financial Reports:** Reviewing the financial statement is one of the important monitoring responsibilities of a trustee. Trustees should study the report ahead of time and ask questions if he or she does not understand something. Financial reports can seem routine, but don't become complacent. In difficult fiscal times, the financial report will form the basis of more detailed discussion of the budget.

## **7. Motions**

A motion is a formal request or proposal for the board to take action. Motions usually come from two major sources, committee reports and director recommendations, but board members may make motions at any time in accordance with the [parliamentary guide](http://www.robertsrules.com/) (<http://www.robertsrules.com/>). To make a motion, simply address the president and say, "I move that..." and state the action the board should take. Most motions require that another board member support the request for action by seconding the motion.

Once the motion is seconded, it is restated by the president. The board then begins discussion of the motion. Some motions, such as the motion to adjourn, do not require discussion. By requiring a motion on an issue prior to discussion, the board focuses discussion on agenda items only and stays on track.

After a motion is made and seconded, there should be plenty of time to discuss all the pros and cons of the issue. At the same time, the president and all board members must work to keep the discussion moving toward a decision.

Once the motion has been discussed thoroughly, the president will call for board members to vote on the motion. Trustees may be asked to vote by saying "aye" (yes) or "nay" (no) in a voice vote, by a show of hands or in a roll-call vote. Each vote will be recorded in the minutes.

Abstaining on a motion before the board is appropriate only when a trustee has a conflict of interest pertaining to the issue before the board. Otherwise, a trustee is appointed to express an opinion on the issues and abstaining expresses no opinion.

Once the vote is taken, the president will declare that the motion passes or fails. Upon completion of an item on the agenda, the president moves on to the next agenda item.

## **8. Public Participation**

One way to get the public to participate is to let them know they are welcome. Trustees should let members of the public know that the trustees of the library value their opinions and want to hear about community concerns/issues by setting a Citizens' Time as a regular

part of the meeting agenda. Even the busiest board should make room for this important item.

Establish the ground-rules for public participation, including a specific time limit for each speaker and sign up procedures. Trustees should get public input, but not lose control of the meeting. Customer-oriented trustees may wish to respond immediately to a library customer's problem. But don't make snap judgments. It is better for board members to take time to think a matter over and act on the situation at another meeting than to give the matter short shrift or, worse yet, take an action which might be regretted later.

## **9. Decision-Making Process**

Board deliberations should follow this process:

- **Define the issue clearly:** This is best done by making a motion. If trustees are not clear about the intent or meaning of the motion, ask the maker of the motion for clarification. It may be necessary to ask that the wording of the motion be amended to ensure clarity.
- **Study the information:** The director and committee reports are standard sources for information about the issues that come before the board. Call on outside experts when necessary. Good decisions are made through a process that includes enough information, expert advice, experience, vision and exchange of ideas among board team members.
- **Consider the alternatives:** Approach every issue with an open mind. Play the "devil's advocate," ask the tough questions and encourage other board members to voice their opinions. Even a strong recommendation from the director or a board committee must not be accepted without a hard look at the possible alternatives. The director and committees should be expected to provide a list of alternatives they considered in arriving at a recommendation.
- **Seek assistance:** Expect a recommendation from the director. Seek help from outside the board, including attorneys and other specialists who can guide the board in making decisions. Remember that no matter who recommends what or who advises on how to vote, the board has the ultimate responsibility for the decisions that are made.
- **Assess the issue in light of the library's mission and long -range goals:** Every decision the board makes should be consistent with the mission of the library and its long range plan and be for the greatest good of those who use the library.
- **Project the consequences:** A board decision cannot be made in isolation. Trustees must consider how this decision will affect people, programs and plans. How will the community be affected by the decision? Are there possible legal problems with this decision? Will a decision to spend money in one area mean that less money will be available for other areas?
- **Reaching a decision:** Set aside personal bias and emotions and cast a vote for what is the best decision for the library. Many of the decisions the board makes will be done by consensus. Consensus simply means that all board members can live with and support the decision, even though it may not be each board member's first choice. Building consensus helps avoid creating a win-lose atmosphere and forces a board to discuss an

issue more thoroughly. Compromise is at the heart of arriving at consensus. Once a decision is made by the board as a whole, all trustees should support it regardless of how he or she voted.



## Chapter 4: Effective Planning

### 1. *Strategic Planning*

Planning is one of the major roles of a library board. A good plan is a road map and assists the board and the director in making decisions that are the best ones for the community being served. It also publicizes the library's priorities and its vision of the future.

A library should undertake a formal planning process every three to five years to re-evaluate the library's service to the community and its future. Planning involves looking at what is possible and considering a wide range of alternatives.

Planning will be most effective when it involves a partnership between the board and director and includes obtaining input from the members of the public, as well as from staff.

#### **a. Needs Assessment**

The first step in the strategic planning process is to find out what the needs of the community are. This can be done by conducting a SWOT (strengths, weaknesses, opportunities and threats) analysis, which looks at external trends and forces as well as library strengths and weaknesses.

When conducting an external needs assessment remember to focus on:

- Identifying important community trends and issues in which the library might have a positive impact; and
- Identifying important social/demographic, technological, educational, economic, ecological, legal, and political trends in the community.

#### **b. Mission and Vision Statements**

An effective mission statement focuses on what is important to the library. It identifies the library's purpose, its customers, values, and what makes it unique. The library's vision statement is an idealized description of a desired future outcome that inspires, energizes and helps create a mental picture of the target.

#### **c. Goal Setting**

Goal setting involves establishing specific, measurable and time-targeted objectives that will be used to measure how goals are being achieved. Goals are general, non-measurable descriptions of conditions or accomplishments which will support the library's mission.

When developing your objectives, make sure that they are SMART: specific, measurable, achievable, relevant and time-targeted.

#### **d. Timeline and Action Items**

It is important to identify the following for each objective –

- Who is responsible for carrying out the objective?

- What is the deadline by which it must be completed?
- What resources are needed to successfully carry out the objective?
- How will success be measured?

This step is important because it ensures that nothing falls through the cracks. Each item is someone's responsibility and there is no confusion about what is expected from everyone.

As a general rule, goals are set by the board and objectives are set by staff.

## **2. Stakeholder Involvement**

### **a. Library Director**

The director works collaboratively with the board during the entire strategic planning process. The director serves as a resource for what is happening in the library, including programs, services, and staffing, and where gaps exist in meeting community needs.

### **b. Staff**

The staff will be ultimately responsible for implementing the goals that come out of the strategic plan. It is always a good idea to involve staff in the planning process as this will create support and buy-in for any recommendations.

Trustees can solicit staff input through focus group meetings, staff surveys, or group interviews.

### **c. City/County**

The local city/county government will most likely provide the funding for the library's strategic initiatives. It is important that trustees involve local city/county officials in the planning process. The board can identify key stakeholders and board members can meet with each stakeholder face-to-face or over the phone to discuss current trends and what stakeholders would like to see the library provide to the community.

This is also a great opportunity to market the library and develop partnerships with city/county officials.

### **d. Library Customers**

Trustees should definitely want to hear what library customers have to say about the library. Particularly what is working well, what is not working well and what services or programs customers would like the library to start offering.

Information can be obtained through surveys or by scheduling focus groups at the library - maybe after the most popular programs.

**e. Non- Library Users**

Trustees should have focus groups with key community groups in order to hear what services would make the library useful to members of the community who are not currently utilizing the library.

## Chapter 5: Effective Policy Making

### ***1. Developing Policy***

A policy states the course of action the board, the director, or staff members should take in dealing with a specific problem or issue over a period of time. Policies give broad direction for handling a situation or set of circumstances. The policy then becomes the standard for dealing with that problem today and in the future. **Policies flow from, and should be consistent with, the library's mission statement.**

While only governing boards of trustees usually have the legal responsibility and authority to make policy, experience shows that the process works best when the library director and staff are involved in researching options, drafting policies, presenting a report, as well as recommendations to the board. The library's staff has access to best practices from various communities and can adapt them to the needs of the library.

Chances are the board will not anticipate every issue. But there are ways to anticipate the need for a policy and to define clearly the nature of the problem. The director will, through his or her experience and contacts in the profession, identify needs. The board will also become aware of needs as trustees read library literature and talk with fellow trustees at state or national trustee meetings.

Sometimes the library may not really need a policy. If the issue occurs rarely or if the ramifications of it are inconsequential, a policy is probably not needed. Maybe all that is required is a decision on the issue at hand.

Because library staff actually carry out the policy, make sure the wording and intent of any new policy is clear and unambiguous. The director will create the first draft and present revisions until all board members are satisfied. Be patient and be willing to work on it until something that everyone can support is developed.

Be sure the chosen policy does not conflict with existing policies. Check with the board's attorney to be sure all the legal requirements have been met.

### ***2. Adopting Policy***

The final written policy must be approved at a scheduled open meeting of the board.

Once the board adopts policies, the board, with information provided by the director and staff, evaluates and supports them. The board also participates in modifying existing and creating new policies as needed to keep the library running well.

### ***3. Reviewing and Updating Policy***

The board should regularly review all policies to ensure they are keeping up with community and technology changes.

During the review, determine which policies are still applicable, which need revision, and which should be discarded. Based on the review, ask the director to update the policy manual.

#### **4. Policy Manual**

Make sure the library's policies are kept in a manual that can be updated and altered as circumstances change. It is a valuable tool for the community and should be an easy reference tool for library staff. Each library should have at least one copy of the policy manual at each facility. It should also be placed on the library's intranet.

If you don't have a policy manual, create one as soon as possible by having a staff member and/or board member examine board minutes to unearth all of the policies the board has adopted in the past, and revise or update them as appropriate. Some of these policies are cited in the [Laws of Maryland Relating to Public Libraries](#) ([http://www.sailor.lib.md.us/MD\\_topics/lib/MD\\_PUBLIC\\_LIBRARIES\\_08E.pdf](http://www.sailor.lib.md.us/MD_topics/lib/MD_PUBLIC_LIBRARIES_08E.pdf)). It is important to avoid conflicts with these laws.

Every library is different, but the manual should include policies that cover:

- Administration and Governance (bylaws, conflict of interest, mission statement)
- Circulation Policy (fines/fees, equipment use, confidentiality of records)
- Collection Development (purpose of collection, selection criteria)
- Interlibrary Loan Policy (reciprocal partnerships, fees)
- Personnel (compensation, benefits, work rules, hiring, evaluation, grievances)
- Public access computers and Internet Use (prohibited sites, privacy, confidentiality)
- Reference Policy (in person, telephone, electronic)
- Services and Programs

Many helpful resources are available from [ALA](#) (<http://www.ala.org/>), [PLA](#) (<http://www.ala.org/ala/mgrps/divs/pla/index.cfm>) or other publications.

#### **5. Communicating Policy**

A policy does little good if no one knows about it. The director and staff must adopt procedures to implement the policy and to inform and train staff. It is also appropriate for these policies to be on the library's website and accessible to the public.

#### **6. Policies and ALA**

What happens if the board adopts a policy that conflicts with the policy of the American Library Association? In a word - nothing. The board is responsible for balancing the best interests of its community with its commitment to intellectual freedom.

[ALA's policies](#) (<http://www.ala.org/ala/aboutala/governance/policymanual/index.cfm>) set the standards for public libraries and every board should review them and incorporate as many as possible into their own policies. But when considering ALA policies, remember that they embody the ideals that libraries strive for. Part of the process of developing a policy the board can defend is to consider community needs and ultimately affirm the board's ability to stand by the board's own policy under real-life conditions.

EXAMPLE: ALA's policy is that access to library materials should not be restricted based on the age of the library user. Suppose your library has a collection of feature film videos and some are rated "R" by the Motion Picture Association of America. That means you must be eighteen in order to see that film in a theater unless accompanied by a parent. Some library boards would allow unrestricted access to that video, and others would not

What does your library do?

If the library's policy departs from ALA's policy, be sure to have a clear, logical and defensible reason that is not in conflict with the board's overall goals.

## **7. Policy Resources**

### **Maryland Nonprofits**

In addition to [ALA](http://www.ala.org/) (<http://www.ala.org/>) and [PLA](http://www.ala.org/ala/mgrps/divs/pla/index.cfm) (<http://www.ala.org/ala/mgrps/divs/pla/index.cfm>) publications, [Maryland Nonprofits](http://www.marylandnonprofits.org/) (<http://www.marylandnonprofits.org/>) is an excellent resource for information on developing policies. If you are a member of the Maryland Library Association, you are automatically a member of Maryland Nonprofits.

## Chapter 6: Funding and the Budget

### 1. State and Local Funds

In Maryland, most of the funding for public library systems comes from a combination of local and state funds. This local/state partnership allows each board to determine the services and programs its own library will provide and also makes possible many state-wide cooperative services such as inter-library loan and staff training opportunities.

**State Funds:** A basic formula mandates the amount of state funding each library will receive. The formula is based on the city/county's wealth and population.

Computation is somewhat complicated but the [State Division of Library Development and Services](http://www.marylandpublicschools.org/MSDE/divisions/library/) (<http://www.marylandpublicschools.org/MSDE/divisions/library/>) can explain the formula and how your library's allocation is determined each year. Although this state money is an essential factor in maintaining Maryland's county libraries, the largest part of most libraries' budgets is financed by local government. However, generally the three regional libraries rely completely on state funding.

**Local Funds:** Local funding levels differ from county to county and Baltimore City, depending not only on the total amount of funds available but also on the ability of library trustees to convey to governing officials the value of library services. But even our best-funded libraries do not have enough money to provide all the services customers want. This is where trustee creativity and resourcefulness is needed.

An option is to seek supplemental funding. Library staff, the [Division of Library Development and Services](http://www.marylandpublicschools.org/MSDE/divisions/library/) (<http://www.marylandpublicschools.org/MSDE/divisions/library/>), and the relationships trustees develop with other trustees from around the state can also help board members identify grant sources and recommend other means of enhancing library programs.

### 2. Federal Funds

The Federal government provides funding under the [Library Services and Technology Act](http://www.ims.gov/programs/programs.shtm) (LSTA) (<http://www.ims.gov/programs/programs.shtm>) for special programs and projects. Some of these funds are granted under a competitive process while others are outright or set-aside grants. Different federal agencies award grants for specific special projects as well.

### 3. Private Funds

#### a. Library

Libraries qualify for tax exempt donations, but many large corporations or charitable foundations will not make contributions to organizations that lack a 501 (c) (3) or (4) designation from the Internal Revenue Service. To obtain this designation, an application must be made to the IRS to establish a Library Foundation. Acquiring this designation is almost always worth the work, because with it the library can attract donations from individuals and groups who do not make contributions without assurance of proper tax credit.

A foundation can be established to help with major projects. These projects will become the focal point for the foundation and a basis for enlisting community support. Once the foundation is established as a not-for-profit organization, it will grow as new projects that need support are targeted.

### **b. Foundations**

Investigate private foundations as possible funding sources. Each foundation has its own requirements and may place some restrictions on its grants. Foundation grants may also require some matching funds. There is intense competition for many of these grants, so be prepared to invest some time in preparing your request.

## **4. Other Funding Sources**

### **a. Fines and Fees**

Fines for overdue materials generate a surprising amount of cash. Miscellaneous revenue is also generated from fees for use of copy machines or for special, extra services. Remember when setting fines and fees that the purpose is to help cover extra costs, not to turn the library into a for-profit business.

Some counties are able to charge residents to rent specific materials ([Laws of Maryland Relating to Public Libraries](http://www.sailor.lib.md.us/MD_topics/lib/MD_PUBLIC_LIBRARIES_08E.pdf) ([http://www.sailor.lib.md.us/MD\\_topics/lib/MD\\_PUBLIC\\_LIBRARIES\\_08E.pdf](http://www.sailor.lib.md.us/MD_topics/lib/MD_PUBLIC_LIBRARIES_08E.pdf)) § 23-405 (b)). However, all library fee policies must comply with state regulations. In some cases your fines will go directly to the city/county. Check your library bylaws.

### **b. Gifts**

A monetary gift becomes part of the library's regular operating income and is treated under the same guidelines as any other type of revenue. The exception to this rule is when the donor designates that the gift be used for a specific purpose. Then it must be entered into a separate account where it may be used only for the purpose designated by the donor and does not become part of the general operating budget.

Be thoughtful when accepting gift money with strings attached. If it's designated for a one-time purchase, such as buying a new computer, you're in luck. But if it sets up something that will require future commitments, such as a special collection, think twice. The library may want the collection this year, but will that still be the case ten years from now? Does accepting the designated gift require the library to maintain a service indefinitely?

### **c. Friends**

Many public libraries have Friends of the Library groups that help promote the library and also raise money for library projects. From dinners to read-a-thons to contests, bake sales and used book sales, the ways Friends groups can raise money to help meet library needs are almost endless. Proceeds from these fundraisers won't pay the monthly bills and shouldn't be relied upon in calculating the on-going



operating budget, but they do come in handy for the extra things such as staff training, leadership development or strategic planning costs.

#### **d. Bequests and Endowments**

Sometimes patrons will leave bequests or an endowment to the library. There are often restrictions or limitations on the use of the funds. These restrictions must be followed. The board may want to appoint an outside institution, or a board of directors, to manage the fund in accordance with its guidelines.

### **5. Fundraising**

This is one of the less publicized roles of the library trustee. The board should participate in assessing fundraising targets and have clear obligations regarding solicitation of funds.

Many libraries are now taking a longer-term, broader view of fundraising. To maximize the amount and the dependability of funding from non-governmental sources, many library boards have created staff positions dedicated to this effort. These positions are responsible for identifying and pursuing extra funds for the library operation.

Discuss options and library needs with the director before making any decisions.

### **6. Budgets and the Budget Cycle**

Library boards regularly deal with two kinds of budgets: an operating budget and a capital budget. In general, the operating budget is for on-going expenses and the capital budget is for large one-time expenses such as a new building or a new automation system.

The library director and administrative staff prepare both budgets for review and approval by the board of trustees. The board provides input, recommendations, and makes sure money is available to meet library goals.

#### **a. Operating Budget**

An operating budget, even after approval, is a work-in-progress. Reviewing it is an on-going process. Board members are responsible for continuously monitoring the budget and making changes to line items as needs shift.

Information for a budget request comes from several places.

- **The library strategic plan:** The goals and objectives for the library are set and revised as part of the planning process (see Chapter 4 - Effective Planning). New services will cost money and these related expenses must be calculated in order to place the costs into the new budget.
- **The monitoring function:** Throughout the year, board members monitor income and expenditures (see Chapter 7 - Effective Financial Management) and this information will also be used to project costs in the new budget.
- **Results of the annual audit:** Boards use the results of the annual audit (see Chapter 7 - Effective Financial Management) to evaluate the library's financial condition. They may be required to assess which areas of the

library's operations may need tighter controls. For example, if the auditor suggests that an inventory control system is necessary in order to protect library assets, it is up to the board to decide if that is an appropriate recommendation or not.

After the board has formally approved its budget and the action is recorded in the official minutes, the request is submitted to the governing authority. In some cases, the process for considering budget requests involves the library director meeting with the local government's County Executive and/or Chief Financial Officer who then submit the budget and defend specific requests before elected officials. Other times the library director presents and defends the budget to the council/commissioners in a public meeting.

This is an opportune time to be present and show support.

Budget hearings can be quite complicated. It is often helpful for trustees to appear at public hearings to show support and advocate for the library's requests. If so, as many trustees as possible should attend the hearing. Everyone should know the entire board supports the request.

### **b. Capital Budget**

Capital budgets are necessary for large projects such as a new branch or materials handling system. These projects usually require different phases that cover an extended period of time. For example, funding for a new building might be allocated in year one for site acquisition, year two for architectural design work, and year three for construction of the facility. Most local governments have a five-year capital improvement plan into which major projects of all city/county departments and agencies are scheduled.

The capital budgeting process differs in the City of Baltimore and from county to county. After the amount of the budget request is determined, trustees might explain or even defend it before a planning commission and/or the local governing body. It is possible that it may all be handled by a representative of the city/county government.

In any case, at some point the local elected officials will make the final determination as to whether the project will be included in the capital budget, and if so, when it will be implemented. It is important to get the project scheduled, even if it is not implemented for several years. Half of the success in capital budgeting is to get the project "on the books."

The role of the board of trustees is to put together a capital proposal and to work, via advocacy (see chapter 9) to ensure its approval.

After the project is approved, implementation varies, depending on the type of project and the local government's procedures. For example, a building project typically requires board involvement and approval to select a site, choose an architect, determine building specifications and furnishings, and monitor progress.

In some localities, the city or county's public works department is responsible for bids and contracts and for working with the contractor to complete the building. Ideally, jurisdictions acknowledge the library as a partner in this process.

On the other hand, an automation project is much more dependent on library expertise and the local government might act merely with the project's procurement finance requirements. Some local governments will allocate capital money directly to the library board, and the board is just as responsible for financial control as it is for the operating budget.

No matter how the governing body handles capital projects, library trustees are always responsible for

- knowing what library services the public needs and wants;
- deciding how best to provide those services; and
- mobilizing support for the necessary capital projects needed to support the services.

### **c. Budget Reductions**

Dealing with budget cuts is always unpleasant. Decisions involving what services or programs will need to be cut can seem impossible. Options may include reducing hours or closing branches on “less busy” days, or even reducing staff. Cuts in the library material budget can be substantial and also have a huge impact on meeting the needs of the community and its’ customers.

There is no magic bullet or easy way to deal with budget cuts.

The library director will help by providing information and statistics on the various options to minimize the impact of budget reductions.

One thing that is helpful is being transparent, open and honest about what the library is facing to both library staff and customers. When there is no information, mis-information will fill the gap and may lead to anger and angst.

For more information on effective financial management see Chapter 7, Section 7.

### **d. Budget Increases**

As a board member it is appropriate to approach the local governing body to make the case and ask for additional funds.

Decisions on how to spend additional money can be very difficult. Deciding which branch will get additional funding or which programs should get more money can be a challenge.

Make sure to work closely with the director on prioritizing how to use budgeted funds to best meet the needs of the library and the community.

## Chapter 7: Effective Financial Management

### 1. *The Public Trust*

The root word of trustee is *trust*. The public trusts board members to guard its assets and to see to it that these assets are used efficiently, effectively, and carefully. In order to do this it is good practice for the board to periodically devote part of the meeting to financial education from the library director as well as from financial experts and advisors.

### 2. *Governing Principals of Financial Management*

In order to be successful in handling the library's finances, a board member has to base his or her actions on the following two governing principles of financial management.

1. Follow the *prudent person* rule - govern this public institution using the same level of judgment and care which "persons of prudence, discretion and intelligence" exercise in the management of his or her own affairs.
2. Exercise *due diligence* - be very, very careful.

The outcome of the budget process (see Chapter 6 - Funding and the Budget) is the library's operating budget for the new fiscal year. This budget tells the board what the library's income will be for the year and how much the board can spend in each category of your budget.

Now the board, with supporting documentation from staff is responsible for tracking expenditures against the budgeted amounts and ensuring accurate documentation of all financial transactions.

Maryland law also requires the board to hire an independent auditor to report on all of the past year's business and financial transactions. {[Laws of Maryland Relating to Public Libraries](#) [[http://www.sailor.lib.md.us/MD\\_topics/lib/MD\\_PUBLIC\\_LIBRARIES\\_08E.pdf](http://www.sailor.lib.md.us/MD_topics/lib/MD_PUBLIC_LIBRARIES_08E.pdf)] § 23-405 (e)}. Once the auditor has presented the report, it is the board's job to take the findings and recommendations seriously and consider them in context of the current library situation.

### 3. *Financial Reporting Time Line*

According to the [Laws of Maryland Relating to Public Libraries](#) ([http://www.sailor.lib.md.us/MD\\_topics/lib/MD\\_PUBLIC\\_LIBRARIES\\_08E.pdf](http://www.sailor.lib.md.us/MD_topics/lib/MD_PUBLIC_LIBRARIES_08E.pdf)) § 23-405 (e)(3), the board must make an annual report to the County governing body and the State Superintendent of Schools on or before November 1 of each year. Baltimore City and counties that have populations in excess of 500,000 and a county library agency can submit their report by January 1.

Working with the director, the board might want to develop a timeline and a budget calendar with key dates for completion to help keep track of what is due when.

#### **4. Approving Expenditures**

Maryland library boards vary widely in the way they approve individual expenditures. Some libraries assign a staff person to write checks and require two board members or the board treasurer and president to sign each check.

Several boards allow the director to sign checks; the treasurer then reviews the monthly bills. Others review the bills and authorize the county to write checks against the library's account.

Regardless of how the board chooses to pay its bills, the important point is that the board requires some formal approval procedure and that board members exercise due diligence to make sure the library's money is spent properly and in accordance with the budget

#### **5. Understanding and Reviewing the Financial Statement**

Maryland libraries operate under different financial arrangements, but the responsibilities of trustees are similar. Whether the board gets the money directly and writes its own checks or whether the city/county government handles the transactions for the library, each board and board member is responsible for making sure the budget plan is carried out and that it remains balanced. The primary instrument used to do this is the library's monthly financial statement which should be reviewed carefully each month.

In order to effectively review the statement, trustees must first understand it. The trustee orientation process should include a thorough explanation of the library's financial statement. Trustees must ask questions until he or she fully understands the statement. It might be a good idea to periodically include time on the agenda to have the director or treasurer explain the financial statement and respond to questions.

A good financial statement is accurate, concise, and clear. The sources of expected income and categories of expense should be specific enough for trustees to monitor library activities, but not so specific as to get bogged down in details.

The Financial Statement will include the:

- total income;
- total expenses; and
- fund balance.

Libraries do not spend or receive money at an even rate over the fiscal year. So it is not just a matter of dividing the total by twelve and multiplying by however many months have passed in the fiscal year.

Totals for income and expenses will give the board a broad overview but to really keep a handle on the budget trustees must look at the individual accounts. The library director will highlight any unusual or unexpected expenditures as well as any changes in the budgeted income, during the financial report at each board meeting.

The best way to maintain a balanced budget is to project year-end totals in each budget line and include a separate column for these projections in the monthly financial report. The projections will pinpoint areas where the board may need to adjust the budget. Projections

play an important role for the board as a financial monitor, since they promote on-going planning and the exercise of control—both of which are necessary for good financial management.

## **6. Budget Amendments**

Since the operating budget may be prepared as much as a year in advance and is usually set formally several months before the beginning of the fiscal year (July 1), even the most carefully planned budget will not be completely accurate. The library may receive more income than expected (what a happy surprise) and the board will have to decide what to do with the additional funds. Or the library might have a large unexpected expense, or decide to spend less in some accounts and more in others. To accommodate these changes, the board must amend the budget.

Some Maryland public library boards can make changes to individual accounts within their total budget allocation, while others must ask for city/county approval. No matter how the system operates, the board approves changes according to policy and the secretary records the changes in the official record.

## **7. Expenses/Income**

In the event that expenses exceed income, the library has the following three alternatives:

1. **Reduce costs:** There are generally only three major categories in every budget
  - i. on-going expenses (such as rent electricity, and heat);
  - ii. personnel; and
  - iii. materials.

Cutting back in any of these categories can have an adverse impact on the quality of library services and staff morale.

2. **Requesting additional money from the local government:** At times a local government may ask for a supplemental budget request. In cases of extreme emergencies such a natural catastrophe, the board may need to approach the local government for additional funds.

Later in the fiscal-year, it is always possible that the actual city/county revenue will exceed projections and there will be enough to help the library. It's worth a try. All they can say do is say no—and they may say yes.

3. **Identify other sources:** - As discussed in the previous chapter (Chapter 6: Funding and the Budget), there are sources of income outside of government funding. While it's not a good idea to depend on grants or fund-raisers to provide on-going funding of the regular operating budget, these sources, or fund balance, may get the library through the current year; just don't depend on them for recurring expenses. Generally the board should use one-time income for one-time expenditures, because the regular budget needs continuous secure funding.

## **Income/Expenses**

If income exceeds expenditures, what the board can do with the surplus may depend on the city/county's policy. In general, Maryland counties are allowed to retain the money and spend it during the fiscal year with the appropriate expenditure approvals, or add it to the library's fund balance at the end of the fiscal year. Some counties require the money be sent back to the local government's general fund. Find out from the director what applies to the library.

## **8. Annual Audit**

Maryland law requires the library board to provide an annual audit of its business and financial transactions by an independent accountant approved by the State Superintendent of Schools, [Laws of Maryland Relating to Public Libraries](http://www.sailor.lib.md.us/MD_topics/lib/MD_PUBLIC_LIBRARIES_08E.pdf) ([http://www.sailor.lib.md.us/MD\\_topics/lib/MD\\_PUBLIC\\_LIBRARIES\\_08E.pdf](http://www.sailor.lib.md.us/MD_topics/lib/MD_PUBLIC_LIBRARIES_08E.pdf)) § 23-405 (e)(1). The board must make the results of these audits public and report them to the city/county government and to the State Superintendent § 23-405 (e) (2).

A good audit is a useful management tool. The auditor will report on both the library's financial condition and its business practices. Critically review the information provided by the auditor and decide what should be implemented and what does not need to change.

It is in the library's and the trustees' best interests to discover areas that need improvement such as inventory control, check-signing, insurance, or methods of handling cash receipts – and to make these changes.

Don't simply read the auditor's report; instead invite your auditor to a board meeting to report in person. Ask a lot of questions and probe for the pros and cons of all recommendations.

## Chapter 8: The Library Director

### 1. *Hiring a Library Director*

#### **a. Search Committee**

The first step in the recruitment process is to form a search committee to determine what kind of leader the library needs, what skills the new director must have, and what is expected of the new director.

The board as a whole can function as the search committee, or the board might involve key stakeholders /community members to serve on the committee. Another option is to have two or three board members form a subcommittee to review the applications and recommend candidates for the full board to interview. Many boards employ a library consultant to assist in this process.

Regardless of the structure of the search committee, make sure the duties of the committee and the deadlines are clearly articulated and understood.

#### **b. Recruitment Process**

If the library can afford it, the board might consider hiring a library consultant to help the board with the search. The [Division of Library Development and Services \(DLDS\)](http://www.marylandpublicschools.org/MSDE/divisions/library/) (<http://www.marylandpublicschools.org/MSDE/divisions/library/>) and the [Library Leadership and Management Association \(LLAMA\)](http://www.ala.org/ala/mgrps/divs/llama/index.cfm) (<http://www.ala.org/ala/mgrps/divs/llama/index.cfm>), can direct the board to these professionals.

##### **i. Developing the Job Description**

Review the existing job description to ensure it is up to date and reflective of the current and projected needs of the library and make the necessary revisions. If no written job description exists, the board will need to write one before continuing with the hiring process.

The job description should include, at a minimum, the following sections:

- Essential job functions

- Required knowledge, skills, and abilities

- Qualifications – to include education, experience, certifications

##### **ii. Advertising the Position**

The job description should be used to write the job announcement. The job announcement should include:

- a description of the position

- required education and experience

- desirable areas of expertise and work experience



- salary range and benefits offered
- a brief description of the library and community
- why a top candidate would want to work for this library
- the application deadline
- request for the applicants' resume and professional references
- information on where to send applications

Many local governments have policies regarding what types of advertising must be done, and may also have an advertising budget. If the city/county has a Human Resources department, check with them before placing ads.

The job opening should be publicized nationally. Ads can be electronic (discussion lists, library websites) and/or print (newspapers, library journals). Make sure to check publication deadlines and fees and how they fit with the job search time line and budget.

### **iii. Reviewing Applicants**

As applications arrive, each should be marked with the date of arrival to determine whether it falls within the deadline. Applications should also be acknowledged (via e-mail or letter) by the search committee or consultant.

Before applications are reviewed, criteria should be developed and used to rank them. It will be helpful for the board to develop a form to screen and compare each applicant's qualifications with the requirements of the position.

A phone interview with preliminary candidates is a helpful way to prescreen candidates for an interview with the board.

### **iv. Interviewing**

It is important to compare candidates using the same criteria. Before interviewing candidates, develop a list of questions that will be posed to each. Topics to cover in the interview include management and fiscal philosophy, intellectual freedom, technology, trends, the library's role in the community. It is illegal to ask certain questions of candidates, such as marital status, age, or family plans.

As part of the interview, arrange a tour of the library, meetings with staff, and an opportunity for the candidate to learn about the community. The board might also want to ask finalists to prepare a presentation and hold open forums for key stakeholders, staff, and community members.

Always keep in mind that while the board is interviewing the candidates, they are also interviewing the board and the library – so put your best face forward and be prepared to answer a lot of questions.

#### **v. Selecting the Final Candidate**

Use an evaluation form to record candidate responses and board member impressions.

Once all of the finalists have been interviewed, the board should discuss and rank the finalists.

**NOTE:** As a general rule, the search committee conducts the screening and the full board interviews all the finalists.

Check references before offering the position to a candidate. When calling references, agreed upon questions should be asked with space on the form for search committee members to write down responses. The search committee may want to seek out references other than those listed.

Be aware, some employers will only verify information such as dates of employment and last salary earned.

The top candidate should be offered the position by telephone. When a candidate accepts the position, follow up with a letter of agreement indicating date employment begins, salary and benefits. The board should offer a formal employment contract. Notify other candidates that they have not been selected immediately after the job offer has been accepted in writing. If the candidate declines the offer, decide if another candidate should be offered the job or if the search should be reopened.

#### **c. Setting Compensation and Handling Negotiations**

When considering the salary range for the new director, remember that the market for library directors is very competitive. If the board wants to attract the most qualified candidates, it must offer a salary commensurate with the experience and talents required.

Pay as much as the library can possibly afford. Be sure to consider that total compensation includes more than salary. A good fringe benefits package may be the deciding factor in recruiting the candidate of choice.

The board must also determine whether it will pay interview expenses (transportation, lodging, food) and relocation costs if the selected candidate must move into the area to accept the job.

It is likely that the board will need to negotiate employment terms with the final candidate. Leave room to allow for some flexibility.

Once the offer has been accepted, it is time to prepare and send the offer letter and employment contract.

The following are items that are typically included in an employment contract:

- Scope of employment (responsibilities, accountability)

- Terms of employment – at- will

- Contract period
- Compensation and benefits
- Paid time off
- Performance review
- Professional development
- Notice of resignation period
- Termination for cause
- Severance pay

The consultant hired to assist with the search or the board's attorney can help draft the employment contract.

#### **d. Orienting the Library Director**

It is not uncommon that the new library director will be moving from another state or county. Assisting the new director with his or her relocation sets a good tone for building an effective working relationship. Providing information on schools, housing, where to shop, eat and interesting places to visit in the community, can be very helpful in smoothing the transition.

Arrange for a press release to announce the new director to the community. An open house or reception hosted by the board, and assisted by the Friends of the Library, is a standard courtesy.

Make sure to personally introduce the new director to staff members, trustees, community representatives, and local government officials as soon as possible.

## **2. Evaluating the Library Director**

### **a. Evaluation Should Not be a Surprise**

The board should have a structured process for evaluating the director. As a general rule, formal evaluations occur once a year. However, it is important to provide constructive feedback to the director *on an ongoing basis throughout the year* and not wait until the formal evaluation. In this way problems (if any) are addressed and corrected as they occur, successes are recognized, and strengths are continuously reinforced.

### **b. Setting Evaluation Criteria**

The purpose of the evaluation is to encourage strengths and discuss areas for improvement. It is likely that the board already has an evaluation process in place. If not, check with the city/county for a copy of the evaluation process they use for department heads and customize it to suit the library.

It is important to use the evaluation process for department heads because the evaluation criteria for these positions differ from the criteria used for staff

evaluations. The department head evaluations will have additional sections such as leadership and budget responsibility that staff evaluations generally do not contain.

Typically the form used in the evaluation process will include the following criteria upon which the director will be reviewed: library goals, the job description and competencies.

A few typical examples under each category are:

#### Library Goals

- Use of the library
- Collection management
- Construction and maintenance of library facilities
- Community engagement

#### Duties Outlined in the Job Description

- Preparing and managing the budget
- Managing staff

#### Competencies

- Communication
- Leadership
- Decision-making
- Initiative

### **c. Conducting the Evaluation Discussion**

The evaluation information (including the completed forms, feedback from board members and feedback from staff (if appropriate), is compiled by the board president.

Once the evaluation form has been completed it is time for the evaluation discussion. The discussion should take place during an executive session of a regularly scheduled board meeting, since personnel matters are not discussed in open sessions.

In many libraries the board president conducts the discussion in private with the library director after collecting input from board members.

The board must not take the evaluation discussion lightly. It is an important discussion that communicates board expectations and sets the tone for the next year. The evaluation discussion may be seen as difficult by some and requires a lot of preparation if it is to be done right.

The board president must be prepared to explain feedback and support comments made by the board with specific examples. In the event that only one or two members provided particular feedback, especially if negative, the president should

learn more about it and where it is stemming from before sharing it with the director.

Ask the director for his or her reaction to the board's feedback. When improvement in an area is called for, ask the director how he or she will overcome the barrier and in what timeframe. Be sure to recognize and encourage achievements.

At the conclusion of the discussion, the director should have a very good idea of what the board expects of him or her. The information shared during the evaluation should not be a surprise because the director and the board should have been communicating on these topics/issues throughout the year.

### **3. *Creating a positive relationship***

#### **a. Communicating effectively**

Open and honest communication is the cornerstone to a successful relationship with the director. Communicating effectively helps build trust, respect, facilitate learning and accomplish goals.

Effective communication is comprised of two parts:

- 1) Active listening; and
- 2) Speaking.

When speaking it is important to express what you think, feel or want in a clear, honest and non-defensive manner. But just as important as getting a point across is to hear what is being said.

Active listening is a way of listening for meaning by checking with the speaker to see if what is being said is correctly heard and understood. Active listening acknowledges the thoughts, ideas and feelings of the speaker.

When people feel heard they are more likely to open up, share ideas and find common ground.

For more information on communicating effectively go to <http://www.umext.maine.edu/onlinepubs/PDFpubs/6103.pdf>

#### **b. Building trust**

It takes time to build trust because it results from the confidence felt based on a track record of behavior. In order create a positive track record for the library director (and ultimately build trust), the board must make a conscious effort to always communicate effectively with the library director.

Communication must be regular, ongoing, open and honest. Trustees must clearly articulate what is working well and what is not, and make sure that the director has the resources needed to be effective. The director must also be open and honest in communicating what can be done with the resources available, and in what timeframe, and deliver on that.

Be patient, it will not happen overnight. Keep working at it. It is critical to ensure that the competent and committed director remains with the library and his or her commitment stays strong. The interactions of the board with the director, the support, encouragement and recognition given, is a catalyst in whether the director stays or leaves.

## Chapter 9: Supporting Partnerships

Relationships are critical to the library's success. It is important that the board support the director and library staff in developing and maintaining partnerships with other libraries, local government agencies and community organizations.

As a general rule, the library director identifies partnerships that will be beneficial to the library and brings this information to the board. The director works closely with the board on developing strategies for developing and maintaining these relationships.

When deciding who to partner with, it is important to keep in mind that a partnership is a **reciprocal relationship**. It is in the library's best interest to conduct an assessment of what each party (or just the library) gains as well as gives up (a cost/benefit analysis) before seeking to partner with a particular group.

### 1. Other Libraries

Maryland Libraries have a long standing culture of sharing and cooperating with each other. Maryland public libraries operate under a reciprocal relationship. Every Maryland resident is entitled to use his or her library card to borrow materials from any Maryland public library and return the items to any other public library in the state free of charge. Academic libraries in Maryland also participate in interlibrary loan activities.

The Enoch Pratt Free Library in Baltimore City acts as the [State Library Resource Center](http://www.slrc.info/) (SLRC) (<http://www.slrc.info/>). SLRC provides materials to library customers statewide.

Western Maryland, the Eastern Shore, and Southern Maryland each have regional library organizations, which support the county libraries and facilitate cooperation in each region.

Trustees should become aware of the kinds of libraries that exist in their community. In collaboration with the library director, trustees should look for opportunities to cooperate with school, academic libraries and sometimes special or federal libraries from sharing staff expertise and automated library systems, to holding joint training activities. Many of these opportunities may save tax dollars and increase services to library customers.

### 2. Schools

An obvious partner is your local school system. It is likely the library already works with local schools in a number of ways, and could find even more ways to cooperate.

Libraries and schools have a lot in common. Both have a major stake in literacy, and often both can work together to develop and promote summer reading programs, author events, or even awareness of current school assignments. Some libraries and schools also share Internet access, link their web pages, or provide training for the other's staff.

Find out from the director how the library is partnering with local schools and discuss opportunities for increased partnerships, if appropriate.

### **3. Local Government**

Our libraries have many common goals with other local government agencies; working together helps everyone deliver services economically. For example, the library can provide citizens with important information such as ordinances, zoning maps, and minutes of council or commission meetings, especially if these resources are not available online or it is after government office hours.

Public libraries can also play a major role in providing citizens with quick and easy access to local government. Libraries can collect community information and provide referrals to government agencies. Library customers and the library benefit each time the library provides government officials with information or hosts local government events. Trustees must work closely with the library director on developing strategies to promote and maintain partnerships with local government agencies.

### **4. Local Businesses**

Local business people are often opinion leaders and decision-makers. Let them know what services and resources the library provides and how local businesses can benefit. Joining the local Chamber of Commerce is a good way to tap into information about community issues, and to gain support for the library.

As with other kinds of partnerships, those between local businesses and the library can take several forms. The library can participate in special events such as business fairs. Conversely, businesses can participate in events the library sponsors, such as programs on resume writing and job seeking. Not only do relationships with local business people highlight the resources the library provides, it can also lead to financial support for some of the library's programs or other special needs. The library director will be able to provide the board with information on existing partnerships or information on businesses the library would like to partner.

### **5. Community Organizations**

When the library works with other community organizations, it increases its visibility in the community and provides both partners with positive public relations, as customers and funding bodies see the organizations cooperating to provide services that people need and use.

Health agencies, social service agencies, and other nonprofit organizations are usually good partners. They have information that may not be available from other sources, and they also seek to increase public awareness. Distributing information about immunization clinics, hosting blood pressure screenings, and staffing a library display at a human services fair are examples of activities that serve the goals of both partners and meet the information needs of the community.



## Chapter 10: Legal Issues

### 1. *Avoiding Legal Problems*

The county attorney's office may provide the board with legal services and/or the board may have to hire an outside attorney and pay legal fees from the board's budget. Even if the board has to pay the bill for legal counsel, it is money well spent.

Legal counsel should not be consulted only when there is a crisis; his or her involvement in routine meetings and activities can help avoid a crisis.

Remember, a trustee is donating time and energy to a very important public service role, and must do all that he or she can to protect him or herself as well as the library.

### 2. *Maryland Code*

The Maryland State Department of Education distributes the [Laws of Maryland Relating to Public Libraries](#) ([http://www.sailor.lib.md.us/MD\\_topics/lib/MD\\_PUBLIC\\_LIBRARIES\\_08E.pdf](http://www.sailor.lib.md.us/MD_topics/lib/MD_PUBLIC_LIBRARIES_08E.pdf)), reprinted as needed from the [Annotated Code of Maryland](#). Trustees need to read through and become familiar with the law but, for specific information and interpretation, consult the board's attorney and talk with [Division of Library Development and Services](#) (<http://www.marylandpublicschools.org/MSDE/divisions/library/>) staff to see if other libraries have encountered similar situations. The library director will help clarify library law and will guide you if it is necessary to seek opinions from the Office of the Attorney General.

### 3. *Legal Resources*

1. Americans with Disabilities Act (ADA)- <http://www.ada.gov/pubs/ada.htm>
2. Children's Internet Protection Act (CIPA) - <http://www.fcc.gov/cgb/consumerfacts/cipa.html>
3. Code of Ethics - <http://www.ala.org/ala/mgrps/divs/alta/links/ethicsstatement.pdf>
4. Confidentiality of Library Records - <http://www.ala.org/Template.cfm?Section=otherpolicies&Template=/ContentManagement/ContentDisplay.cfm&ContentID=13084>
5. Confidentiality of Personally Identifiable Information about Library Users - <http://ala.org/Template.cfm?Section=otherpolicies&Template=/Contentmanagement/ContentDisplay.cfm&ContentID=13087>
6. E-Rate – Telecommunications Act of 1996 - <http://www.ed.gov/about/offices/list/oii/nonpublic/erate.html>
7. Fair Labor Standards Act (FLSA) - <http://www.dol.gov/esa/whd/flsa/>
8. Freedom of Information Act - <http://www.usdoj.gov/oip/index.html>

9. Freedom to Read Statement -  
<http://www.ala.org/ala/aboutala/offices/oif/statementspols/ftrstatement/freedomreadstatement.cfm>
10. Laws of Maryland Relating to Public Libraries – Annotated Code -  
[http://www.sailor.lib.md.us/MD\\_topics/lib/MD\\_PUBLIC\\_LIBRARIES\\_08E.pdf](http://www.sailor.lib.md.us/MD_topics/lib/MD_PUBLIC_LIBRARIES_08E.pdf)
11. Library Services and Technology Act (LSTA) -  
<http://www.ims.gov/programs/programs.shtm>
12. Library Bill of Rights -  
<http://www.ala.org/ala/aboutala/offices/oif/statementspols/statementsif/librarybillrights.cfm>
13. Maryland Open Meetings Law (Sunshine Laws) -  
<http://www.oag.state.md.us/Opengov/Openmeetings/support.htm>
14. Maryland Public Information Act - <http://www.oag.state.md.us/Opengov/pia.htm>
15. USA PATRIOT Act -  
<http://www.ala.org/Template.cfm?Section=ifissues&Template=/ContentManagement/ContentDisplay.cfm&ContentID=32307>

#### **4. USA PATRIOT ACT**

The [USA PATRIOT Act](http://www.ala.org/Template.cfm?Section=ifissues&Template=/ContentManagement/ContentDisplay.cfm&ContentID=32307) (<http://www.ala.org/Template.cfm?Section=ifissues&Template=/ContentManagement/ContentDisplay.cfm&ContentID=32307>) was introduced shortly after September 11, 2001. It stands for "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism."

The act expands the authority of the Federal Bureau of Investigation to gain access to all types of records, including library records, stored electronic data and electronic communications.

In brief:

- The Act authorizes the Foreign Intelligence Surveillance Court to issue an order to the FBI, permitting its agents to gain access to books, records, papers, documents, library circulation records, Internet sign-up sheets, computer hard drives, databases and other media in the library.
- Only the FBI may use the PATRIOT Act as the basis for obtaining information.
- Gag Order: Warrants prohibit the recipient from disclosing the existence of the warrant, or the fact that records were turned over to the FBI. There are two exceptions: the order can be disclosed to any person to whom disclosure is necessary to comply with the orders; and the order can be disclosed to an attorney in order to obtain legal advice or assistance with the production of the items sought by the order.
- National Security Letters (NSL) are written commands to produce certain types of records. They are issued on the authority of the FBI, without judicial approval or

judicial oversight. NSLs are used to obtain particular types of records: electronic communications and transactions; financial records, credit card records, records of large cash transactions and consumer credit records. They are subject to gag orders as described above.

- To ensure privacy and confidentiality for library users, the ALA Office for Intellectual Freedom suggests that libraries avoid creating unnecessary records; avoid retaining records that are not needed for efficient operation of the library; limit the degree to which personally identifiable information is monitored, collected, disclosed and distributed; avoid library practices and procedures that place personally identifiable information on public view.
- Library Policies: Should communicate the library's commitment to protect users' personally identifiable information; inform library users how their personally identifiable information is used, stored and protected by the library; explain under what circumstances personally identifiable information might be disclosed to third parties and law enforcement. As of this writing (September 2009), legislation is pending to amend the library portion of the act. For more information go to <http://www.wo.ala.org/districtdispatch/?p=3703>.

For more information on the USA PATRIOT Act go to

<http://www.ala.org/Template.cfm?Section=ifissues&Template=/ContentManagement/ContentDisplay.cfm&ContentID=32307>.

### **5. Open Records and Confidentiality**

The [Maryland Public Information Act](#) is a series of laws designed to guarantee that the public has access to public records of government bodies at all levels in the state. Public records are defined by the [Code of Maryland](#) to include all paper, correspondence, forms, books, photographs, photostats, films, microfilms, sound recordings, maps, drawings, or other written documents, regardless of physical form or characteristics.

This law requires public entities, including libraries, to provide requesters with copies of most public records. These laws also contain a variety of exemptions that may allow libraries to withhold some of the requested information.

Before responding to any request, it is good practice to seek legal advice for an analysis of the particular situation and the current laws (since the requirements do change).

This will also help the board determine whether any exemptions in the law would allow the library to withhold some or all of the requested information. It is possible that in some cases a library exemption may prohibit the library from producing the requested material.

An example would be in the case of circulation records. Under the [Laws of Maryland Relating to Public Libraries](#) § 23-107, the inspection, use, or disclosure of circulation records is prohibited.

### **6. Open Meetings Act**

For more information on open meetings, see Chapter 3, Section 2.

A library board is a public body, so it is required under the state's Open Meetings Act – Annotated Code of Maryland, State Government, Title 10 Governmental Procedures §10-505 and §10-506 (sometimes referred to as [Sunshine Laws](http://www.oag.state.md.us/Opengov/Openmeetings/support.htm) - <http://www.oag.state.md.us/Opengov/Openmeetings/support.htm>) to conduct its business in open, public meetings. All discussions and decisions must be made in a public meeting.

### **Use of Technology**

**Telephone Conference:** The board can “meet” via a telephone or video conference only if all the following conditions are met:

- there is a quorum;
- the public has access to the discussion; and
- the appropriate meeting notice has been given.

A telephone conference is open to the public if a speakerphone is available at an announced location that is reasonably accessible to the public. A video conference is open to the public if a monitor is available under similar conditions.

In either case, it would be wise to seek legal advice before the board conducts its meetings via telephone or video conference.

**E-mail:** It is acceptable to use e-mail to distribute information to board members but not to transact official business that normally would be required to be done in open session. E-mail should not be used as a substitute for a meeting because you will in essence be conducting the public’s business in private.

## **7. Liability**

The legal power of the board is derived from the board’s actions as a body. These actions are subject to public scrutiny and may be challenged in court. When accepting a position of public responsibility, each board member accepts legal responsibility and the possibility of liability.

To guard against potential liability, avoid the following:

- Acting in violation of the law, i.e., authorizing payment of improper expenses, failing to follow proper rules for hiring;
- Acting in excess of authority, i.e. inappropriate expenditures or exceeding budget spending levels;
- Intentional misconduct, i.e., libel, improper discharging of an employee, theft;
- Failing to act when action should have been taken, i.e., failure to meet contractual obligations; and
- Negligence, i.e., unsafe buildings and grounds, failure to supervise funds.

Liability insurance for the board should be part of the insurance package paid for by the library.

### **8. Insurance Coverage**

Purchase a Directors and Officers Errors and Omissions insurance policy or be sure you are covered through your city/county's policy. Ask the library's legal counsel or insurance agent to explain thoroughly what this coverage does and does not protect you against. The library director will also have this information. The library should already have a policy providing this coverage.

As an option, Maryland Nonprofits provide director's insurance at a good discount.

### **9. When and Why to Call Your Attorney**

It is good practice for the board to have its own attorney (versus the city/county's attorney). Even though it will cost more, it does prevent any conflict of interest issues. It is not best practice or advisable to engage a board member who is an attorney by profession in this capacity.

It is general practice that all communications to and from the attorney are made through the president and the director.

Trustees should develop a working relationship with the attorney. Seek counsel on issues that the board has difficulty with or would like to clarify. Contact the attorney when the board has questions or does not completely understand an issue. Do not wait until there is a crisis. Waiting until then may prove to be too little too late.

## Chapter 11: Advocacy

The purpose of advocacy is to make sure the community has the best possible library programs and service by letting elected officials know how important the library is to constituents.

In advocating for the library, the perception of many local government and elected officials is that the director “is paid to advocate for the library.” Individual board members have no such stake in the expansion or improvement of the library so trustees are more likely to have the ear of these stakeholders.

Advocacy efforts should be ongoing and performed in collaboration with the director. Trustees should work with the director to develop a structured advocacy plan.

Depending on the community, these efforts can include:

- trustees getting to know the local officials (elected and appointed) by contacting them on a regular basis;
- inviting local officials (elected and appointed) to special programs;
- asking local officials to talk with the board about local issues that may affect library strategic planning;
- asking state legislators to speak at library events;
- writing letters to federal legislators frequently so that they come to recognize board member names; and
- getting to know the local representatives of the (Federal) elected officials (these people have a direct line in to the legislators the library wants to influence).

An important part of being an effective advocate is to have a passionate belief about the difference the library makes in the community.

Remember - when people see others they respect supporting the library, they will too. Even things you do informally to promote the library will have a positive impact.

### **1. Telling the Library Story**

Telling the library’s story is a great way to keep library stakeholders and the community informed about library activities and achievements. It is important to keep the library in the public eye all year round and not just when there is a need for additional funding.

The Iowa Library Service Areas and the State Library of Iowa have developed a [Library Story Tool Kit](http://www.statelibraryofiowa.org/ld/tell-library-story) (<http://www.statelibraryofiowa.org/ld/tell-library-story>) to assist Iowa libraries in explaining and demonstrating the value of their services in order to increase use of and support for libraries.

According to the toolkit, elements of storytelling include:

Plot (What is the library story?)

Audience (To whom are we telling the story, and why are we telling "this" story to "them?")

Characters (Who are the important people in the story and what makes us care about them?)

Technique (How are you going to tell the story? Will you write it? Speak it? Live it? Find your own style, hone your delivery, consider new methods and ideas for telling your library's story.)

Script (What are the words that fit together to make the story?)

Props (What can you use to help effectively tell the story? What makes the story believable?)

A new resource on using PLA's Advocacy toolkit is now available from the ALA store. For more information follow this link -

[http://www.ala.org/ala/newspresscenter/news/pressreleases2009/august2009/advocacytoolkit\\_pla.cfm](http://www.ala.org/ala/newspresscenter/news/pressreleases2009/august2009/advocacytoolkit_pla.cfm)

Maryland's public library website [www.everyonelearns.info](http://www.everyonelearns.info) is a valuable tool for all trustees. Learning stories, which are found at the bottom of the screen for the county library systems, will give trustees interesting and authentic stories of the difference that libraries have made in the lives of their customers.

## 2. Lobbying

Lobbying is simply asking for something. It might be additional funding or the passage or blockage of a particular bill. Whatever it is, ask elected officials to do what the library wants done for the good of the library.

Asking elected representatives to do what is right for the library is an important part of the role of a board member. Trustees should work in collaboration with the director to develop the lobbying strategy and message.

There are many helpful resources to help the board with lobbying efforts, including the [Maryland Library Association](http://www.mdlib.org/divisions/legislation/news.asp) (<http://www.mdlib.org/divisions/legislation/news.asp>) and [American Library Association](http://www.ala.org/ala/issuesadvocacy/advocacy/toolsforadvocacy/lobbying/index.cfm) (<http://www.ala.org/ala/issuesadvocacy/advocacy/toolsforadvocacy/lobbying/index.cfm>). The director is always the best resource to start collecting information.

Tips for Success:

**Support legislators who support libraries.** Contribute to their campaigns. Volunteer behind the scenes. Vote for them!

**Do your homework.** Find out what you can about an official, what committees he or she serves on, what issues are of particular interest. Link the library message to something that addresses a key concern.

**Keep a list of names with background and contact information handy for quick action.**

**Meet with legislators.** Legislators are more likely to believe and trust you if they feel they know you. Attend state and national legislative days. Or, make an appointment to go to their offices.

**Get to know their staffs.** Legislative staff members are powerful and make good allies. Be sure to stay current. Offer to brief new staff on library issues. Thank them for their assistance.

**Have a clear message and request for action** (e.g., vote for or against a particular measure; persuade other committee members to support your side).

**Keep them informed of both concerns and successes.** Send copies of the library's newsletter, editorials, articles and other relevant items.

**Always be courteous and thank them,** even if you don't agree.

Aim for **at least one visit** from each legislator a year.

Adapted from ALA - [Working with Government Officials and Legislators](http://www.ala.org/ala/issuesadvocacy/advocacy/advocacyuniversity/toolkit/workingwithgovernment/workingwithgovernment.cfm) (<http://www.ala.org/ala/issuesadvocacy/advocacy/advocacyuniversity/toolkit/workingwithgovernment/workingwithgovernment.cfm>).

### **3. Friends and Foundations**

Friends of the Library organizations are advocacy groups formed to support, improve, and promote libraries. Friends understand the importance of library service to the community and work in a variety of ways to help provide high-quality service and to stimulate the use of the library.

Friends have no agenda in the library and are in the unique position of being able to make enormous contributions in areas like fund-raising, services, public relations, advocacy, volunteerism, and community involvement. Friends activities change as library needs change.

Friends groups often supplement library services and typically sponsor activities such as author luncheons and major book sales. Sometimes Friends organizations form without the help or support of the library board. More often, though, trustees and library staff encourage volunteer library promoters to form a Friends group.

Advantages of Friends Groups

1. The Friends group can have more political impact with elected officials than the trustees do, much like the trustees have more impact with officials than the library director.
2. Friends can reach more community members than individual board members due to their sheer numbers. Friends can raise the level of awareness of library services, needs, and issues throughout the community.

As with any group, purpose, roles and responsibilities must be clearly defined. These must be clearly outlined in the Friends' bylaws and the library board's policies. Even though Friends' groups function independently of the board, the groups must keep the board and the library director informed of all activities.



A good way to do this is to have a board member or staff member attend Friends meetings on a regular basis. It is also a good idea to invite a representative of the Friends to board meetings, when appropriate.

Friends groups can also be excellent sources for new board members. Membership in a Friends group provides many opportunities to show the kind of commitment and ability that is vital in a trustee. Many trustees whose terms have expired have also joined the local Friends organizations and continued to serve the library.

For more information visit the [Association for Library Trustees, Advocates, Friends and Foundations](http://www.ala.org/ala/mgrps/divs/altaff/index.cfm) (ALTAFF) (<http://www.ala.org/ala/mgrps/divs/altaff/index.cfm>) website.

## Chapter 12: Intellectual Freedom

### **1. Defending the First Amendment and Intellectual Freedom**

One of the roles of the board is to protect and defend intellectual freedom. Intellectual freedom is based on the First Amendment of the U.S. Constitution. Intellectual freedom is the right to have access to information, the right of every individual to choose what information he or she wants, and in what form.

Board members must ensure that through the library, the citizens of the community have access to the information the community wants, in accordance with applicable laws, and not what anyone else thinks the community should want or should be allowed to have.

How board members in each library go about defending intellectual freedom will be outlined in the in the board's policies. The library's collection development policy will provide the roadmap on how the board handles intellectual freedom issues.

Other policies that deal with intellectual freedom include policies on the use of library meeting rooms, materials that may be posted on library bulletin boards, or the use of library exhibit facilities.

### **2. Collection Development**

When the board develops or updates the collection development policy, it should research current policies and information from the [American Library Association](http://www.ala.org/ala/professionalresources/collectdev/collectiondev/index.cfm) (<http://www.ala.org/ala/professionalresources/collectdev/collectiondev/index.cfm>), including the [Library Bill of Rights](http://www.ala.org/ala/aboutala/offices/oif/statementspols/statementsif/librarybillrights.cfm) (<http://www.ala.org/ala/aboutala/offices/oif/statementspols/statementsif/librarybillrights.cfm>) and the [Freedom to Read Statement](http://www.ala.org/ala/aboutala/offices/oif/statementspols/ftstatement/freedomreadstatement.cfm) (<http://www.ala.org/ala/aboutala/offices/oif/statementspols/ftstatement/freedomreadstatement.cfm>). These policies set the national standard for public library collection development.

The policy should provide guidance and support to the library staff in its day-to-day decision-making and should cover the following issues:

What criteria will be used to select materials? Public demand, excellent reviews, and local significance are some important factors.

How will the collection be reviewed to ensure that it is meeting the community's needs?

What role in materials selection should customer requests play?

How will gifts and memorials be handled?

What role will networks, consortia, or cooperative relationships play in selection? For example, will your library choose to purchase esoteric material if it is easily available through interlibrary loan?

How often will the collections be weeded, and what criteria will be used?

How will the library dispose of material when it is no longer useful?

How will the format of material affect selection and weeding decisions?  
For example, are there different criteria for selecting print and online material?

How can you incorporate the principles of intellectual freedom into the policy?

How will library staff handle complaints about the collection?

When formulating the collection development policy, it must clearly define the responsibilities of staff, the director, and board members in responding to complaints.

The policy should detail:

Who will review the challenged material and how will the review be handled?

Who will respond to complaints?

Will all responses be in writing, or may other methods be used?

How quickly will the library answer the complaint?

What appeal process will be used if the person lodging the complaint is not satisfied with the decision? Will the person have an opportunity to meet with the board?

How will staff and board members be kept informed of complaints?

When developing and upholding this policy, the board must clearly support the right of all members of the community to have access to a wide range of materials, even if that includes items that some people (including individual board members) might find objectionable.

### **3. Handling Complaints**

If your library collection:

provides access to a wide range of materials;

includes many points of view; and

responds to requests from customers...

It is likely the library will receive complaints.

It is important to be prepared to respond to complaints and to handle them in a respectful and fair manner. Often someone will challenge material that no one else had considered objectionable, and his or her objection will be very sincere.

The board must be prepared to enforce its policy and always try to resolve the complaint amicably. Remember that the board must always speak with one voice.

The board can resolve most complaints about the library's collection by making sure people who question library materials receive a copy of the library's policy, or by including more of the kinds of material that interest the person making the complaint.

But sometimes a person objects so strongly, and may take the complaint to the media. If that happens, the board should develop a calm and sustained plan of action, and must be comfortable defending its actions despite public criticism.

## **Appendix A – Ethical Statement for Public Library Trustees**

- Trustees in the capacity of trust upon them, shall observe ethical standards with absolute truth, integrity, and honor.
- Trustees must avoid situations in which personal interests might be served or financial benefits gained at the expense of library users, colleagues, or the situation.
- It is incumbent on any trustee to disqualify himself or herself immediately whenever the appearance or a conflict of interest exists.
- Trustees must distinguish clearly in their actions and statements between their personal philosophies and attitudes and those of the institution, acknowledging the formal position of the board even if they personally disagree.
- A trustee must respect the confidential nature of library business while being aware of and in compliance with applicable laws governing freedom of information.
- Trustees must be prepared to support to the fullest the efforts of librarians in resisting censorship of library materials by groups or individuals.
- Trustees who accept library board responsibilities are expected to perform all of the functions of library trustees.

*Adopted by the Board of Directors of the American Library Trustee Association, July 1985.*

*Adopted by the Board of Directors of the Public Library Association, July 1985.*

*Amended by the Board of Directors of the American Library Association, July 1988.*

*Approval of the amendment by the Board of Directors of the Public Library Association, January 1989*

## **Appendix B - American Library Association Code of Ethics**

As members of the American Library Association, we recognize the importance of codifying and making known to the profession and to the general public the ethical principles that guide the work of librarians, other professionals providing information services, library trustees and library staffs.

Ethical dilemmas occur when values are in conflict. The American Library Association Code of Ethics states the values to which we are committed, and embodies the ethical responsibilities of the profession in this changing information environment.

We significantly influence or control the selection, organization, preservation, and dissemination of information. In a political system grounded in an informed citizenry, we are members of a profession explicitly committed to intellectual freedom and the freedom of access to information. We have a special obligation to ensure the free flow of information and ideas to present and future generations.

The principles of this Code are expressed in broad statements to guide ethical decision making. These statements provide a framework; they cannot and do not dictate conduct to cover particular situations.

- I. We provide the highest level of service to all library users through appropriate and usefully organized resources; equitable service policies; equitable access; and accurate, unbiased, and courteous responses to all requests.
- II. We uphold the principles of intellectual freedom and resist all efforts to censor library resources.
- III. We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted.
- IV. We respect intellectual property rights and advocate balance between the interests of information users and rights holders.
- V. We treat co-workers and other colleagues with respect, fairness, and good faith, and advocate conditions of employment that safeguard the rights and welfare of all employees of our institutions.
- VI. We do not advance private interests at the expense of library users, colleagues, or our employing institutions.
- VII. We distinguish between our personal convictions and professional duties and do not allow our personal beliefs to interfere with fair representation of the aims of our institutions or the provision of access to their information resources.
- VIII. We strive for excellence in the profession by maintaining and enhancing our own knowledge and skills, by encouraging the professional development of co-workers, and by fostering the aspirations of potential members of the profession.

*Adopted June 28, 1997, by the ALA Council; amended January 22, 2008.*

## Appendix C – Glossary of Library Terms and Acronyms

**ACQUISITIONS** - The activities related to obtaining library materials by purchase, exchange, gift, or other means.

**ADA** - Americans with Disabilities Act. Gives civil rights protections to individuals with disabilities and impacts libraries as service providers and as employers.

**ALA - American Library Association.** The national association serving the interests of libraries.

**ALTAFF** - Association for Library Trustees, Advocates, Friends and Foundations. A division of the American Library Association that helps Trustees and Friends work together at the local, state, and national levels to effectively promote and advocate for libraries.

**AUDIO BOOK** - A book read aloud and recorded on audiotape or compact disc (CD), usually by a professional actor or reader or by the author. Synonymous with book-on-tape, recorded book, and talking book.

**AUDIO DOWNLOAD** - A data file containing recorded sound available over the Internet for transmission to a network user's computer.

**AUDIO-VISUAL** - A generic term for non print materials such as video recordings, audio recordings, and computer software. Synonymous with media.

**BOOK PROCESSING** - The activities for preparing books for use, including putting on jackets, labels, barcodes and stamping ownership marks. Part of technical services or processing.

**CALL NUMBERS** - The classification number on an item of library material used to mark the item, shelve it properly, list it in the catalog and find it for a user. Most public libraries use the Dewey Decimal system.

**CATALOG** - Bibliographic records created according to specific, uniform principles of construction which describes the materials in a collection, a library, or a group of libraries. For most MD libraries, it is an online catalog.

**CATALOGING** - The process of physically describing library materials such as a book so it can be listed in a catalog and located on a shelf for use by patrons.

**CE** - Continuing Education. Advances training in a profession (not leading to a degree) to learn new skills or keep abreast of developments in the field.

CEU - Continuing Education Unit. One CEU is equal to one hour of instruction or contact time. CEUs are required for public school educators, including Library Media Specialists.

**CIRCULATION** - Statistics showing use of the library by a count of materials checked out; the library department or area which receives returned material and checks out material to the user.

**CIRCULATION SYSTEM** - The policies and procedures used in a library for lending materials to users and keeping records of the loans.

**CML** – Citizens for Maryland Libraries. Promotes citizen awareness of the need for and services of Maryland libraries.

**COLLECTION** - A one-word term for the library's total holdings, the books, videos, CDs, pictures, etc. which make up the materials the library has on hand for its users.

**COLLECTION DEVELOPMENT** - A term which covers the activities related to managing the library collection: setting selection policy, assessing user needs, studying collection use, selecting materials, maintaining the collection, weeding, etc.

**COMAR – Code of Maryland.** The Division of Library Development and Services distributes the latest edition of the *Laws of Maryland Relating to Public Libraries* reprinted from the Annotated Code of Maryland.

**DATABASE** - A systematic organization of information stored in a computer file for searching and retrieval.

**DEWEY DECIMAL CLASSIFICATION** - A subject classification system for arranging books used by most public libraries.

**DLDS** – Division of Library Development and Services. A division of the Maryland State Department of Education that oversees the Maryland libraries and supports their work through guidance, training, funding and leadership.

**ESRL** – Eastern Shore Regional Library. Serves as a regional resource center.

**FLSA** - Fair Labor Standards Act (federal). Establishes minimum wage, overtime pay, record keeping and child labor standards.

**GENRE** - A type or class of literature. In fiction, genre are based on form (novel, novelette, short story, etc.) and theme (mystery, romance, fantasy, science fiction, western, etc.).

**ILL** - Interlibrary loan. A system of interlibrary cooperation which allows libraries to obtain information and materials for their users no matter which library owns it.

**ILS** – *Integrated Library System*. A group of automated library subsystems working together



and communicating within the same set or system of software to control such activities as circulation, cataloging, acquisitions, and serial control.

**IMLS** – Institute of Museum and Library Services. A grant-making federal agency supporting museums and libraries of all types.

**INTELLECTUAL FREEDOM** - The American Library Association defines intellectual freedom as “the right of every individual to both seek and receive information from all points of view without restriction.”

**ISBN** - International Standard Book Number. A unique identification number printed in books by international agreement. An ISBN has nine or ten digits; the first digit denotes country of publication, the next several the publisher, the remainder identify the item.

**ISSN - International Standard Serial Number. A unique eight-digit number, in two groups of four, assigned to a periodical by the International Serials Data System.**

**LATI** – Library Associates Training Institute.

**LC** - Library of Congress. The unofficial national library of the U.S. which serves Congress and provides many services to all types of libraries.

**LIBRARY 2.0** - Library 2.0 is a new way of providing library service through new Internet technologies, with emphasis on “user-centered” change and interaction.

**LJ** - Library Journal. A professional journal widely read by librarians.

**LSTA** - Library Services and Technology Act. Provides federal funding for libraries in areas including technology, interlibrary cooperation and literacy.

**MAPLA** – Maryland Association of Public Library Administrators. An organization of public, regional, and state library administrative officers advocating for excellent public library services for all Maryland residents.

**MARC** - MACHine Readable Cataloging. MARC records contain data in standardized format and allow conversion to automated cataloging and circulation systems.

**MEDIA** - A generic term for non-print materials such as video recordings, audio recordings, DVDs, CDs, and computer software. Synonymous with audio-visual.

**MLA – Maryland Library Association.** An association for Maryland librarians from all types of libraries. Sponsors workshops and an annual conference. Provides support for librarians in various areas such as minimum salary guidelines and censorship challenges. MLA's Legislative Agenda each year lobbies for support for library legislation and funding.

**MLS** - Master's degree in Library Science. The graduate degree for a professional librarian.

**MML** – Maryland Municipal League. An association of Maryland towns and cities.

**MSDE** – Maryland State Department of Education. The Division of Library Development and Services (DLDS) is one of its divisions.

**OCLC** - Online Computer Library Center, Inc. is a nonprofit membership organization offering computer-based services to libraries, other-educational organizations, and their users. The OCLC Online Union Catalog is the world's largest and most comprehensive database of bibliographic information. This shared database supports cataloging and interlibrary loan.

**OPAC** - Online Public Access Catalog. An electronic library catalog for the public connected directly to the library computer files. Public access can be in the library and/or remote via the Internet.

**OSHA** - Occupational Safety & Health Act. The mission of the Occupational Safety and Health Administration (OSHA) is to save lives, prevent injuries and protect the health of America's workers.

**PLA** - Public Library Association. A division of the American Library Association focused on public libraries.

**READER'S ADVISORY** - A service to library users where library staff, familiar with reading needs and interests, advise or recommend specific titles to users; reader's advisory also involves compiling reading lists by genre, theme, or subject.

**READY OR QUICK REFERENCE** - A part of reference service concerned with questions of a factual nature which can be answered readily, often from dictionaries, almanacs, directories, and other standard sources.

**RFP** - Request for proposal. The document issued to advertise for vendor proposals, such as automation, equipment and/or software. Usually the RFP contains detailed specifications of the goods or services wanted.

**SAILOR** – Maryland's public information network.

**SIRSI** – An automated system for libraries.

**SLRC** – State Library Resource Center. Located at Enoch Pratt Free Library in Baltimore. Serves as a regional resource center.

**SMRLA** – Southern Maryland Regional Library Association. Serves as a regional resource center.

**TECHNICAL SERVICES OR PROCESSING** - All the activities related to obtaining, organizing, and processing library items and maintaining them with repairs.

**WEEDING** - Removing books and other library materials no longer up-to-date or useful to the users of the library. Weeding keeps a collection current and attractive, makes way for new material and provides ongoing evaluation of the library's material and its use.

**WMRL** – Western Maryland Regional Library. Serves as a regional resource center.

*Sources include: Iowa Library Trustee's Handbook – 2009 and the Eastern Shore Regional Library*

## **Appendix D – Library Associations**

Following is a list of associations that will provide invaluable library information. As a trustee you may automatically be a member of some of these. Many have annual conferences and publish library journals. Ask your library director for more information on membership and access.

### ***American Library Association (ALA)***

ALA is the national association for librarians, trustees and others interested in libraries. Its primary purpose is to promote library service and librarianship.

50 E. Heron Street  
Chicago, IL 60611  
Phone: 800.545.2433  
Web address: <http://www.ala.org/>

### ***Association of Library Trustees, Advocates, Friends and Foundations (ALTAFF)***

ALTAFF helps Trustees and Friends work together at the local, state, and national levels to effectively promote and advocate for libraries. They motivate and support state and local library support groups across the country in their efforts to preserve and strengthen libraries, and to create awareness and appreciation of library services.

50 E. Heron Street  
Chicago, IL 60611  
Phone: 800.545.2433  
Web address: <http://www.lita.org/ala/mgrps/divs/altaff/index.cfm>

### ***Citizens for Maryland Libraries (CML)***

Citizens for Maryland Libraries is a strong statewide network of individuals and organizations who work to build greater public awareness of the need for and services of Maryland libraries. It is the major voice of citizen advocates for library service and libraries across the state.

PO Box 267  
Funkstown, MD 21734  
Web address: <http://www.citizensformarylandlibraries.org/default.asp>

### ***Maryland Association of Public Library Administrators (MAPLA)***

MAPLA is an organization of public, regional, and state library administrative officers advocating for excellent public library services for all Maryland residents. Its vision is that residents of Maryland will know that public libraries are essential and fundamental to their quality of life.

Web address: <http://www.maplaonline.org/default.asp>

### ***Maryland Library Association (MLA)***

Maryland Library Association was founded in 1923 to promote library service in the state. Among members are library staff and trustees, library school students, libraries, and friends of libraries representing the full spectrum of librarianship.

MLA provides leadership for those who are committed to libraries by providing opportunities for professional development and communication and by advocating principles and issues related to librarianship and library service.

1401 Hollins Street  
Baltimore, MD 21223  
Phone: 410.947.5090  
Fax: 410.947.5089  
Web address: <http://www.mdlib.org/>

### ***Public Library Association (PLA)***

PLA is a division of ALA which focuses on public libraries. PLA's core purpose is to strengthen public libraries and their contribution to the communities they serve. It exists to provide a diverse program of communication, publication, advocacy, continuing education, and programming for its members and others interested in the advancement of public library service.

50 E. Heron Street  
Chicago, IL 60611  
Phone: 800.545.2433  
Web address: <http://www.ala.org/ala/mgrps/divs/pla/index.cfm>

## **Appendix E – Library Bill of Rights**

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

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

*Adopted June 18, 1948, by the ALA Council; amended February 2, 1961; amended June 28, 1967; amended January 23, 1980; inclusion of "age" reaffirmed January 24, 1996.*

## **Appendix F – The Freedom to Read Statement**

The freedom to read is essential to our democracy. It is continuously under attack. Private groups and public authorities in various parts of the country are working to remove or limit access to reading materials, to censor content in schools, to label "controversial" views, to distribute lists of "objectionable" books or authors, and to purge libraries. These actions apparently rise from a view that our national tradition of free expression is no longer valid; that censorship and suppression are needed to counter threats to safety or national security, as well as to avoid the subversion of politics and the corruption of morals. We, as individuals devoted to reading and as librarians and publishers responsible for disseminating ideas, wish to assert the public interest in the preservation of the freedom to read.

Most attempts at suppression rest on a denial of the fundamental premise of democracy: that the ordinary individual, by exercising critical judgment, will select the good and reject the bad. We trust Americans to recognize propaganda and misinformation, and to make their own decisions about what they read and believe. We do not believe they are prepared to sacrifice their heritage of a free press in order to be "protected" against what others think may be bad for them. We believe they still favor free enterprise in ideas and expression.

These efforts at suppression are related to a larger pattern of pressures being brought against education, the press, art and images, films, broadcast media, and the Internet. The problem is not only one of actual censorship. The shadow of fear cast by these pressures leads, we suspect, to an even larger voluntary curtailment of expression by those who seek to avoid controversy or unwelcome scrutiny by government officials.

Such pressure toward conformity is perhaps natural to a time of accelerated change. And yet suppression is never more dangerous than in such a time of social tension. Freedom has given the United States the elasticity to endure strain. Freedom keeps open the path of novel and creative solutions, and enables change to come by choice. Every silencing of a heresy, every enforcement of an orthodoxy, diminishes the toughness and resilience of our society and leaves it the less able to deal with controversy and difference.

Now as always in our history, reading is among our greatest freedoms. The freedom to read and write is almost the only means for making generally available ideas or manners of expression that can initially command only a small audience. The written word is the natural medium for the new idea and the untried voice from which come the original contributions to social growth. It is essential to the extended discussion that serious thought requires, and to the accumulation of knowledge and ideas into organized collections.

We believe that free communication is essential to the preservation of a free society and a creative culture. We believe that these pressures toward conformity present the danger of limiting the range and variety of inquiry and expression on which our democracy and our culture depend. We believe that every American community must jealously guard the freedom to publish and to circulate, in order to preserve its own freedom to read. We believe that publishers and librarians have a profound responsibility to give validity to that

freedom to read by making it possible for the readers to choose freely from a variety of offerings.

The freedom to read is guaranteed by the Constitution. Those with faith in free people will stand firm on these constitutional guarantees of essential rights and will exercise the responsibilities that accompany these rights.

We therefore affirm these propositions:

It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those that are unorthodox, unpopular, or considered dangerous by the majority.

Creative thought is by definition new, and what is new is different. The bearer of every new thought is a rebel until that idea is refined and tested. Totalitarian systems attempt to maintain themselves in power by the ruthless suppression of any concept that challenges the established orthodoxy. The power of a democratic system to adapt to change is vastly strengthened by the freedom of its citizens to choose widely from among conflicting opinions offered freely to them. To stifle every nonconformist idea at birth would mark the end of the democratic process. Furthermore, only through the constant activity of weighing and selecting can the democratic mind attain the strength demanded by times like these. We need to know not only what we believe but why we believe it.

Publishers, librarians, and booksellers do not need to endorse every idea or presentation they make available. It would conflict with the public interest for them to establish their own political, moral, or aesthetic views as a standard for determining what should be published or circulated.

Publishers and librarians serve the educational process by helping to make available knowledge and ideas required for the growth of the mind and the increase of learning. They do not foster education by imposing as mentors the patterns of their own thought. The people should have the freedom to read and consider a broader range of ideas than those that may be held by any single librarian or publisher or government or church. It is wrong that what one can read should be confined to what another thinks proper.

It is contrary to the public interest for publishers or librarians to bar access to writings on the basis of the personal history or political affiliations of the author.

No art or literature can flourish if it is to be measured by the political views or private lives of its creators. No society of free people can flourish that draws up lists of writers to whom it will not listen, whatever they may have to say.

There is no place in our society for efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression.

To some, much of modern expression is shocking. But is not much of life itself shocking? We cut off literature at the source if we prevent writers from dealing with the stuff of life. Parents and teachers have a responsibility to prepare the young to meet the diversity of experiences in life to which they will be exposed, as they have a responsibility to help them learn to think critically for themselves. These are affirmative responsibilities, not to be



discharged simply by preventing them from reading works for which they are not yet prepared. In these matters values differ, and values cannot be legislated; nor can machinery be devised that will suit the demands of one group without limiting the freedom of others.

It is not in the public interest to force a reader to accept the prejudgment of a label characterizing any expression or its author as subversive or dangerous.

The ideal of labeling presupposes the existence of individuals or groups with wisdom to determine by authority what is good or bad for others. It presupposes that individuals must be directed in making up their minds about the ideas they examine. But Americans do not need others to do their thinking for them.

It is the responsibility of publishers and librarians, as guardians of the people's freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large; and by the government whenever it seeks to reduce or deny public access to public information.

It is inevitable in the give and take of the democratic process that the political, the moral, or the aesthetic concepts of an individual or group will occasionally collide with those of another individual or group. In a free society individuals are free to determine for themselves what they wish to read, and each group is free to determine what it will recommend to its freely associated members. But no group has the right to take the law into its own hands, and to impose its own concept of politics or morality upon other members of a democratic society. Freedom is no freedom if it is accorded only to the accepted and the inoffensive. Further, democratic societies are more safe, free, and creative when the free flow of public information is not restricted by governmental prerogative or self-censorship.

It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality and diversity of thought and expression. By the exercise of this affirmative responsibility, they can demonstrate that the answer to a "bad" book is a good one, the answer to a "bad" idea is a good one.

The freedom to read is of little consequence when the reader cannot obtain matter fit for that reader's purpose. What is needed is not only the absence of restraint, but the positive provision of opportunity for the people to read the best that has been thought and said. Books are the major channel by which the intellectual inheritance is handed down, and the principal means of its testing and growth. The defense of the freedom to read requires of all publishers and librarians the utmost of their faculties, and deserves of all Americans the fullest of their support.

We state these propositions neither lightly nor as easy generalizations. We here stake out a lofty claim for the value of the written word. We do so because we believe that it is possessed of enormous variety and usefulness, worthy of cherishing and keeping free. We realize that the application of these propositions may mean the dissemination of ideas and manners of expression that are repugnant to many persons. We do not state these propositions in the comfortable belief that what people read is unimportant. We believe rather that what people read is deeply important; that ideas can be dangerous; but that the

suppression of ideas is fatal to a democratic society. Freedom itself is a dangerous way of life, but it is ours.

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

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

## Appendix G – Open Meeting Law

**ARTICLE – STATE GOVERNMENT**  
**TITLE 10. GOVERNMENTAL PROCEDURES**  
**SUBTITLE 5. MEETINGS**

**10-501. Public policy.**

(a) It is essential to the maintenance of a democratic society that, except in special and appropriate circumstances:

- (1) public business be performed in an open and public manner; and
- (2) citizens be allowed to observe:
  - (i) the performance of public officials; and
  - (ii) the deliberations and decisions that the making of public policy involves.

(b) (1) The ability of the public, its representatives, and the media to attend, report on, and broadcast meetings of public bodies and to witness the phases of the deliberation, policy formation, and decision making of public bodies ensures the accountability of government to the citizens of the State.

- (2) The conduct of public business in open meetings increases the faith of the public in government and enhances the effectiveness of the public in fulfilling its role in a democratic society.

(c) Except in special and appropriate circumstances when meetings of public bodies may be closed under this subtitle, it is the public policy of the State that the public be provided with adequate notice of the time and location of meetings of public bodies, which shall be held in places reasonably accessible to individuals who would like to attend these meetings.

**10-502. Definitions.**

(a) In this subtitle the following words have the meanings indicated.

(b) (1) "Administrative function" means the administration of:

- (i) a law of the State;
- (ii) a law of a political subdivision of the State; or
- (iii) a rule, regulation, or bylaw of a public body.

(2) "Administrative function" does not include:

- (i) an advisory function;
- (ii) a judicial function;
- (iii) a legislative function;
- (iv) a quasi-judicial function; or
- (v) a quasi-legislative function.

(c) "Advisory function" means the study of a matter of public concern or the making of recommendations on the matter, under a delegation of responsibility by:

- (1) law;
- (2) the Governor or an official who is subject to the policy direction of the Governor;

- (3) the chief executive officer of a political subdivision of the State or an official who is subject to the policy director of the chief executive officer; or
- (4) formal action by or for a public body that exercises an executive, judicial, legislative, quasi-judicial, or quasi-legislative function.
- (d) "Board" means the State Open Meetings Law Compliance Board.
- (e) (1) "Judicial function" means the exercise of any power of the Judicial Branch of the State government.
- (2) "Judicial function" includes the exercise of:
- (i) a power for which Article IV, § 1 of the Maryland Constitution provides;
  - (ii) a function of a grand jury;
  - (iii) a function of a petit jury;
  - (iv) a function of the Commission on Judicial Disabilities; and
  - (v) a function of a judicial nominating commission.
- (3) "Judicial function" does not include the exercise of rulemaking power by a court.
- (f) "Legislative function" means the process or act of:
- (1) approving, disapproving, enacting, amending, or repealing a law or other measure to set public policy;
  - (2) approving or disapproving an appointment;
  - (3) proposing or ratifying a constitution or constitutional amendment; or
  - (4) proposing or ratifying a charter or charter amendment.
- (g) "Meet" means to convene a quorum of a public body for the consideration or transaction of public business.
- (h) (1) "Public body" means an entity that:
- (i) consists of at least 2 individuals; and
  - (ii) is created by:
    - 1. the Maryland Constitution;
    - 2. a State statute;
    - 3. a county charter;
    - 4. an ordinance;
    - 5. a rule, resolution, or bylaw;
    - 6. an executive order of the Governor; or
    - 7. an executive order of the chief executive authority of a political subdivision of the State.
- (2) "Public body" includes:
- (i) any multimember board, commission, or committee appointed by the Governor or the chief executive authority of a political subdivision of the State, or appointed by an official who is subject to the policy direction of the Governor or chief executive authority of the political subdivision, if the entity includes in its membership at least 2 individuals not employed by the State or the political subdivision; and
  - (ii) The Maryland School for the Blind.
- (3) "Public body" does not include:
- (i) any single member entity;
  - (ii) any judicial nominating commission;

- (iii) any grand jury;
- (iv) any petit jury;
- (v) the Appalachian States Low Level Radioactive Waste Commission established in § 7-302 of the Environment Article;
- (vi) except when a court is exercising rulemaking power, any court established in accordance with Article IV of the Maryland Constitution;
- (vii) the Governor's cabinet, the Governor's Executive Council as provided in Title 8, Subtitle 1 of this article, or any committee of the Executive Council;
- (viii) a local government's counterpart to the Governor's cabinet, Executive Council, or any committee of the counterpart of the Executive Council;
- (ix) except as provided in paragraph (1) of this subsection, a subcommittee of a public body as defined under paragraph (2)(i) of this subsection;
- (x) the governing body of a hospital as defined in § 19-301(g) of the Health - General Article; and
- (xi) a self-insurance pool that is established in accordance with Title 19, Subtitle 6 of the Insurance Article or § 9-404 of the Labor and Employment Article by:
  1. a public entity, as defined in § 19-602 of the Insurance Article; or
  2. a county or municipal corporation, as defined in § 9-404 of the Labor and Employment Article.

(i) "Quasi-judicial function" means a determination of:

- (1) a contested case to which Subtitle 2 of this title applies;
- (2) a proceeding before an administrative agency for which Title 7, Chapter 200 of the Maryland Rules would govern judicial review; or
- (3) a complaint by the Board in accordance with this subtitle.

(j) "Quasi-legislative function" means the process or act of:

- (1) adopting, disapproving, amending, or repealing a rule, regulation, or bylaw that has the force of law, including a rule of a court;
- (2) approving, disapproving, or amending a budget; or
- (3) approving, disapproving, or amending a contract.

(k) "Quorum" means:

- (1) a majority of the members of a public body; or
- (2) any different number that law requires.

### **10-502.1. Open Meeting, Compliance Board.**

There is a State Open Meetings Law Compliance Board.

### **10-502.2. Same - Membership.**

- (a)
  - (1) The Board consists of 3 members, at least one of whom shall be an attorney admitted to the Maryland Bar, appointed by the Governor with the advice and consent of the Senate.
  - (2) From among the members of the Board, the Governor shall appoint a chairman.
- (b)
  - (1) The term of a member is 3 years.
  - (2) The terms of members are staggered as required by the terms provided for members of the Board on July 1, 1991.
  - (3) At the end of a term, a member continues to serve until a successor is appointed.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed.

(5) A member may not serve for more than 2 consecutive 3-year terms.

**10-502.3. Same – Quorum; meetings; compensation.**

(a) A majority of the full authorized membership of the Board is a quorum.

(b) The Board shall meet at a time and place to be determined by the Board.

(c) Each member of the Board:

(1) may not receive compensation; and

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(d) The Office of the Attorney General shall provide staff for the Board.

**10-502.4. Same – Duties.**

(a) The Board shall receive, review, and resolve complaints from any person alleging a violation of the provisions of this subtitle and issue a written opinion as to whether a violation has occurred.

(b) The Board shall receive and review any complaint alleging a prospective violation of the provisions of this subtitle as provided under § 10-502.6 of this subtitle.

(c) The Board shall study ongoing compliance with the provisions of this subtitle by public bodies and make recommendations to the General Assembly for improvements in this subtitle.

(d) The Board, in conjunction with the Office of the Attorney General and other interested organizations or persons, shall develop and conduct educational programs on the requirements of the open meetings law for the staffs and attorneys of:

(1) public bodies;

(2) the Maryland Municipal League; and

(3) the Maryland Association of Counties.

(e) (1) On or before October 1 of each year, the Board shall submit an annual report to the Governor and the General Assembly, in accordance with §2-1246 of this article.

(2) The report shall include a description of:

(i) the activities of the Board;

(ii) the opinions of the Board in any cases brought before it;

(iii) the number and nature of complaints filed with the Board, including a discussion of complaints concerning the reasonableness of the notice provided for meetings; and

(iv) any recommendations for improvements to the provisions of this subtitle.

**10-502.5. Same – Complaint process.**

(a) Any person may file a written complaint with the Board seeking a written opinion from the Board on the application of the provisions of this subtitle to the action of a public body covered by this subtitle.

(b) The complaint shall:

(1) be signed by the person making the complaint; and

- (2) identify the public body, specify the action of the public body, the date of the action, and the circumstances of the action.
- (c) (1) On receipt of the written complaint, and except as provided in paragraph (3) of this subsection, the Board shall promptly send the complaint to the public body identified in the complaint and request that a response to the complaint be sent to the Board.
- (2) (i) The public body shall file a written response to the complaint within 30 days of its receipt of the complaint.
- (ii) On request of the Board, the public body shall include with its written response to the complaint a copy of:
1. a notice provided under §10-506 of this subtitle;
  2. a written statement made under §10-508(d)(2)(ii) of this subtitle;
  - and
  3. minutes and any tape recording made by the public body under 10-509 of this subtitle.
- (iii) The Board shall maintain the confidentiality of minutes and any tape recording submitted by a public body that are sealed in accordance with §10-509(c)(3)(ii) of this subtitle.
- (3) (i) If the public body identified in the complaint no longer exists, the Board shall promptly send the complaint to the official or entity that appointed the public body.
- (ii) The official or entity that appointed the public body shall, to the extent feasible, comply with the requirements of paragraph (2) of this subsection.
- (4) If after 45 days, a written response is not received, the Board shall decide the case on the facts before it.
- (d) The Board shall:
- (1) review the complaint and any response; and
  - (2) if the information in the complaint and response is sufficient to permit a determination, issue a written opinion as to whether a violation of the provisions of this subtitle has occurred or will occur not later than 30 days after receiving the response.
- (e) (1) If the Board is unable to reach a determination based on the written submissions before it, the Board may schedule an informal conference to hear from the complainant, the public body, or any other person with relevant information about the subject of the complaint.
- (2) An informal conference scheduled by the Board is not a "contested case" within the meaning of § 10-202(d) of this title.
- (3) The Board shall issue a written opinion not later than 30 days following the informal conference.
- (f) (1) If the Board is unable to render an opinion on a complaint within the time periods specified in subsection (d) or (e) of this section, the Board shall:
- (i) state in writing the reason for its inability; and
  - (ii) issue an opinion as soon as possible but not later than 90 days after the filing of the complaint.
- (2) An opinion of the Board may state that the Board is unable to resolve the complaint.

- (g) The Board shall send a copy of the written opinion to the complainant and to the affected public body.
- (h) (1) On a periodic basis, the Board may send to any public body in the State any written opinion that will provide the public body with guidance on compliance with the provisions of this subtitle.
- (2) On request, a copy of a written opinion shall be provided to any person.
- (i) (1) The opinions of the Board are advisory only.
- (2) The Board may not require or compel any specific actions by a public body.
- (j) A written opinion issued by the Board may not be introduced as evidence in a proceeding conducted in accordance with § 10-510 of this subtitle.

**10-502.6. Same – Prospective violations.**

- (a) On receipt of an oral or written complaint by any person that a meeting required to be open under the provisions of this subtitle will be closed in violation of this subtitle, the Board acting through its chairman, a designated Board member, or any authorized staff person available to the Board may contact the public body to determine the nature of the meeting that will be held and the reason for the expected closure of the meeting.
- (b) When at least 2 members of the Board conclude that a violation of this subtitle may occur if the closed meeting is held, the person acting for the Board under subsection (a) of this section immediately shall inform the public body of the potential violation and any lawful means that are available for conducting its meeting to achieve the purposes of the public body.
- (c) The person acting for the Board shall inform the person who filed the complaint under subsection (a) of this section of the result of any effort to achieve compliance with this subtitle under subsection (b) of this section.
- (d) The person acting for the Board shall file a written report with the Board describing the complaint, the effort to achieve compliance, and the results of the effort.
- (e) The filing of a complaint under subsection (a) of this section and action by a person acting for the Board under subsections (b), (c), and (d) of this section may not prevent or bar the Board from considering and acting on a written complaint filed in accordance with § 10-502.5 of this subtitle.

**10-503. Scope of subtitle.**

- (a) Except as provided in subsections (b) and (c) of this section, this subtitle does not apply to:
- (1) a public body when it is carrying out:
- (i) an administrative function;
- (ii) a judicial function; or
- (iii) a quasi-judicial function; or
- (2) a chance encounter, social gathering, or other occasion that is not intended to circumvent this subtitle.
- (b) The provisions of this subtitle apply to a public body when it is meeting to consider:
- (1) granting a license or permit; or



- (2) a special exception, variance, conditional use, zoning classification, the enforcement of any zoning law or regulation, or any other zoning matter.
- (c) If a public body recesses an open session to carry out an administrative function in a meeting that is not open to the public, the minutes for the public body's next meeting shall include:
  - (1) a statement of the date, time, place, and persons present at the administrative function meeting; and
  - (2) a phrase or sentence identifying the subject matter discussed at the administrative function meeting.

**10-504. Conflict of Laws.**

Whenever this subtitle and another law that relates to meetings of public bodies conflict, this subtitle applies unless the other law is more stringent.

**10-505. Open meetings generally required.**

Except as otherwise expressly provided in this subtitle, a public body shall meet in open session.

**10-506. Notice of meetings.**

- (a) Before meeting in a closed or open session, a public body shall give reasonable advance notice of the session.
- (b) Whenever reasonable, a notice under this section shall:
  - (1) be in writing;
  - (2) include the date, time, and place of the session; and
  - (3) if appropriate, include a statement that a part or all of a meeting may be conducted in closed session.
- (c) A public body may give the notice under this section as follows:
  - (1) if the public body is a unit of the State government, by publication in the Maryland Register;
  - (2) by delivery to representatives of the news media who regularly report on sessions of the public body or the activities of the government of which the public body is a part;
  - (3) if the public body previously has given public notice that this method will be used:
    - (i) by posting or depositing the notice at a convenient public location at or near the place of the session; or
    - (ii) by posting the notice on an Internet website ordinarily used by the public body to provide information to the public; or
  - (4) by any other reasonable method.
- (d) A public body shall keep a copy of a notice provided under this section for at least 1 year after the date of the session.

**10-507. Public Attendance.**

- (a) Whenever a public body meets in open session, the general public is entitled to attend.

(b) A public body shall adopt and enforce reasonable rules regarding the conduct of persons attending its meetings and the videotaping, televising, photographing, broadcasting, or recording of its meetings.

- (c) (1) If the presiding officer determines that the behavior of an individual is disrupting an open session, the public body may have the individual removed.
- (2) Unless the public body or its members or agents acted maliciously, the public body, members, and agents are not liable for having an individual removed under this subsection.

#### 10-507.1. Interpreters for hearing impaired.

(a) This section applies only to the Executive and Legislative Branches of State government.

- (b) (1) On request and to the extent feasible, a unit that holds a public hearing shall provide a qualified interpreter to assist deaf persons to understand the proceeding.
- (2) The request must be submitted in writing or by telecommunication at least 5 days before the proceeding begins.
- (3) Whether providing an interpreter is feasible shall be determined, in each instance, by the unit involved.

#### 10-508. Closed meetings.

(a) Subject to the provisions of subsection (d) of this section, a public body may meet in closed session or adjourn an open session to a closed session only to:

- (1) discuss:
- (i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or
  - (ii) any other personnel matter that affects 1 or more specific individuals;
- (2) protect the privacy or reputation of individuals with respect to a matter that is not related to public business;
- (3) consider the acquisition of real property for a public purpose and matters directly related thereto;
- (4) consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;
- (5) consider the investment of public funds;
- (6) consider the marketing of public securities;
- (7) consult with counsel to obtain legal advice;
- (8) consult with staff, consultants, or other individuals about pending or potential litigation;
- (9) conduct collective bargaining negotiations or consider matters that relate to the negotiations;
- (10) discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including:
- (i) the deployment of fire and police services and staff; and
  - (ii) the development and implementation of emergency plans;
- (11) prepare, administer, or grade a scholastic, licensing, or qualifying examination;

- (12) conduct or discuss an investigative proceeding on actual or possible criminal conduct;
  - (13) comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter; or
  - (14) before a contract is awarded or bids are opened, discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.
- (b) A public body that meets in closed session under this section may not discuss or act on any matter not permitted under subsection (a) of this section.
- (c) The exceptions in subsection (a) of this section shall be strictly construed in favor of open meetings of public bodies.
- (d) (1) Unless a majority of the members of a public body present and voting vote in favor of closing the session, the public body may not meet in closed session.
- (2) Before a public body meets in closed session, the presiding officer shall:
- (i) conduct a recorded vote on the closing of the session; and
  - (ii) make a written statement of the reason for closing the meeting, including a citation of the authority under this section, and a listing of the topics to be discussed.
- (3) If a person objects to the closing of a session, the public body shall send a copy of the written statement required under paragraph (2) of this subsection to the Board.
- (4) The written statement shall be a matter of public record.
- (5) A public body shall keep a copy of the written statement made under paragraph (2)(ii) of this subsection for at least 1 year after the date of the session.

**10-509. Minutes.**

- (a) This section does not:
- (1) require any change in the form or content of the Journal of the Senate of Maryland or Journal of the House of Delegates of Maryland; or
  - (2) limit the matters that a public body may include in its minutes.
- (b) As soon as practicable after a public body meets, it shall have written minutes of its session prepared.
- (c) (1) The minutes shall reflect:
- (i) each item that the public body considered;
  - (ii) the action that the public body took on each item; and
  - (iii) each vote that was recorded.
- (2) If a public body meets in closed session, the minutes for its next open session shall include:
- (i) a statement of the time, place, and purpose of the closed session;
  - (ii) a record of the vote of each member as to closing the session;
  - (iii) a citation of the authority under this subtitle for closing the session; and
  - (iv) a listing of the topics of discussion, persons present, and each action taken during the session.
- (3) (i) A session may be tape recorded by a public body.

(ii) A public body shall provide for the preservation for 1 year of its minutes and any tape recording of its closed meetings.

(iii) Except as otherwise provided in paragraph (4) of this subsection, the minutes and any tape recording of a closed session shall be sealed and may not be open to public inspection.

(4) The minutes and any tape recording shall be unsealed and open to inspection as follows:

(i) for a meeting closed under § 10-508(a)(5), when the public body invests the funds;

(ii) for a meeting closed under § 10-508(a)(6), when the public securities being discussed have been marketed; or

(iii) on request of a person or on the public body's own initiative, if a majority of the members of the public body present and voting vote in favor of unsealing the minutes and any tape recording.

(d) Except as provided in subsection (c) of this section, minutes of a public body are public records and shall be open to public inspection during ordinary business hours.

(e) A public body shall keep a copy of the minutes of each session and any tape recording made under subsection (c)(3)(i) of this section for at least 1 year after the date of the session.

### **10-510. Judicial Enforcement.**

(a) (1) This section does not apply to the action of:

(i) appropriating public funds;

(ii) levying a tax; or

(iii) providing for the issuance of bonds, notes, or other evidences of public obligation.

(2) This section does not authorize a court to void an action of a public body because of any violation of this subtitle by another public body.

(3) This section does not affect or prevent the use of any other available remedies.

(b) (1) If a public body fails to comply with § 10-505, § 10-506, § 10-507, § 10-508, or § 10-509(c) of this subtitle any person may file with a circuit court that has venue a petition that asks the court to:

(i) determine the applicability of those sections;

(ii) require the public body to comply with those sections; or

(iii) void the action of the public body.

(2) If a violation of § 10-506, § 10-508, or § 10-509(c) of this subtitle is alleged, the person shall file the petition within 45 days after the date of the alleged violation.

(3) If a violation of § 10-505 or § 10-507 of this subtitle is alleged, the person shall file the petition within 45 days after the public body includes in the minutes of an open session the information specified in § 10-509(c)(2) of this subtitle.

(4) If a written complaint is filed with the Board in accordance with § 10-502.5 of this subtitle, the time between the filing of the complaint and the mailing of the written opinion to the complainant and the affected public body under § 10-02.5(g) of this subtitle may not be included in determining if a claim against a public body is

barred by the statute of limitations set forth in paragraphs (2) and (3) of this subsection.

(c) In an action under this section, it is presumed that the public body did not violate any provision of this subtitle, and the complainant has the burden of proving the violation.

(d) A court may:

(1) consolidate a proceeding under this section with another proceeding under this section or an appeal from the action of the public body;

(2) issue an injunction;

(3) determine the applicability of this subtitle to the discussions or decisions of public bodies;

(4) if the court finds that a public body willfully failed to comply with § 10-505, § 10-506, § 10-507, or § 10-509(c) of this subtitle and that no other remedy is adequate, declare void the final action of the public body;

(5) as part of its judgment:

(i) assess against any party reasonable counsel fees and other litigation expenses that the party who prevails in the action incurred; and

(ii) require a reasonable bond to ensure the payment of the assessment; and

(6) grant any other appropriate relief.

(e) (1) A person may file a petition under this section without seeking an opinion from the State Open Meetings Law Compliance Board.

(2) The failure of a person to file a complaint with the Board is not a ground for the court to either stay or dismiss a petition.

#### **10-511. Penalty.**

A member of a public body who willfully participates in a meeting of the body with knowledge that the meeting is being held in violation of the provisions of this subtitle is subject to a civil penalty not to exceed \$100.

#### **10-512. Short title.**

This subtitle may be cited as the "Open Meetings Act".

October 2007

## **Appendix H – Sample Bylaws**

The information below is presented for illustrative purposes only. Each library should adapt their By-Laws to suit their particular needs and circumstances.

### **Bylaws of the XYZ Public Library**

These rules are supplementary to the provisions of the statutes of the State of Maryland as they relate to the procedures of Boards of Library Trustees.

#### **Regular Meetings.**

The regular meeting of the Board of Library Trustees of the XYZ Public Library shall be on the \_\_\_\_ (*insert text such as first Monday*) of each month. The meeting shall be at the library at \_\_\_\_ o'clock. The meetings shall be open to the public and noticed in advance. At the beginning of each fiscal year, the board shall, by ordinance, specify regular meeting dates and times. The secretary of the board shall then (1) provide for the local newspaper the schedule of regular meetings of the board for the ensuing fiscal year, and (2) post the schedule of meetings in the library. Both notices shall have the dates, times, and places of such meetings.

#### **Special Meetings.**

Special meetings shall be held at any time when called by the president or secretary or by any three trustees of the board, provided that notice with the agenda of the special meeting is given at least 48 hours in advance, except in the case of a bona fide emergency, to board members and to any new medium which has filed an annual request for notice under the Open Meetings Act; no business except that stated in the notice and agenda shall be transacted. Notice and agenda shall be posted 48 hours in advance on the front door of the library except in the case of a bona fide emergency.

#### **Annual Meeting.**

An annual meeting shall be held in \_\_\_\_ (*insert month*) for the purpose of hearing the annual reports of the librarian and committees. The report should include a summary of the year's work with detailed account of the receipts and expenditures, a budget for the following year, and other information according to statute. A copy of this report shall be forwarded to the \_\_\_\_ State Library in accordance with the law. A copy should also be on file in the library.

#### **Quorum.**

A quorum at any meeting shall consist of \_\_\_\_ (*insert number*) Board members.

#### **Board of Library Trustees.**

The Board of Library Trustees of the XYZ Public Library is charged with the responsibility of the governance of the library. The Board will hire a skilled Library Director who will be responsible for the day-to-day operations of the library. The Board will meet at least once per month. These meetings will be open to the public, and noticed in advance.

The agenda and/or information packet for the meetings will be distributed to the Board by the Library Director one week prior to meetings. Any Board member wishing to have an

item placed on the agenda will call the Library Director in sufficient time preceding the meeting to have the item placed. Any Board member who is unable to attend a meeting will call the library to indicate that he or she will be absent. Due to the fact that a quorum is required for each meeting, this phone call should be placed as far in advance as possible.

Board members are not to be compensated pursuant to statute, but will be reimbursed for necessary and related expenses as trustees. To be effective, Board members must attend most meetings, read materials presented for review, and attend an occasional Library System (or other library related) workshop, seminar, or meeting. The Library Director will make the dates of these workshops known to the Board in a timely manner. It is the goal of the Board of Library Trustees to have each member attend a minimum of one Library System (or other library related) workshop, seminar, or meeting during each calendar year. Board members using their own vehicle will be reimbursed at the rate allowed by the IRS for travel to and from any Library System (or other library related) workshop, seminar, or meeting. Board members are not exempt from late fees, fines, or other user fees.

### **Officers and Elections.**

The officers of the Board shall be a president, a vice-president, a secretary, and a treasurer. Those officers shall be elected by a ballot vote for \_\_\_\_ (*insert number*) year terms at the regular meeting in the month of \_\_\_\_\_. The president shall not serve more than two consecutive terms unless by unanimous board consent. In the event of a resignation from an office, an election to fill the unexpired term of that office will be conducted by a ballot vote at the next regular meeting.

#### **President.**

The president shall preside at all board meetings, appoint all standing and special committees, serve as ex-officio member of all committees, and perform all other such duties as may be assigned by the board. The president shall be the *only* spokesperson for the Board of Library Trustees in all advisory or disciplinary action directed to the staff.

#### **Vice President.**

The vice-president, in the absence of the president, shall assume all duties of the president.

#### **Secretary.**

The secretary shall keep minutes of all board meetings, record attendance, record a roll call on all votes (except when a ballot vote is taken). The secretary shall perform all other such clerical duties as may be assigned by the board.

#### **Treasurer.**

The treasurer is authorized by the Board to sign checks, shall serve on the finance committee, and shall draw up checks. The treasurer shall keep all financial records of the Board. The normal depository of all financial records shall be the library. The treasurer shall have charge of the library funds and income, sign all the checks on the authorization of the board, and report at each meeting the state of the funds. In the absence of the treasurer or when he or she is unable to serve, the president or vice-president may perform the duties of the treasurer. The treasurer shall be bonded in the amount to be

approved by the board and according to statute requirement. The treasurer is authorized to pay salaries and insurance bills as they come due.

### **Standing and Special Committees.**

The standing committees shall be appointed annually in the month of \_\_\_\_ and shall consist of three members including the Library Director. The standing committees at their first meeting shall elect a chairperson. Special committees may be appointed by the president to present reports or recommendations to the Board and shall serve until the completion of the work for which they were appointed. The standing committees shall be the finance committee, the personnel committee, the policy committee, and the building and grounds committee. The library shall be the depository of all committee reports.

### **Finance Committee.**

The Finance Committee shall be comprised of two members of the Library Board of Library Trustees including the Treasurer and the Library Director. The Finance Committee's responsibilities include, but are not limited to, drafting a preliminary Budget or Budget and Appropriations Ordinance for full board approval, drafting a Levy for full board approval, drafting a working budget for full board approval, monitoring library investments, and implementing the library's investment policy.

### **Personnel Committee.**

The Personnel Committee shall be comprised of two members of the Library Board of Library Trustees including the President and the Library Director. The Personnel Committee's responsibilities include, but are not limited to, preparation of the annual review of the Library Director for discussion among the full board prior to the formal review, assisting the Library Director in the preparation of his or her annual statement of goals and objectives for the coming year, and assuming a leadership role in the resolution of any personnel conflict which cannot be resolved by the Library Director. The Library Director is responsible for the annual review of all other library employees.

### **Policy Committee.**

The Policy Committee shall be comprised of two members of the Library Board of Library Trustees and the Library Director. The primary responsibility of the Policy Committee is to develop the Library Policy.

The committee shall determine the library regulations governing the use of the Library and review sections of existing policy in a systematic fashion to insure that all policy is reviewed at an interval not to exceed three years. As a result of such policy reviews, the Policy Committee will make recommendations regarding additions or changes to existing policy as well as deleting policies which are no longer appropriate or of value. The entire library Policy must be approved by Board vote and made readily available to the public.

### **Building and Grounds Committee.**

The Building and Grounds Committee shall be comprised of two members of the Library Board of Library Trustees and the Library Director. The Building and Grounds Committee's responsibilities include, but are not limited to, conducting an annual inspection of the library's physical facility to identify areas which are in need of repair, and making



recommendations to the full board regarding any and all repairs which are deemed necessary either as a result of the annual inspection or throughout the year as the need arises

### **Librarian Search Committee.**

When the position of librarian falls vacant, the Board shall immediately select an acting librarian for the interim and establish a Librarian Search Committee, which shall consist of the President and two members elected from the Board. Applications for the position of librarian shall be filed at the library and available to all Board members. The Search Committee shall report the results of applications and interviews to the Board. Five votes shall be required for the Board to hire a Librarian, after which the Search Committee is dissolved.

### **Order of Business.**

The following Order of Business shall be followed at regular meetings:

- Call to order
- Roll call, recording both present and absent members
- President's report
- Secretary's report, approval of minutes as received or corrected
- Correspondence, communications, and public comments
- Financial report, approval of bills payable
- Librarian's report
- Committee reports, in order of their appearance in the Bylaws
- Unfinished business
- New business
- Other
- Adjournment

### **Parliamentary Procedure.**

Robert's Rules of Order shall govern the parliamentary procedure of the Board, unless otherwise specified in the Bylaws.

### **Amendments.**

Amendments to these Bylaws, the Library Policy, or any other policy or procedural document may be proposed at any regular meeting of the Board and will become effective if and as adopted by a majority of those members present providing they represent a quorum.

## **Appendix I – Sample Job Descriptions for Board Officers**

### **President**

- Attend all board meetings
- Maintain knowledge of the library and personal commitment to its goals and objectives
- Oversee board and executive committee meetings
- Work in partnership with the library director to make sure board resolutions are carried out
- Call special meetings if necessary
- Assist the library director in preparing the agenda for board meetings
- Assist the library director in conducting new board member orientation
- Oversee searches for a new library director
- Coordinate the library director's annual performance evaluation
- Work with the nominating committee to recruit new board members
- Coordinate periodic board assessment with the library director
- Periodically consult with board members on their roles and help them assess their performance
- Serve as ex officio member of all committees
- Appoint all committee chairs and with the library director, recommend who will serve on committees

### **Vice President**

- Attend all board meetings
- Maintain knowledge of the library and personal commitment to its goals and objectives
- Serve on the executive committee
- Carry out special assignments as requested by the board president
- Understand the responsibilities of the board president and be able to perform these duties in the president's absence
- Participate as a vital part of the board leadership

### **Secretary**

- Attend all board meetings
- Maintain knowledge of the library and personal commitment to its goals and objectives
- Serve on the executive committee
- Maintain all board records and ensure their accuracy and safety
- Review board minutes
- Assume responsibilities of the president in the absence of the board president, president-elect, and vice president
- Provide notice of board meetings and committee meetings when such notice is required

**Treasurer**

- Attend all board meetings
- Maintain knowledge of the library and personal commitment to its goals and objectives
- Understand financial accounting for libraries
- Serve as financial officer of the library and as chair of the finance committee
- Manage, with the finance committee, the board's review of and action related to the board's financial responsibilities
- Work with the library director and finance director to ensure that appropriate financial reports are made available to the board on a timely basis, and assist the library director or the finance director in preparing the annual budget and presenting the budget to the board for approval
- Review the annual audit and answer board members' questions about the audit

*Adapted from BoardSource*

## Appendix J – Robert’s Rules of Order (Summary)

### The Rules

**Point of Privilege:** Pertains to noise, personal comfort, etc. - may interrupt only if necessary!

**Parliamentary Inquiry:** Inquire as to the correct motion - to accomplish a desired result, or raise a point of order

**Point of Information:** Generally applies to information desired from the speaker: "I should like to ask the (speaker) a question."

**Orders of the Day (Agenda):** A call to adhere to the agenda (a deviation from the agenda requires Suspending the Rules)

**Point of Order:** Infraction of the rules, or improper decorum in speaking. Must be raised immediately after the error is made

**Main Motion:** Brings new business (the next item on the agenda) before the assembly

**Divide the Question:** Divides a motion into two or more separate motions (must be able to stand on their own)

**Consider by Paragraph:** Adoption of paper is held until all paragraphs are debated and amended and entire paper is satisfactory; after all paragraphs are considered, the entire paper is then open to amendment, and paragraphs may be further amended. Any Preamble cannot be considered until debate on the body of the paper has ceased.

**Amend:** Inserting or striking out words or paragraphs, or substituting whole paragraphs or resolutions

**Withdraw/Modify Motion:** Applies only after question is stated; mover can accept an amendment without obtaining the floor

**Commit /Refer/Recommit to Committee:** State the committee to receive the question or resolution; if no committee exists include size of committee desired and method of selecting the members (election or appointment).

**Extend Debate:** Applies only to the immediately pending question; extends until a certain time or for a certain period of time

**Limit Debate:** Closing debate at a certain time, or limiting to a certain period of time

**Postpone to a Certain Time:** State the time the motion or agenda item will be resumed

**Object to Consideration:** Objection must be stated before discussion or another motion is stated

**Lay on the Table:** Temporarily suspends further consideration/action on pending question; may be made after motion to close debate has carried or is pending

**Take from the Table:** Resumes consideration of item previously "laid on the table" - state the motion to take from the table

**Reconsider:** Can be made only by one on the prevailing side who has changed position or view

**Postpone Indefinitely:** Kills the question/resolution for this session - exception: the motion to reconsider can be made this session

**Previous Question:** Closes debate if successful - may be moved to "**Close Debate**" if preferred

**Informal Consideration:** Move that the assembly go into "**Committee of the Whole**" - informal debate as if in committee; this committee may limit number or length of speeches or close debate by other means by a 2/3 vote. All votes, however, are formal.

**Appeal Decision of the Chair:** Appeal for the assembly to decide - must be made before other business is resumed; NOT debatable if relates to decorum, violation of rules or order of business

**Suspend the Rules:** Allows a violation of the assembly's own rules (except Constitution); the object of the suspension must be specified

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## Appendix K – Sample Board Evaluation Forms

### Sample Board as a Group Evaluation Form

From your perspective, rate how well you believe the board carries out each of the following roles and responsibilities.

Grade on a scale from 1 to 3 (1 = unsatisfactory/needs improvement; 2 = satisfactory; 3 = Excellent)

Board Role, Responsibility or Function	Rating	Comments
1. The board respects and upholds the library's mission		
2. The board has revisited the library's mission with an appropriate frequency and level of attention		
3. The board has clearly defined goals and objectives relating to the pursuit of the library's mission		
4. The board is evaluating whether the library is making progress toward achieving its mission with an appropriate frequency and level of attention		
5. The board appropriately manages its own operation and functioning		
6. The board develops and follows a clearly defined workplan		
7. Board committees develop and follow a clearly defined workplan		
8. The board has been working together effectively to meet its goals		
9. The board provides its members/is provided with sufficient education, training and leadership development		
10. Board committees are properly executing delegated authority, including reporting their activities to the full board		
11. The board recruitment process is functioning appropriately		
12. The expectations for board members are well defined and have been adequately communicated to new board members		
13. The board is meeting with sufficient frequency and duration to adequately conduct the affairs of the		

Board Role, Responsibility or Function	Rating	Comments
library		
14. The issues and matters which are presented for board review and decision making are appropriate work for the board		
15. Board committees are meeting with sufficient frequency and duration to adequately conduct the affairs of the committee		
16. The board has the opportunity to discuss matters of critical importance before decisions are made		
17. The board is provided with adequate information and resources for effective decision making		
18. The board works together effectively to make decisions		
19. The board is able to effectively resolve conflict and properly handle internal disputes/disagreements		
20. The board is adequately enforcing the stated policies on attendance and participation in board meetings		
21. Minutes of board meetings are created and distributed on a timely basis		
22. Minutes of committee meetings (where required) are created and distributed on a timely basis		
23. The board has created policies, or made any necessary revisions or changes to policies, as are legally required or necessary for the effective governance and management of the library		
24. The board is exercising appropriate fiscal oversight , including approving the annual budget and monitoring financial performance during the year		
25. The board is appropriately overseeing the performance of the director, including by conducting an annual evaluation		
26. The board is reviewing the overall salary structure of the library with an appropriate frequency and level of detail		

*Sample form modified from the Association of Maryland Nonprofits Board Evaluation Forms*

**Sample Individual Board Member Evaluation Form**

From your perspective, rate how well you believe you are discharging each of the following roles and responsibilities.

Grade on a scale from 1 to 3 (1 = unsatisfactory/needs improvement; 2 = satisfactory; 3 = Excellent)

Board Role, Responsibility or Function	Rating	Comments
1. How would you rate your knowledge about the mission, goals, programs and services of the library?		
2. How would you rate your support and promotion of the mission and goals of the library?		
3. Are you familiar with the library's strategic plan? If yes, are you familiar with what progress has been made in implementing the plan?	YES/NO YES/NO	
4. How would you rate your understanding with the progress the library has made over the past year towards achieving its mission?		
5. How would you rate your regular board meetings attendance?		
6. How would you rate your active participation in board discussions and deliberations?		
7. How would you rate your service and participation on committees (i.e., do you serve on and participate in the activities of at least one committee?		
8. How would you rate your contribution in the areas of identifying and referring potential board member nominees to the board?		
9. How would you rate your contributions in the area of promoting the library in professional or personal interaction with the community, business and County/City leaders?		
10. Did you attend the annual trustee meeting or other library events (other than board or committee meetings)?		
11. How well do you understand what is expected of you as a board member?		
12. Did you participate in the annual review of the director and are you aware of any actions that were taken regarding the director's compensation package (including salary and benefits)?		



Board Role, Responsibility or Function	Rating	Comments
13. How would you rate your knowledge about the library's financial status, including the results of the most recent audit and the year-to-date performance under the current budget?		
14. How would you rate your understanding of your legal and fiduciary responsibilities as a board member, including the duties of loyalty and trust?		
15. How would you rate your awareness of current trends in the community that would affect the library?		
16. Do you have any concerns about conflict between your responsibilities as a library board member and responsibilities you have toward your employer or other organization(s)?		
17. How would you rate your regular reading of materials which are distributed at board or committee meetings?		
18. Have you found your participation on the board to be stimulating and rewarding?		
19. Do you believe you are appropriately and meaningfully involved in the affairs of the library?		

*Sample form modified from the Association of Maryland Nonprofits Board Evaluation Forms*