

NH Library Trustee Orientation

Presented by
Susan Gaudiello
 Former Trustee, Barrington Public Library
 &
Liz Tentarelli
 Former Trustee, Newbury Public Library

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NH Laws Relating to Public Libraries

RSA = NH Revised Statutes Annotated

- RSA 202-A = Public Libraries
- RSA 201-D:11 = Library User Confidentiality
- RSA 91-A = Right to Know Law governing public meetings
- RSA 32 = Municipal Budget Law
- Case Law (Taylor decision: Library staff are not town employees)
- The local library's bylaws and policies

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The NH General Court Likes Libraries

RSA 202-A:1. Declaration of Policy

NH Legislature "declares that the public library is a valuable supplement to the formal system of free public education" and "deserves adequate financial support from government at all levels."

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The Public Library Is for EVERYBODY

RSA 202-A:4. Maintenance

If a town has a public library, it **MUST** appropriate funds "sufficient to provide and maintain adequate public library service...or to supplement funds otherwise provided."

RSA 202-A:5. Status

Every public library shall remain forever free to the use of every resident of the town wherein it is located.

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Election of Trustees

RSA 202-A:6

- Board of Trustees is elected at Town Meeting (RSA 202-A:6)
- Board must be an odd number (3, 5, 7 most commonly)
- Serve staggered 3-year terms.
- Up to 3 alternates appointed by the Selectmen (RSA 202-A:10)

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Patron Confidentiality

RSA 201-D:11

- Library patron records are confidential and shall not be disclosed.
- Includes electronic records, circulation data (materials, services used)
- **EXCEPTIONS**
 - By request or consent of the patron
 - Pursuant to subpoena, court order
 - Otherwise required by statute

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Library Trustees in NH Are Powerful Elected Officials

RSA 202-A:6

"*The library trustees* shall have the entire custody and management of the public library and of all the property of the town relating thereto ..."

Power but not pay:

- Trustee is a volunteer post—no compensation
- Can be reimbursed for expenses (e.g., travel to a conference)
 - RSA 202-A:14 Compensation of Trustees

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What Are the Responsibilities of a Trustee?

- Trustee Responsibilities are defined by laws of N.H.
- Essentially, Trustees have three principal responsibilities
 - ✓ To write the policies that govern the library
 - ✓ To ensure that the library is sufficiently funded
 - ✓ To appoint/hire and oversee a library director

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Trustees Establish Policy for the Library



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Why Libraries Need Written Policies

- Policies are required by law.
- If you don't adopt them, they "just happen."
- Policies provide guidance to board, staff, and patrons.
- Policies assure consistency, comfort and trust.

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Four Tests of a Legal and Enforceable Policy

1. It must comply with current statutes and court cases.
2. It must be reasonable (and all penalties must be reasonable).
3. It must be clear (not ambiguous or vague).
4. It must be applied without discrimination.

Review them and update on a regular basis; provide time for board review and updates at board meetings.

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Sample Library Policies

- Circulation and Materials
 - ✓ Challenged materials
 - ✓ Overdue Items and Fines
- Financial Policies
 - ✓ Investment Policy
 - ✓ Purchasing Policy
- Meeting Room Policy
- Personnel Policies (often mirror town policy)

Tip: Check out other libraries' webpages to see what they have adopted for policies.

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What Is Library Advocacy?

- **Advocacy** is the act of supporting, educating, or recommending for a cause, idea or policy.
- Advocating for a library includes:
 - ✓ educating the public and policymakers about the current and evolving roles and values of libraries
 - ✓ promoting library programs, and
 - ✓ seeking adequate financial support.

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Things You Should Know About Your Library

- Staff, Friends, Key Volunteers
- Strengths, Programs, Collections
- What makes your library *special*?
- What are your library's goals for the next year and into the future?
- Your key audiences: town officials, managers

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Advocates Are the Voice of the Library

- Wear your library hat at all times.
- Create a 3-minute "elevator" speech and be prepared to deliver it anytime, anywhere.



***Speak Up,
Speak Out,
Speak For...
Libraries***

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Budgeting and Management of Funds



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Trustees Financial Duties

202-A:11 Powers and Duties

- Prepare an annual budget
- Shows what support is needed from public funds
- To be submitted to Selectmen, Town Council, City Council, etc.
- A separate budget request required for new construction, capital improvements

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Preparing a Budget

Process and timetable will vary depending on whether you have a traditional town meeting, are an "SB2 town," or a city. All have these elements:

- Preliminary budget
 - ✓ Director prepares
 - ✓ BOT reviews, amends and approves
- Meet with Selectmen/Budget Committee/City or Town Council
- Final Proposed Budget
- Final Budget – approved at Town Meeting or City Council

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Gross Budgeting Required

- Gross Budgeting Is Required by **RSA 32:5 III**
- Definition: "All appropriations recommended shall be stipulated on a "gross" basis, showing anticipated revenues from all sources, including grants, gifts, bequests, and bond issues, which shall be shown as offsetting revenues to appropriations affected."
- Revenues to be shown: anticipated income from grants, donations, etc.

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Advocating for Your Budget

- Present the budget in the context of the library's mission, goals, objectives.
- Share statistics on circulation, programs, collection— opportunity to educate the public!
- Know what share of the town budget the library represents.
- Know what the library costs taxpayers annually.
 - ✓ Pennies on the tax rate
 - ✓ Dollars per capita or per average household

The Library is one of the best deals in Town!

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Trustees Spend Money

202-A:11 Powers and Duties [of trustees]

III. Expend all moneys raised and appropriated by the town...

IV. Expend income from all trust funds... in accordance with the conditions of each donation or bequest accepted by the town

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

any town at an annual meeting may adopt an article authorizing... the public library trustees to apply for, accept and expend...**unanticipated money**... which becomes available **during the fiscal year**.

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Sources of Library Money

PUBLIC MONEY - from the taxpayers

PRIVATE MONEY - from private donations, fine money, money from income-generating equipment*, gifts*, grants*, trusts [*requires town meeting vote once] – require board action to accept these funds. Ref: RSA 202-A:4-c, -d

View webinar "The Other Money" presented by the NH Attorney General's Office available on the NHLTA website.

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Managing to a Budget

- Choose a strong Treasurer
- Monthly Treasurer's Report to the Trustees
- Cannot overspend the bottom line
- Several ways to manage the money:
 - 1) Allow the town to serve as your bookkeeper for all the public funds.
 - 2) Use town for payroll services and benefits, but manage the rest of the money yourself.
 - 3) Handle ALL the money yourself (perhaps using a payroll service for that function).

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If You Manage the Checkbook Yourself

- Should have a memo of understanding between the Town and Library for timing of distribution of funds by the Town Treasurer. (RSA 202-A:11, III)
- Trustees should sign monthly check register.
- Bank account may require two Trustee signatures on all checks or just above a set amount.

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Segregation of Funds

RSA 202-A:11, III: Money from fines and lost/damaged materials "shall be used for general repairs and upgrading, and for the purchase of books, supplies and income-generating equipment..."

Need to *account* for fines, fees, etc., separately from public funds so that they do not lapse to the General Fund at year end as public funds do.

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Financial Policies

- Adopt policies to guide the management of funds
- Sample topics for policies:
 - ✓ Investment
 - ✓ Purchasing – use of credit or debit card, when to go out to bid, etc.
 - ✓ Authority to over-spend (transfer from line to line) without prior trustee approval

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Board of Trustees Meetings

- Meetings generally occur monthly and last from an hour and a half to two hours.
- Send out an agenda at least several days ahead.
- Stick to the agenda.
- Address new and ongoing business of the library.
- Review library policies, update, and approve them on a regularly scheduled basis.
- Review finance, fundraising, and director's reports.
- Chair is in charge! Robert's Rules or Alice Sturgis Standard Code of Parliamentary Procedure provide guidance for an orderly meeting.

See NHLTA "Resources" webpage for samples.

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Evaluate Your Meetings

- Evaluate the effectiveness of the board meetings periodically and make necessary adjustments.
- A timed agenda can improve meeting effectiveness.
- Make sure all participants stay involved.
- Keep track of on-going actions, pending matters.

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RSA 91-A. The Right to Know Law

- Meetings must be open to the public.
- Meetings must be posted in 2 places at least 24 hours prior to the meeting. Library website can be one of the places.
- Minutes must be kept, and draft minutes must be *available* to the public not more than 5 business days after the meeting. Remember to include the names of those who made and seconded motions in the minutes.
- Serial communications may not be used to contravene the spirit of the law. *NO deliberations or decisions via email, other than setting meeting dates.*

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Non-Public Sessions

Can only go into "non-public" to discuss

- matters relating to individual personnel (hiring, firing, compensation, discipline, etc.)
- Matters that would likely adversely affect the reputation of any person other than a board member
- Buying, selling or leasing real or personal property
- Lawsuits filed or threatened against the Library until fully resolved
- Emergency functions related to terrorism

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Procedures for Non-Public

- Must go into non-public from a noticed public meeting
- Must state the reason for going into non-public
- Majority roll call taken
- Once in non-public, can only discuss the reason for non-public; no other business can be discussed
- Must take minutes
- May seal the minutes at end of the non-public session; otherwise they are available to the public within 72 hrs.
- Exit non-public, regular meeting resumes

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Meeting Tips

- Always be on time; shows respect for other members.
- If you will be late or absent, inform the Chair.
- Come prepared; read any materials distributed in advance, do any homework you agreed to do at prior meetings.
- Share your thoughts and opinions, and respect others' perspectives.
- Stay on topic during discussions; respect the agenda.
- Stay focused on the main issues, let the trivia take care of itself.

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Personnel Responsibilities

1. Trustee and Staff Roles
2. Job Descriptions
3. Hiring and Appointing the Library Director
4. Evaluation of the Director's Performance
5. Disciplinary Actions, Removal of Staff

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Trustees, Librarian and Staff

- The Trustees are the governing body of the Library. They are responsible for policies, for budgeting and for hiring a competent staff.
- The Librarian is responsible for day-to-day operations, supervising staff and volunteers, and maintaining a collection of media consistent with the educational and entertainment needs of the community.
- The staff are responsible to the Librarian.

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Trustee Responsibilities

- Hiring, evaluating, dismissing Librarian and staff - see RSA 202-A:17);
- Supervising and evaluating the Library Director, *but not the staff or volunteers*
- Setting annual goals
- Setting compensation
- Adopting Personnel Policies for the Library

Attend NHLTA and Dept. of Labor training sessions.

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Trustees Appointing Authority

- **202-A:11** (Powers & Duties of Library Trustees)
Appoint a Librarian who shall not be a trustee and, in consultation with the Librarian, all other employees of the library and determine their compensation and other terms of employment ...
- Library employees are **NOT** town employees, they are employees of the Library Board of Trustees (NH Supreme Court, Taylor decision)

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Hiring a Library Director

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

"The librarian shall be appointed by the board of library trustees for a term of office agreed to at the time of employment and until a successor is appointed and qualified."

- Protects the librarian from arbitrary termination.
- Protects the library from an extended term of unsatisfactory performance.
- Renewal is a mutual decision of the Board and the Librarian.

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Letter of Appointment for the Library Director

The letter of appointment/hire should contain:

- Term of appointment (date of hire and length of initial commitment) agreed to by the library director
- Compensation/salary
- Basic benefits (health insurance, paid leave) as described in personnel policies
- Hours of work (# of hours/week)
- Job description (attachment to letter)

Have an attorney check the letter before finalizing it.

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The Director's Job Description

Purpose:

- Clarity
- Scope and limits of authority
- Defines ideal person
- Forms basis for performance review

Keep It Current:

- Review and update annually to reflect changing priorities
- Ask incumbent for input to updates

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Components of the Job Description

- | | |
|------------------------|-----------------------------|
| ✓ General Purpose | ✓ Budget |
| ✓ Key Responsibilities | ✓ Collection Development |
| ✓ Policy | ✓ Advocacy |
| ✓ Board Meetings | ✓ Staff Hiring/Supervision |
| ✓ Legal Issues | ✓ Continuing Education |
| ✓ Planning/ Management | ✓ Qualifications/Experience |
| | ✓ Working Conditions |

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Performance Appraisal

- The cornerstone of a healthy employment relationship!
- Trustees evaluate the Library Director; Director evaluates staff and volunteers.
- May have staff complete self-evaluation as part of the process
- Evaluation should occur at least annually.
 - ✓ Specific job responsibilities (as detailed in job description)
 - ✓ Personal attributes (flexibility, creativity, etc.)
 - ✓ Review achievement of goals set at prior evaluation
 - ✓ Set goals for the coming year

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Purpose of the Evaluation

- Foster Communication
 - ✓ Provides constructive feedback on a regular basis
 - ✓ Facilitates better working relationships
 - ✓ Contributes to professional development
- Documentation
 - ✓ Provides an historical record of performance
 - ✓ Provides basis for salary recommendations
 - ✓ Supports disciplinary actions

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Disciplinary Action

- Adhere to Personnel Policies
 - ✓ Progressive Discipline
 - ✓ Grievance Procedures
- Only trustees can terminate employment of any library staff member.

All personnel discussions (other than adopting/amending policies) should take place in non-public session.

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Removal of Staff

RSA 202-A:17 Employees: Removal

"No employee of a public library shall be discharged or removed from office except by the board of trustees for malfeasance, misfeasance, or inefficiency in office, or incapacity or unfitnes to perform the employee's duties."

- Notice and the opportunity for a public hearing must be provided. (Public hearing is the choice of the employee.)
- The library staff are NOT "at will" employees.

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Volunteers

- Volunteers report to the Librarian.
- Volunteers can be used in a variety of ways to supplement *but not replace* the staff.
- Appropriate tasks include shelving, stamping, installing dust covers, etc.
- A background check should be required for all employees and volunteers who have contact with children.

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Keys to Success

- Mutual respect
- Open communications
- Avoid surprises
- Monitor progress and evaluate performance
- Focus on the big things; let the trivia take care of itself.
- Maintain a sense of humor, have fun, show up!
- Review NHLTA Code of Ethics and adhere to it (see page 10 of Trustee Manual)

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Tips and Tools

Check the NHLTA website for sample forms including

- Job descriptions
- Evaluation forms
- Job Posting for Library Director
- Hiring Checklist

Attend NHLTA workshops and regional meetings

Visit the NH State Library website for more samples

Look for "services for librarians/employment resources"
<https://www.nh.gov/nhsl/services/librarians/employment.html>

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NHLTA Resources

- NHLTA Board Members
- NHLTA Conferences (May 29, 2019) and Workshops
- 2016 Trustee Manual (updated every 5 years)
mailed to each library, available on NHLTA website
- NHLTA Newsletter – published quarterly
- NHLTA Web Site : www.NHLTA.org
join listserv via link on Home Page
- LISTSERV: to post a message, send email to
NHLTA-L@mailist2.nh.gov

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