

# Trustee Essentials:

## A Handbook for West Virginia Public Library Board of Trustees



## 2019 Edition





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## Introduction

West Virginia Library Commission is excited that you accepted the role as a public library trustee! A trustee's role has the potential to be exciting, challenging, and rewarding, but it will also require effort. Your appointing authority believes you have the ability and dedication to contribute to the management of the public library—one of the most beneficial institutions in your community.

A trustee's role is varied and is explained in the *Trustee Essentials* handbook. One of the most important things to remember is that you are part of team, the library board. For the board to work effectively, it must include active, enthusiastic trustees who are prepared to do their part to make the board effective.

*Congratulations and thank you for the dedication you have exhibited in accepting this appointment. Your efforts are invaluable!*

## How this handbook can help

*Trustee Essentials: A Handbook for West Virginia Public Library Trustees* was written to provide trustees, library directors, library staff, and interested individuals a general introduction to the duties, powers, and roles of library trustees.

Its objectives are to:

- Heighten awareness of trustees' duties and responsibilities;
- Encourage trustees to become better informed;
- Provide a current information source on laws concerning public libraries and trustees; and
- Supply information for orientation of new trustees and an introduction to those interested in becoming library trustees.

It is recommended that this handbook be used during orientation sessions for new trustees. Even experienced trustees benefit from a review of the essentials to library board operations and trustee duties.

## Library Board Organization

### What makes an effective public library board?

Each trustee brings to the board certain strengths, skills, talents, and personal experience that uniquely serve the library. A well-balanced board can bring in less-experienced members who provide new viewpoints and who learn while serving. Expert knowledge in a professional or technical discipline is valuable for specific undertakings. Some boards rely almost entirely on their members for advice in such fields as construction, law, or finance. Other boards make extensive use of consultants, advisory boards, or volunteers for this information.

The board as a unit should represent a broad spectrum of community interests, occupations, and areas. Diverse viewpoints assure that the library will serve the total community. The competence necessary to fulfill all board responsibilities should be present in its composition.

Collectively the library board of trustees should strive to have:

- Occupational diversity;
- Political acumen;
- Business management and financial experience;
- Legal knowledge;
- Diversity in age, race and sex;
- Varied personal interests.

Good trustees will qualify themselves as they serve. Experience is a great asset; however, effective trustee performance should be based on the following traits:

- Interest in the library, in the community, and how each relates to the other;
- Readiness to devote time and effort to the duties of library trusteeship;
- Initiative and ability to establish impartial policies for successful operation of the library;
- Recognition of the importance of the library and its roles in the community;

# 1

In this section:

- Organization of the library board
- Sample Library Board Job Description
- Relationships with the library director and staff

- Closeness to the community and the forces that impact the library;
- Ability to work well with others;
- Ability to listen effectively;
- Ability to plan and carry out plans;
- Devotion to the library and its progress;
- Skill in board management;
- An open mind and intellectual curiosity;
- Sound judgment, a sense of fiscal responsibility, legal understanding, and political awareness;
- Verbal and written communication skills;
- Ability to relate to the public;
- Availability to represent the library at public functions and meetings.

Every new trustee brings personal experience, skills, and talents to the board, which can benefit the library. Common sense, clear-sighted political know-how, and leadership lead the list of valued assets. All trustees should possess the above qualifications in varying degrees, but the most important qualification of all is an abiding interest in the library and its welfare. Trustees who have this trait and work for the library will be successful.

### Sample Library Board Trustee Job Description

A sample library board trustee job description can help a community when it is searching for an ideal candidate.

**Job Title:** Public Library Trustee

**Accountable To:** The taxpayers and the people served by the library

**Responsibilities:** Participate as a member of a team (the library board) to oversee the governance of the library and promote the development of the public library

**Qualifications:**

- Serious commitment to be a trustee
- Ability to attend regular meetings
- Commitment to the provision of library services within the community
- Willingness to become familiar with West Virginia library law, standards, requirements, principles and practices for library services.

**Activities:**

- Prepare and attend regular board meetings
- Work with the appointing authorities to obtain adequate library funding. Assist in the review and approval of the annual budget and monthly (or quarterly depending on meeting schedule) expenditures as presented by the library director
- Participate in the development and approval of library policies on a regular, systematic schedule
- Assist in the hiring, supervising, and evaluating of the library director
- Study the needs of the community and see that they are addressed, as appropriate, by the library
- Act as an advocate for the library with civic groups and public officials
- Become familiar with the principles and issues relating to intellectual freedom and the equitable provision of public library services.
- Assist in the formation and adoption of the strategic plan. Periodically review and revise as necessary
- Attend West Virginia library conferences and workshops to expand knowledge of public libraries and services

**Board, Director, and Library Staff**

Ensuring the public library meets the needs of the community requires a team: trustees, the library director, the staff, and, in some cases, the Friends of the Library. Human relationships determine the inner climate of the library. Every effort should be given to make these relationships cordially cooperative and mutually understanding. Chief among these relationships, because of its effect on the overall library administration, is that between the library board and the library director. When all members of the team understand their responsibilities and carries out their tasks, the library runs efficiently and effectively. As with any team, when players try to take on the job of another, breakdowns occur.

**Responsibilities of the Library Board**

- Employ a competent and qualified director;
- Determine and adopt written policies to govern the operation and program of the library;
- Determine the purposes of the library and secure adequate funds to carry on the library's program;
- Know the programs and needs of the library in relation to the community; keep abreast of standards and library trends; cooperate with the director in planning the library program and support the director and library staff in carrying it out;
- Establish, support, and participate in a planned public relations program;

- Assist in the preparation of the annual budget;
- Know local and state laws; actively support library legislation in the state and nation;
- Establish among the library policies those dealing with book and material selection;
- Attend all board meetings and see that accurate records are kept on file at the library;
- Attend regional, state, and national trustee meetings and workshops, and affiliate with the appropriate professional organizations;
- Be aware of the services of the state library administrative agency;
- Report regularly to the governing officials and the general public;
- Participate in an ongoing planning process to provide excellent library services
- Create clear lines of authority for library staff.

### **Responsibilities of the Library Director**

- Act as technical advisor to the board; recommend needed policies for board action; recommend employment of all personnel and supervises their work;
- Carry out the policies of the library as adopted by the board;
- Suggest and carry out plans for extending library services;
- Prepare regular reports embodying the library's current progress and future needs; cooperates with the board to plan and carry out the library program;
- Maintain an active program of public relations;
- Prepare an annual budget for the library in consultation with the board and give a current report of expenditures against the budget at each meeting;
- Know local and state laws, actively support library legislation in the state and nation;
- Select and order all library materials;
- Attend all board meetings other than those in which the director's salary or tenure are under discussion; may serve as secretary of the board;
- Affiliate with the state and national professional organizations and attend professional meetings and workshops;
- Make use of the services and consultants of the state library administrative agency;
- Report regularly to the library board, to the officials of local government, and to the general public;
- Participate in an ongoing planning process to provide excellent library services.

### **Relationship between the Board and the Director**

It is critical to the progress of the library that the board and director work together toward common goals in a climate that fosters a free and open exchange of viewpoints. The expectations, roles, and responsibilities of each should be clearly delineated and understood.

A reciprocal relationship will flourish if the board follows these guidelines:

- Be clear about the Board's expectations of the director and the goals for the library.
- Support the director (new or continuing) in pursuit of goals and objectives decided on in discussions between board and director.
- Handle problems as they arise. Be patient with the director while sticking to the goal of excellence in library management.
- Define the roles of the board and the director and stick to the division but provide mutual support in performance of the roles.
- Treat the director as a team member and leader of the library, a participant in decision making and the professional advisor and resource.
- Call for adequate reporting from the director.
- Encourage the director to be involved in professional activities and give financial support to this participation.
- Support the director in the position as administrator and stay out of the day-to-day operation of the library. Encourage the director to feel free to talk with the board members about problems.
- Talk about the library in the community, including praise for the director. Aim for visibility for board, director, and library.
- Encourage the director to be a futurist—knowing about trends and the projects of others and being allowed to dream about ideas and to try some of them.
- Maintain a professional relationship with the director. Pass on the good that trustees hear about their libraries. Share the successes.
- Pay the director an adequate, progressive salary, a standard that applies to the staff as well. A contented, adequately compensated staff responds well to the direction of a head librarian and to the desires of the board.

### **Responsibility of Library Staff**

- Consistently follow the policies and procedures of the library.
- Maintain a professional relationship with the director.
- Recommend new and updates to library programs.
- Understand the chain of authority, who is accountable to whom, who has responsibility for what.
- Use the grievance procedure for complaints and concerns; does not go around director to the board.
- Make reports at board meetings upon request by the director.

## **Relationship between the Board and the Staff**

Ideally, the relationship will be analogous to that of a corporate board of directors; i.e., it should be one of cordial and friendly interest, but at no time should the board, or an individual board member, intervene between a staff member and the director. The board hires the director to be the expert in management of the library, including the management of all other personnel.

Policies governing job specifications, salaries, and other terms of employment are the responsibility of the board; selection and supervision of personnel are part of the director's administrative duties.

There may be occasions when staff members go around the director and take their concerns and complaints directly to the board or to an individual board member. When this occurs, the staff member should be reminded that the board does not act on complaints from the staff except through a grievance procedure that is board policy. The proper procedure is to discuss the matter with the director. Any other action by overzealous board members will undermine the director's authority and probably produce the unhappy result of opposing factions and general disorganization within the library.

The board should not assume direct responsibility for day-to-day supervision of the staff other than overseeing the director.

Board members should not issue orders to the staff or make demands of the staff except through the director.

The board has no direct responsibility for assessing staff performance other than the performance of the director.

There are times when it is appropriate for board members to work with staff members. Some examples of when board members may work with staff members are in committee settings; in the long-range planning process; if requested by the director to make reports at the board meeting; and when planning library social events.

A policy should be adopted that reflects the relationship between the library board, the library director, and the staff, and it should be communicated to the staff so that it is clearly understood.

## Library Board Bylaws

Library board bylaws are the established rules the library board uses to govern the board's own activities. Well-crafted bylaws assist in the effective functioning of the board.

Bylaws must comply with all relevant statutes. The sample bylaws attached to this section note the state laws that are relevant to library board operations. West Virginia Code 10-1-5 includes rules for board appointments, board terms, election of board officers, board quorum, etc. In addition, all board meetings and board committee meetings must comply with West Virginia Sunshine Law. State and federal laws supersede any local library bylaw provisions.

At a minimum, library board bylaws should outline:

- Library board officers to be elected, how they are elected, and the powers and responsibilities of each officer.
- When meetings are held and are conducted.
- What committees are appointed, how they are appointed, and what they do.
- How the bylaws are amended.

### Specific Legal Requirements

Below are some of the provisions of Chapter 10 you should be aware of as you review your board bylaws.

Generally, no compensation may be paid to the members of the library board. However, board members may be reimbursed for their actual and necessary expenses in performing duties outside the municipality if authorized by the board.

A majority of the membership of a library board constitutes a quorum, but the library board may, in the bylaws, legally provide that three or more members constitutes a quorum.

# 2

In this section:

- Why up-to-date bylaws are needed for effective library board operation
- How your board can develop or update their bylaws
- Sample board bylaws

Annually, within 60 days after the starting of the new fiscal year for the library's business, the library board must hold an organizational meeting and elect one of its members as board president and any other officers provided for in the bylaws.

### **Crafting or Modifying Library Board Bylaws**

Since bylaws are fundamental to legal and effective library board operations, care must be taken in developing or modifying existing bylaws. Language must be clear and unambiguous. Imprecise language can result in confusion. For example, confusion can result if it is unclear who has the authority to make decisions for the library. The bylaws should make clear that actions by board committees are advisory only. A board committee cannot act on behalf of the full board. Likewise, individual board members and officers can perform official actions on behalf of the board only with specific authorization from the full board.

If or when the board wants to develop new bylaws or amend existing ones, it is recommended that a special committee be appointed to develop drafts for the full board to review. To change your bylaws, you must follow any procedures required by your current bylaws.

### **For Additional Information**

- *Robert's Rules of Order* (chapter on the development and amendment of bylaws)
- *The Standard Code of Parliamentary Procedure* by Alice F. Sturgis

### **Sample Board Bylaws**

Below are sample library board bylaws that can be adapted. All trustees, appointing authorities, and the librarian should have a signed copy of the bylaws

#### Article 1. Identification

This organization is the Board of Trustees of the *[Library Name]*, located in *[Location]*, West Virginia, established by *[Appointing Authorities]*, according to the provisions of Chapter 10 of the West Virginia State Code, and exercising the powers and summing the duties granted to it under said statute.

#### Article 2. Membership

### **Section 1. Appointments and Terms of Office**

*[Include in this section how appointments may be terminated. For example: The Board of the Perfect Public Library may remove any Trustee from the Board for incapacity, unfitness, misconduct, or for neglect of duty.]*

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

### Section 3. Officers

**Section 1.** The Officers shall be a president, a vice president, a secretary, and a treasurer, elected from the appointed trustees at the annual meeting of the Board. Vacancies in office shall be filled by vote at the next regular meeting of the Board after the vacancy occurs.

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

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

**Section 4.** The president shall preside at meeting of the Board, authorize calls for special meetings, appoint all committees, execute all documents authorized by the Board, serve as ex-officio voting member of all committees except the nominating committee, and generally perform all duties associated with the office of president.

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

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

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

## Article 4. Meetings

**Section 1. Regular Meetings.** The regular meetings shall be held each [Month/Quarter], the date and hour to be set by the Board at its annual meeting.

**Section 2. Annual Meeting.** The annual meeting, which shall be for the purpose of the election of officers, shall be held at the time of the regular meeting in [Month] of each year.

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

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

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

**Section 6. Quorum.** A quorum for the transaction of business at any meeting shall consist of [Number of] numbers of the Board attending the meeting.

**Section 7. Sunshine Law Compliance.** All Board meetings and all committee meetings shall be held in compliance with *West Virginia Code, Chapter 6, Article 9 "Sunshine Law."*

**Section 8. Parliamentary Authority.** The rules contained in *Robert's Rules of Order*, latest revised edition, shall govern the parliamentary procedure of the meetings, in all cases in which they are not inconsistent with these bylaws and any statutes applicable to this Board.

## Article 5. Committees

**Section 1. Standing Committees.** The following committees: [List committees], shall be appointed by the president promptly after the annual meeting and shall make recommendations to the Board as pertinent to Board meeting agenda items.

**Section 2. Nominating Committee.**

**Section 3. Ad Hoc Committees.** Ad hoc committees for the study of special problems shall be appointed by the president, with the approval of the Board, to serve until the final report of the work for which they were appointed has been filed. These committees may also include staff and public representatives, as well as outside experts.

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

#### Article 6. Duties of the Board of Trustees

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

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

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

**Section 4.** The Board shall have exclusive control of the expenditure of all moneys collected, donated, or appropriated for the library fund and shall audit and approve all library expenditures.

**Section 5.** The Board shall supervise and maintain buildings and grounds, as well as regularly review various physical and building needs to see that they meet the requirements of the total library program.

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

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

**Section 8.** The Board shall approve and submit the required annual report to the West Virginia Library Commission and the [*City, County Board, School Board and/or any other Governing Authority*].

### Article 7. Library Director

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

### Article 8. Conflict of Interest

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

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

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

### Article 9. General

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

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

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

Adopted by the Board of Trustees of the [Name of Library] on the [Day] day of [Month].

## Board Meetings and Trustee Participation

# 3

The work done before each board meeting will determine the effectiveness of the meeting.

The board president and library director need to work together in preparing materials to be sent out to board members before each meeting. Generally, the library director will contact the library board president to discuss planned agenda items, including any items required because of the previous board action. The board president is given the opportunity to add agenda items. Board members wishing to have an item brought before the board should contact the president.

Usually, the library director is delegated the responsibility for drafting the agenda and other materials to be included in the board mailing. Those materials should include:

- Minutes of the previous meeting;
- Monthly/Quarterly financial report and bills;
- Detailed agenda;
- Director's report;
- Committee reports;
- Background materials needed to adequately inform the board.

Providing detailed written information to the board before meetings allows members time to consider the issues to be discussed at the meeting. Mailing or emailing written reports to the board prior to the meeting will save meeting time for board questions and discussion.

Take the time to adequately study the agenda and background materials before each meeting!

### Follow the Law

The West Virginia Sunshine Law outlines specific requirements on the content and type of public notice to be made before every board or committee meeting. The

In this section:

- Keys to effective board meetings
- How individual trustees can contribute to the board and the library
- West Virginia Sunshine Law
- Sample board meeting agenda
- Closed sessions

law also requires that meetings be open to the public unless the board follows the legally required procedures to hold a closed session.

## **West Virginia Code. Chapter 6. Article 9A. Open Governmental Proceedings.**

### **§6-9A-1. Declaration of legislative policy.**

The Legislature hereby finds and declares that public agencies in this state exist for the singular purpose of representing citizens of this state in governmental affairs, and it is, therefore, in the best interests of the people of this state for the proceedings of public agencies be conducted openly, with only a few clearly defined exceptions. The Legislature hereby further finds and declares that the citizens of this state do not yield their sovereignty to the governmental agencies that serve them. The people in delegating authority do not give their public servants the right to decide what is good for them to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments of government created by them.

Open government allows the public to educate itself about government decision making through individuals' attendance and participation at government functions, distribution of government information by the press or interested citizens, and public debate on issues deliberated within the government.

Public access to information promotes attendance at meetings, improves planning of meetings, and encourages more thorough preparation and complete discussion of issues by participating officials. The government also benefits from openness because better preparation and public input allow government agencies to gauge public preferences accurately and thereby tailor their actions and policies more closely to public needs. Public confidence and understanding ease potential resistance to government programs.

Accordingly, the benefits of openness inure to both the public affected by governmental decision making and the decision makers themselves. The Legislature finds, however, that openness, public access to information and a desire to improve the operation of government do not require nor permit every meeting to be a public meeting. The Legislature finds that it would be unrealistic, if not impossible, to carry on the business of government should every meeting, every contact and every discussion seeking advice and counsel in order to acquire the necessary information, data or intelligence needed by a governing body were required to be a public meeting. It is the intent of the Legislature to balance these interests in order to allow government to function and the public to participate in a meaningful manner in public agency decision making.

**§6-9A-2. Definitions.**

As used in this article:

(1) "Decision" means any determination, action, vote or final disposition of a motion, proposal, resolution, order, ordinance or measure on which a vote of the governing body is required at any meeting at which a quorum is present.

(2) "Executive session" means any meeting or part of a meeting of a governing body which is closed to the public.

(3) "Governing body" means the members of any public agency having the authority to make decisions for or recommendations to a public agency on policy or administration, the membership of a governing body consists of two or more members; for the purposes of this article, a governing body of the Legislature is any standing, select or special committee, except the commission on special investigations, as determined by the rules of the respective houses of the Legislature.

(4) "Meeting" means the convening of a governing body of a public agency for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter which results in an official action. Meetings may be held by telephone conference or other electronic means. The term meeting does not include:

(A) Any meeting for the purpose of making an adjudicatory decision in any quasi-judicial, administrative or court of claims proceeding;

(B) Any on-site inspection of any project or program;

(C) Any political party caucus;

(D) General discussions among members of a governing body on issues of interest to the public when held in a planned or unplanned social, educational, training, informal, ceremonial or similar setting, without intent to conduct public business even if a quorum is present and public business is discussed but there is no intention for the discussion to lead to an official action; or

(E) Discussions by members of a governing body on logistical and procedural methods to schedule and regulate a meeting.

(5) "Official action" means action which is taken by virtue of power granted by law, ordinance, policy, rule, or by virtue of the office held.

(6) "Public agency" means any administrative or legislative unit of state, county or municipal government, including any department, division, bureau, office, commission, authority, board, public corporation, section, committee, subcommittee or any other agency or subunit of the foregoing, authorized by law to exercise some portion of executive or legislative power. The term "public agency" does not include courts created by article eight of the West Virginia constitution or the system of family law masters created by article four, chapter forty-eight-a of this code.

(7) "Quorum" means the gathering of a simple majority of the constituent membership of a governing body, unless applicable law provides for varying the required ratio.

**§6-9A-3. Proceedings to be open; public notice of meetings.**

Except as expressly and specifically otherwise provided by law, whether heretofore or hereinafter enacted, and except as provided in section four of this article, all meetings of any governing body shall be open to the public. Any governing body may make and enforce reasonable rules for attendance and presentation at any meeting where there is not room enough for all members of the public who wish to attend. This article does not prohibit the removal from a meeting of any member of the public who is disrupting the meeting to the extent that orderly conduct of the meeting is compromised: Provided, That persons who desire to address the governing body may not be required to register to address the body more than fifteen minutes prior to time the scheduled meeting is to commence.

Each governing body shall promulgate rules by which the date, time, place and agenda of all regularly scheduled meetings and the date, time, place and purpose of all special meetings are made available, in advance, to the public and news media, except in the event of an emergency requiring immediate official action.

Each governing body of the executive branch of the state shall file a notice of any meeting with the secretary of state for publication in the state register. Each notice shall state the date, time, place and purpose of the meeting. Each notice shall be filed in a manner to allow each notice to appear in the state register at least five days prior to the date of the meeting.

In the event of an emergency requiring immediate official action, any governing body of the executive branch of the state may file an emergency meeting notice at any time prior to the meeting. The emergency meeting notice shall state the

date, time, place and purpose of the meeting and the facts and circumstances of the emergency.

Upon petition by any adversely affected party any court of competent jurisdiction may invalidate any action taken at any meeting for which notice did not comply with the requirements of this section.

**§6-9A-4. Exceptions.**

(a) The governing body of a public agency may hold an executive session during a regular, special or emergency meeting, in accordance with the provisions of this section. During the open portion of the meeting, prior to convening an executive session, the presiding officer of the governing body shall identify the authorization under this section for holding the executive session and present it to the governing body and to the general public, but no decision may be made in the executive session.

(b) An executive session may be held only upon a majority affirmative vote of the members present of the governing body of a public agency. A public agency may hold an executive session and exclude the public only when a closed session is required for any of the following actions:

(1) To consider acts of war, threatened attack from a foreign power, civil insurrection or riot;

(2) To consider:

(A) Matters arising from the appointment, employment, retirement, promotion, transfer, demotion, disciplining, resignation, discharge, dismissal or compensation of a public officer or employee, or prospective public officer or employee unless the public officer or employee or prospective public officer or employee requests an open meeting; or

(B) For the purpose of conducting a hearing on a complaint, charge or grievance against a public officer or employee, unless the public officer or employee requests an open meeting. General personnel policy issues may not be discussed or considered in a closed meeting. Final action by a public agency having authority for the appointment, employment, retirement, promotion, transfer, demotion, disciplining, resignation, discharge, dismissal or compensation of an individual shall be taken in an open meeting;

- (3) To decide upon disciplining, suspension or expulsion of any student in any public school or public college or university, unless the student requests an open meeting;
- (4) To issue, effect, deny, suspend or revoke a license, certificate or registration under the laws of this state or any political subdivision, unless the person seeking the license, certificate or registration or whose license, certificate or registration was denied, suspended or revoked requests an open meeting;
- (5) To consider the physical or mental health of any person, unless the person requests an open meeting;
- (6) To discuss any material the disclosure of which would constitute an unwarranted invasion of an individual's privacy such as any records, data, reports, recommendations or other personal material of any educational, training, social service, rehabilitation, welfare, housing, relocation, insurance and similar program or institution operated by a public agency pertaining to any specific individual admitted to or served by the institution or program, the individual's personal and family circumstances;
- (7) To plan or consider an official investigation or matter relating to crime prevention or law enforcement;
- (8) To develop security personnel or devices;
- (9) To consider matters involving or affecting the purchase, sale or lease of property, advance construction planning, the investment of public funds or other matters involving commercial competition, which if made public, might adversely affect the financial or other interest of the state or any political subdivision: Provided, that information relied on during the course of deliberations on matters involving commercial competition are exempt from disclosure under the open meetings requirements of this article only until the commercial competition has been finalized and completed: Provided, however, that information not subject to release pursuant to the West Virginia freedom of information act does not become subject to disclosure as a result of executive session;
- (10) To avoid the premature disclosure of an honorary degree, scholarship, prize or similar award;
- (11) Nothing in this article permits a public agency to close a meeting that otherwise would be open, merely because an agency attorney is a participant. If

the public agency has approved or considered a settlement in closed session, and the terms of the settlement allow disclosure, the terms of that settlement shall be reported by the public agency and entered into its minutes within a reasonable time after the settlement is concluded;

(12) To discuss any matter which, by express provision of federal law or state statute or rule of court is rendered confidential, or which is not considered a public record within the meaning of the freedom of information act as set forth in article one, chapter twenty-nine-b of this code.

#### **§6-9A-5. Minutes.**

Each governing body shall provide for the preparation of written minutes of all of its meetings. Subject to the exceptions set forth in section four of this article, minutes of all meetings except minutes of executive sessions, if any are taken, shall be available to the public within a reasonable time after the meeting and shall include, at least, the following information:

- (1) The date, time and place of the meeting;
- (2) The name of each member of the governing body present and absent;
- (3) All motions, proposals, resolutions, orders, ordinances and measures proposed, the name of the person proposing the same and their disposition; and
- (4) The results of all votes and, upon the request of a member, pursuant to the rules, policies or procedures of the governing board for recording roll call votes, the vote of each member, by name.

#### **§6-9A-6. Enforcement by injunctions; actions in violation of article voidable; voidability of bond issues.**

The circuit court in the county where the public agency regularly meets has jurisdiction to enforce this article upon civil action commenced by any citizen of this state within one hundred twenty days after the action complained of was taken or the decision complained of was made. Where the action seeks injunctive relief, no bond may be required unless the petition appears to be without merit or made with the sole intent of harassing or delaying or avoiding return by the governing body.

The court is empowered to compel compliance or enjoin noncompliance with the provisions of this article and to annul a decision made in violation of this article. An injunction may also order that subsequent actions be taken or decisions be made in conformity with the provisions of this article: Provided,

That no bond issue that has been passed or approved by any governing body in this state may be annulled under this section if notice of the meeting at which the bond issue was finally considered was given at least ten days prior to the meeting by a Class I legal advertisement published in accordance with the provisions of article three, chapter fifty-nine of this code in a qualified newspaper having a general circulation in the geographic area represented by that governing body.

In addition to or in conjunction with any other acts or omissions which may be determined to be in violation of this article, it is a violation of this article for a governing body to hold a private meeting with the intention of transacting public business, thwarting public scrutiny and making decisions that eventually become official action.

Any order which compels compliance or enjoins noncompliance with the provisions of this article, or which annuls a decision made in violation of this article shall include findings of fact and conclusions of law and shall be recorded in the minutes of the governing body.

**§6-9A-7. Violation of article; criminal penalties; attorney fees and expenses in civil actions.**

(a) Any person who is a member of a public or governmental body required to conduct open meetings in compliance with the provisions of this article and who willfully and knowingly violates the provisions of this article is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars: Provided, That a person who is convicted of a second or subsequent offense under this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than one hundred dollars nor more than one thousand dollars.

(b) A public agency whose governing body is adjudged in a civil action to have conducted a meeting in violation of the provisions of this article may be liable to a prevailing party for fees and other expenses incurred by that party in connection with litigating the issue of whether the governing body acted in violation of this article, unless the court finds that the position of the public agency was substantially justified or that special circumstances make an award of fees and other expenses unjust.

(c) Where the court, upon denying the relief sought by the complaining person in the action, finds that the action was frivolous or commenced with the primary intent of harassing the governing body or any member thereof or, in the absence

of good faith, of delaying any meetings or decisions of the governing body, the court may require the complaining person to pay the governing body's necessary attorney fees and expenses.

**§6-9A-8. Acting by reference; written ballots.**

(a) Except as otherwise expressly provided by law, the members of a public agency may not deliberate, vote, or otherwise take official action upon any matter by reference to a letter, number or other designation or other secret device or method, which may render it difficult for persons attending a meeting of the public agency to understand what is being deliberated, voted or acted upon. However, this subsection does not prohibit a public agency from deliberating, voting or otherwise taking action by reference to an agenda, if copies of the agenda, sufficiently worded to enable the public to understand what is being deliberated, voted or acted upon, are available for public inspection at the meeting.

(b) A public agency may not vote by secret or written ballot.

**§6-9A-9. Broadcasting or recording meetings.**

(a) Except as otherwise provided in this section, any radio or television station is entitled to broadcast all or any part of a meeting required to be open.

(b) A public agency may regulate the placement and use of equipment necessary for broadcasting, photographing, filming or recording a meeting, so as to prevent undue interference with the meeting. The public agency shall allow the equipment to be placed within the meeting room in such a way as to permit its intended use, and the ordinary use of the equipment may not be declared to constitute undue interference: Provided, That if the public agency, in good faith, determines that the size of the meeting room is such that all the members of the public present and the equipment and personnel necessary for broadcasting, photographing, filming and tape-recording the meeting cannot be accommodated in the meeting room without unduly interfering with the meeting and an adequate alternative meeting room is not readily available, then the public agency, acting in good faith and consistent with the purposes of this article, may require the pooling of the equipment and the personnel operating it.

**§6-9A-10. Open governmental meetings committee.**

The West Virginia ethics commission, pursuant to subsection (j), section one, article two, chapter six-b of this code, shall appoint from the membership of the commission a subcommittee of three persons designated as the West Virginia ethics commission committee on open governmental meetings. The chairman

shall designate one of the persons to chair the committee. In addition to the three members of the committee, two additional members of the commission shall be designated to serve as alternate members of the committee.

The chairman of the committee or the executive director shall call meetings of the committee to act on requests for advisory opinions interpreting the West Virginia open government meetings act. Advisory opinions shall be issued in a timely manner, not to exceed thirty days.

**§6-9A-11. Request for advisory opinion; maintaining confidentiality.**

(a) Any governing body or member thereof subject to the provisions of this article may seek advice and information from the executive director of the West Virginia ethics commission or request in writing an advisory opinion from the West Virginia ethics commission committee on open governmental meetings as to whether an action or proposed action violates the provisions of this article. The executive director may render oral advice and information upon request. The committee shall respond in writing and in an expeditious manner to a request for an advisory opinion. The opinion shall be binding on the parties requesting the opinion.

(b) Any governing body or member thereof that seeks an advisory opinion and acts in good faith reliance on the opinion has an absolute defense to any civil suit or criminal prosecution for any action taken in good faith reliance on the opinion unless the committee was willfully and intentionally misinformed as to the facts by the body or its representative.

(c) The committee and commission may take appropriate action to protect from disclosure information which is properly shielded by an exception provided for in section four of this article.

**§6-9A-12. Duty of attorney general, secretary of state, clerks of the county commissions and city clerks or recorders.**

It is the duty of the attorney general to compile the statutory and case law pertaining to this article and to prepare appropriate summaries and interpretations for the purpose of informing all public officials subject to this article of the requirements of this article. It is the duty of the secretary of state, the clerks of the county commissions, joint clerks of the county commissions and circuit courts, if any, and the city clerks or recorders of the municipalities of the state to provide a copy of the material compiled by the attorney general to all elected public officials within their respective jurisdictions. The clerks or recorders will make the material available to appointed public officials. Likewise, it is their

respective duties to provide a copy or summary to any newly appointed or elected person within thirty days of the elected or appointed official taking the oath of office or an appointed person's start of term.

### **At Meetings**

Begin each meeting with a quick review of the agenda to ensure there is adequate time to cover all items and modify the order of business if necessary. Move at an appropriate pace. Allow time for questions and full discussion, but the president makes sure the meeting remains focused and decisions are reached. The president needs to ensure that all members have a chance to be heard and that accountability for follow-through is assigned as needed.

Keep in mind the legal responsibility for overall library operations rests in the library board and not individual trustees. It is important for the president to promote effective group decision-making on the part of the entire library board or the library director or any other individual.

Meetings are the place to raise questions and make requests of the library director and/or staff. Individual trustees should never make requests or demands on their own—the members of the governing body must act as a body. Individual trustees should raise concerns or questions at meetings and work as a group to consider all of the ramifications and/or alternatives.

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

The Administrative Regulations requires that all approved minutes are forwarded to the Library Commission or Service Center Library within 30-days.

## Sample Board Meeting Agenda

Below is a sample board meeting agenda. Open meetings law requires that the meeting notice include the time, date, place, and subjects to be discussed and/or acted upon at the meeting.

### NOTICE

#### Local Public Library Board Meeting

Date,

Time

Place

**Note:** Please contact \_\_\_\_\_ at \_\_\_\_\_ if you need accommodations to attend the meeting

1. Call to Order – Board President
2. Roll call and introduction of guests – Board President
3. Approval of previous meeting minutes  
[Provide a copy of the minutes to board members in advance of the meeting.]
4. Director's report and statistical report — Library Director  
[Provide a copy of the report to the board members in advance of the meeting.]
5. Financial report — Library Director and/or Board Treasurer and/or Financial Individual  
[Provide a copy of the report to the board members in advance of the meeting.]
6. Audit and approval of monthly expenditures [Provide a list of bills to the board members in advance of the meeting.]
7. Committee reports or other reports [such as a report on legislative or other statewide issues] [OPTIONAL: include on the agenda only if there is actually something to report.]
8. Subject matter of issue to be considered by the board [for example, "Consideration of revised library collection development policy."]
9. Additional issues to be considered by board [Be reasonably specific about all subject matters to be considered by the board.]
10. Public comment period [This is not required, but it can be helpful for the board to hear about particular public concerns or needs. To avoid open meetings law violations, the board should limit itself to answering basic questions from the public and place the matter on a future meeting agenda if additional discussion or deliberation on the issue is needed.]
11. Board continuing education session to be held to review and discuss [educational topic]

12. Roll call to vote to hold closed session for board consideration of the performance evaluation and compensations of the library director
13. Reconvene in open session
14. Approval of the performance evaluation and compensation of the library director
15. Adjournment

## The Library Director

One of the three most essential functions of the library board is the hiring of a library director. Boards have the authority to hire, supervise, and, if needed, terminate the library director. The library director has the responsibility of hiring, supervising, and, if needed, terminating the library staff. The library staff has the responsibility to assist in the operation of programs and services. Boards have the authority for determining compensation and general duties of the director and other staff members.

Not all library boards will be faced with this responsibility. Those who undertake this process must understand the decision will have far-reaching and long-term effects on the library and community. Be prepared for a great deal of effort in order to hire the best person for the job.

### Steps to Hiring a New Director

Once the present director announces the position will be vacant, work with him or her to identify an interim director in case the job search takes longer than expected. This individual should have a working knowledge of the library programs, services, and operations to carry the library forward until a new library director is named.

Appoint a search committee to develop or revise a draft job description, job advertisement, etc. This committee should look for an individual who can run the day-to day operations of the organization and plan and policy make. In developing the job description, consider the following:

- Experience working with library boards and governing bodies
- Knowledge of budget preparation, policy development, administration, and employee supervision
- Experience in multiple areas of the library: public services, technical services, public relations, and automation

# 4

In this section:

- Steps to hiring a new director
- Sample library director job description
- Performance evaluations
- Sample library director evaluation forms
- Handling complaints against the director
- Director is not working out
- Dismissing the director

- Demonstrated leadership ability and dependability

Review the library's strategic plan and analyze progress in reaching the goals and objectives. Knowing where the library needs to go will help define the qualifications needed in the next director.

The board must approve a position description that reflects the necessary qualifications and duties of the job. A competitive salary range and fringe benefit package must be established to attract qualified applicants.

The board or board committee checks references of applicants, evaluates qualifications and arranges interviews with candidates. A uniform list of questions should be developed for use in the interviews and for contacting references. Be sure to have these questions reviewed by someone knowledgeable about employment and discrimination law.

The board should make clear to candidates any probationary status, performance evaluations and salary adjustment procedures, and all other terms of employment.

Once the board has narrowed the hiring to the top two or three candidates, contact the Library Commission to request a background check. This may help identify any "red flags."

Once the board has made a hiring decision, it contacts the selected applicant and confirms the appointment and starting date in writing. Promptly notify applicants not selected.

A thorough orientation program for the new director should be conducted. News releases and photographic coverage should be arranged. Personal introductions to staff members, trustees, community representatives, and local government officials should be scheduled promptly. An open house or reception hosted by the board, and assisted by the Friends of the Library, is a standard courtesy.

As part of the orientation, the board will outline its expectations for the director during the probationary period and evaluation process are discussed. A six-month or one-year probationary period is a common personnel practice. Performance should be reviewed regularly during this period.

## Sample Job Description

### Library Director

#### Job Information

- Location: Perfect Valley, West Virginia, United States
- Posted: May 15, 2017
- Position Title: Library Director
- Library Name: Perfect County Public Library
- Library Type: Public Library
- Job Category: Administration/Management
- Job Type: Full-Time
- Salary: \$50,000-\$65,000 (Yearly Salary)

#### Description

The Perfect County (WV) Public Library seeks its next Library Director to serve both the Library and the community as an engaged, active participant and contributor. The five-member appointed Board of Trustees and the staff (15FTE) are dedicated to providing high quality library service through programming and services to the 46,000+ community residents. The library has an \$700,000 annual operating budget, with an Administration building, six branch locations, and a bookmobile. The Library emphasizes preschool literacy, works closely with the Perfect County Board of Education to provide bookmobile services to the elementary schools in the county and hosts innovative programs including STEM, young adult programming, and a comprehensive local history collection. Perfect County voters have a long history of support and love for their Library culminating in successful levy elections for over 30 years. **Key opportunities** for the new Director include leading a new strategic planning process, innovating through digital technologies, enhancing staff development through coaching and mentoring, and developing new programs.

Perfect County, located in south central West Virginia an hour east of the capitol city of Charleston, is home to the nationally recognized Summit Bechtel Family National Scout Reserve and many recreational and cultural amenities. Recreational amenities include both a national and state park, the New and Gauley Rivers with their world class whitewater rafting and kayaking, biking and hiking trails, and rock climbing. Equally enticing is Perfect County's low cost of living and affordable housing.

**Responsibilities.** The Director has overall responsibility for the planning, development, implementation and evaluation of all Library operations and works successfully with staff, Board, governmental officials and community stakeholders. Primary responsibilities include, but are not limited to, implementing Board policies and program decisions; developing the annual budgets tied to Library goals; implementing and

evaluating the strategic plan; hiring, developing and retaining Library personnel; representing FCPL on the Mountain Library Network Executive Board and the West Virginia Digital Entertainment Library Initiative (WVDeli) Executive Board; developing and implementing long-range capital improvements plans; and advocating for the Library in the local, state and national community.

## Requirements

**Qualifications.** Minimum qualifications include a Master's in Library Science from an ALA-accredited program, and five (5) years professional library experience at a management level. Preferred qualifications include sound fiscal management skills; the ability to mentor and inspire a strong, creative staff; knowledge of best practices and trends in library technologies; and proven success in community engagement and partnership development. Prior Library Director experience reporting to a governing Board in a multi-branch environment is also desirable.

**Compensation.** The position offers a hiring salary range of \$50,000- \$65,000 (dependent upon experience and qualifications) and an attractive benefits package.

**For further information**, contact John Doe by email or phone (304-999-9999). Apply via email with a meaningful cover letter, your resume, and three professional references as Word or pdf attachments to [john.doe@yourlibrary.com](mailto:john.doe@yourlibrary.com). **This position closes June 30, 2017.**

## Performance Evaluations

Evaluating the library director is a continuous process that should be used as a means toward determining the accomplishment of organizational goals and objectives and how well the library is being managed. It should be based on the job description and/or negotiated objectives agreed on at the time of hiring or soon thereafter and revised shortly after the annual performance review.

There are very good reasons to evaluate the library director:

- It provides formal feedback on the director's performance.
- It is a tool to motivate, encourage, and provide direction.
- It offers the board with valuable information about the operations and performance of the library.
- It can help establish a record of satisfactory or unsatisfactory performance.

- It gives the board and the director a formal opportunity to evaluate and adjust the job description of the library director, if necessary.

The library board is responsible for oversight of the library operations and the activities of the library director. Boards may choose to delegate the task of developing a preliminary evaluation to a personnel committee or specially appointed committee of the board. Whichever method is used, keep in mind that it is the *whole* board's responsibility to review, discuss, and approve the final written evaluation.

The review should be based on three factors:

- The director's performance as it relates to the written job description.
- A list of objects for the preceding year jointly written and agreed upon by the board and the director.
- The success of the library in carrying out service programs, as well as the director's contribution to that success.

The director job description should be kept up-to-date and reflect the statement of work that needs to be done. Be realistic! The director needs to know what is expected in order to carry it out.

### **Expectations and Evaluation**

Directors are accountable to many varied and sometimes conflicting constituencies. The board and the director must recognize these groups and agree on the priority of the demands of each. These constituencies might include:

1. Elected officials and the appointed governing officer who supervised other local government department heads
2. Library staff members who have diverse personal expectations for their director
3. Special interest groups who exert pressure on the director to respond to their concerns
4. Individual members of the board of trustees who have personal priorities for the library and the director

Good communication, effective public relations, a written plan, and clear policies will all help the board and director to deal with any conflicting expectations.

**Remember:** If the director is having a problem, give timely help—don't wait for an annual evaluation. Single episodes, slips, or errors should be disposed of when they occur and not held in waiting for an annual criticism.

The board's performance must also be evaluated as part of this process. Did the board conduct itself well, abide by the board/director divisions of responsibility, set objectives and work toward them, listen to reports, and provide needed assistance throughout the year?

The evaluation should be a constructive process. Most library directors welcome the opportunity to review past performance objectively against established criteria. A good evaluation interview will include both strengths and weaknesses and will help the director be more effective in managing the library.

### Sample Library Director Evaluation Forms

#### *Whitewater Public Library*

Evaluation of \_\_\_\_\_, Library Director

**Irvin L. Young Memorial Library, Whitewater, Wisconsin**

Date: \_\_\_\_\_ Period reviewed: \_\_\_\_\_

Explanation of ratings:

1=Unsatisfactory performance/does not meet expectations

2=Less than satisfactory performance/needs improvement

3=Satisfactory performance/meets expectations

4=Performance exceeds expectations

5=Outstanding achievements/performance

U=Unable to evaluate

*Circle one for each item:*

*Explain ratings of 1 or 2 in Comments section*

### **I. Administration**

- |   |                                 |
|---|---------------------------------|
| 1. Plan and coordinate library services and operations                                    | 1.....2.....3.....4.....5.....U |
| 2. Select and order all library equipment and oversee maintenance and repair of equipment | 1.....2.....3.....4.....5.....U |
| 3. Develop, implement and monitor library procedures                                      | 1.....2.....3.....4.....5.....U |
| 4. Plan, implement & monitor library technology systems                                   | 1.....2.....3.....4.....5.....U |
| 5. Prepare reports & compile statistical data as needed                                   | 1.....2.....3.....4.....5.....U |
| 6. Oversee condition of facility and grounds  | 1.....2.....3.....4.....5.....U |

### **II. Budget**

- |   |                                 |
|---|---------------------------------|
| 1. Prepare budget recommendations for the Library Board     | 1.....2.....3.....4.....5.....U |
| 2. Represent Library Board during city budget deliberations | 1.....2.....3.....4.....5.....U |
| 3. Administer the library budgets                           | 1.....2.....3.....4.....5.....U |
| 4. Prepare monthly and annual budget reports                | 1.....2.....3.....4.....5.....U |

### **III. Personnel**

- |   |                                 |
|---|---------------------------------|
| 1. Provide hiring procedures & select new employees                   | 1.....2.....3.....4.....5.....U |
| 2. Provide training and instruction for library personnel             | 1.....2.....3.....4.....5.....U |
| 3. Supervise and evaluate library personnel                           | 1.....2.....3.....4.....5.....U |
| 4. Provide assistance to library personnel in performing their duties | 1.....2.....3.....4.....5.....U |
| 5. Communicate with library personnel as appropriate                  | 1.....2.....3.....4.....5.....U |

### **IV. Library Collection**

- |  |                                 |
|--|---------------------------------|
| 1. Develop and maintain the library collection according to the needs of the community | 1.....2.....3.....4.....5.....U |
| 2. Review, evaluate, and select books, periodicals and other library materials         | 1.....2.....3.....4.....5.....U |

3. Develop and maintain the local history collection 1.....2.....3.....4.....5.....U
4. Supervise and direct the cataloging and classification of the collection 1.....2.....3.....4.....5.....U

#### **V. Public and Community Relations**

1. Serve as a liaison to the community 1.....2.....3.....4.....5.....U
2. Prepare news releases, notices and library publications 1.....2.....3.....4.....5.....U
3. Respond to public inquiries and complaints 1.....2.....3.....4.....5.....U
4. Serve as a liaison to the Friends of the Library, Irvin L. Young Memorial Library Endowment Board and any other special committees 1.....2.....3.....4.....5.....U

#### **VI. Library Board Relations**

1. Assist the Board in planning and setting the agenda for its meetings 1.....2.....3.....4.....5.....U
2. Participate in Board meetings 1.....2.....3.....4.....5.....U
3. Assist the Board in making policies, plans and objectives 1.....2.....3.....4.....5.....U
4. Conduct new Board members orientation 1.....2.....3.....4.....5.....U
5. Apprise the Board of present and future needs 1.....2.....3.....4.....5.....U

#### **VII. Liaison Responsibility with City, State, County and System Groups**

1. Represent the Library Board to the Whitewater city government 1.....2.....3.....4.....5.....U
2. Represent the Library Board and attend meetings during county budget deliberations 1.....2.....3.....4.....5.....U
3. Represent the Library Board in communications with the Mid-Wisconsin Federated Library System, Lakeshores Library System, Arrowhead Library System and Jefferson County 1.....2.....3.....4.....5.....U
4. Represent the Library Board & communicate with members of LAUNCH 1.....2.....3.....4.....5.....U
5. Prepare the annual report for the Department of Public Instruction of the State of Wisconsin 1.....2.....3.....4.....5.....U

**VIII. Professional Development**

1. Keep current with knowledge, skills and trends relevant to public libraries and librarianship in general 1.....2.....3.....4.....5.....U
2. Ensure compliance with all laws relating to public libraries 1.....2.....3.....4.....5.....U
3. Maintain appropriate certification 1.....2.....3.....4.....5.....U

**Comments/Specific performance or development directives or goals for the next review period, if any: *This section must include an explanation of any ratings of 1 or 2.***

**Signatures**

I have reviewed the attached evaluation and discussed it with the Library Board/President. My signature means that I have been advised of my performance status but does not necessarily imply that I agree or disagree with the evaluation.

---

*Library Director's signature*

---

*Date*

The Library Board has prepared the attached evaluation. The contents of this evaluation and the director's performance status have been discussed with the Library Director.

---

*Library Board President's signature*

---

*Date*

## PROCEDURES FOR LIBRARY DIRECTOR EVALUATION

### IRVIN L. YOUNG MEMORIAL LIBRARY BOARD

1. The evaluation of the library director shall be done annually.
2. The evaluation shall involve all Board members and the library director. Library staff who shall provide input include all professional staff and, on a rotating basis, one representative from each classified level.
3. The evaluation tool(s) shall be agreed upon by the Library Board and the library director and based upon the director's position description.
4. The Library Board members shall individually evaluate the library director before a special meeting held in February.
5. The Library Board members, under the direction of the Board President, shall consolidate the members' evaluations into one agreed-upon director's evaluation at the special meeting in February.
6. The Library Board members and the library director shall orally discuss the director's evaluation at the March Board meeting. The written record of the evaluation shall be signed by the Board President and the library director and filed in the library.
7. All meetings shall meet the legal requirements of the State of Wisconsin's Open Meeting Law (*Wisconsin Statutes* § 19.85(1)(c)).

### *Rochester Hills Public Library*

#### **EVALUATION OF LIBRARY DIRECTOR - Rochester Hills Public Library**

Use the numerical scale below to evaluate the performance of the Library Director this past year. Select the number that best indicates your perception of the Director's performance for each of the criteria listed.

#### POINTS

- |                    |   |
|--------------------|---|
| 5 - Outstanding    | far exceeding performance criteria  |
| 4 - Above average  | exceeds normal expectations   |
| 3 - Average        | generally meets expectations  |
| 2 - Weak           | erratic performance, falls short of normal expectations, requires remedial action |
| 1 - Unsatisfactory | unacceptable performance, which must receive immediate attention                  |

**Rating****A. Relationships with Board**

- \_\_\_\_\_ 1. Keeps the Board informed on issues, needs and operations of library
- \_\_\_\_\_ 2. Offers professional advice to the Board on items requiring Board action, with appropriate recommendations based on thorough study and analysis.
- \_\_\_\_\_ 3. Supports and executes Board policy and intent to public and staff.
- \_\_\_\_\_ 4. Seeks and accepts constructive criticism of work.
- \_\_\_\_\_ 5. Seriously considers, and/or acts on individual Board member's suggestions.

Comments**B. Goals and Objectives**

- \_\_\_\_\_ 6. Provides leadership in developing long and short-term goals to accomplish mission of library.
- \_\_\_\_\_ 7. Keeps the Board updated on implementation of library goals and objectives.

Comments**C. Community and Professional Relationships**

- \_\_\_\_\_ 8. Gains respect and support of the total community on the operation of library.
- \_\_\_\_\_ 9. Maintains an effective press and media campaign.
- \_\_\_\_\_ 10. Keeps abreast of local, state and national library issues.
- \_\_\_\_\_ 11. Participates in local, state and national library associations.

Comments

**D. Staff and Personnel Relationships**

- \_\_\_\_\_ 12. Develops and executes sound personnel procedures and practices.
- \_\_\_\_\_ 13. Develops skilled staff morale and loyalty to the organization.
- \_\_\_\_\_ 14. Delegates authority to members appropriate to the positions each holds.
- \_\_\_\_\_ 15. Recruits and assigns the best available personnel in terms of their competencies.
- \_\_\_\_\_ 16. Evaluates performance of staff members, giving commendation for excellent work as well as constructive suggestions for improvement.

Comments

**E. Business and Finance**

- \_\_\_\_\_ 17. Keeps informed on needs of the library -- plant, facilities, equipment and supplies.
- \_\_\_\_\_ 18. Evaluates financial needs and makes recommendations for adequate financing.
- \_\_\_\_\_ 19. Determines that funds are wisely spent and within budget limitations.
- \_\_\_\_\_ 20. Supervises operations, insisting on competent and efficient performance.

Comments

**F. Personal Qualities**

- \_\_\_\_\_ 21. Maintains high standards of ethics, honesty and integrity in all professional matters.

Comments

## Handling Complaints Against the Director

Occasionally, the library director becomes involved in a situation (disagreement with a client, weeding 30,000 items from the collection in two months at the horror of the community, unpopular policies) which gets back to the board to handle. Depending on the severity of the situation, the community may have strong feelings and be very vocal.

A pre-existing policy and procedure on handling personnel complaints by the public, just as it has on handling internal grievances will help the board from reacting in the moment. With such a policy any board member approached by a member of the community can state that there is a procedure to be followed.

If the director is aware of a personnel grievance regarding his or her employment, the board president and chair of the Personnel Committee should be notified. They will determine whether a meeting is needed and when to notify board members. Ensuring everyone has the facts on what happened is the board's roles. Have staff members submit statements in writing, according to procedure. Make sure you follow your complaint and grievance procedures. The board should not act, or make public statements, until it has had an opportunity to confirm the facts. Premature decisions are hard to undo. Review all board discussion and proposed actions with your attorney.

## It Is Not Working Out

When it's evident to the library board or the library director continued employment is not in the best interest of the community, a parting of the ways is necessary. Any board decision needs to be fair and impartial, to avoid the risk of litigation. Guard against snap judgments. The director can decide to resign at any time even if there is an employment contract.

## Dismissing the Library Director

One of the most demanding situations any board may have to face is dismissing the library director. It is an action that should not be taken lightly because it will reflect on the future of the library and on the career of the director.

There is less likelihood of having to take this action if care is taken in the hiring process and the board has a well-developed evaluation procedure in place.

If efforts taken to improve the difficulty are unsuccessful, and the working relationship between the board and the director reaches a point that it is not possible to continue, then dismissal becomes a last resort.

Unless the director has a written contract with the library board, the director is an "at-will" employee. At one time, at-will employment meant that the employee could be dismissed at any time and the employee could quit at any time. In recent years, the

courts have put limitations on at-will employment. At-will employees may not be fired when any of the following conditions apply:

- Public policy—firing an employee who refuses to break the law or who reports illegal activity by the employer.
- State or federal anti-discrimination laws.
- Employment contracts, such as an employee manual. To prevent an employee manual from being considered a contract, it should include a disclaimer statement.

Ideally, the reasons for discharge are for poor performance or infraction of rules. Both the reasons for dismissal and the procedures to be followed should be stated explicitly in writing and adopted by the board as policy. It is important to avoid vague terms. An appeals procedure should be included to ensure fairness and to protect the director from false charges.

In considering dismissal of the director, the board should ask itself the following questions:

- Has the board acted responsibly?
- Has the board dealt with problems as they arose?
- Has the director received written notification of his or her dismissal and the reasons for dismissal?
- Has the director been given a full hearing?
- Have the charges been listed explicitly?
- Can the board defend its position?
- Does the board need legal advice?
- How will the dismissal be handled with the public?
- Do the policies need to be changed?

The board should understand that its responsibility is to provide the best possible library service. Every effort should be made to ensure that personalities and biases are not leading factors in a decision to replace the director.

## Library Policy

Library policy making is another one of the “three most essential functions” of the library board. Policies are required documents that provide the framework governing library operations, rules, and use. These tools cover a broad range of issues, including services (hours the library is open, inclement weather), circulation of the library’s materials, the collection, confidentiality of patron records, volunteers, and use of the building (meeting rooms, makerspaces).

Policies benefit the library by:

- Supporting the library’s mission, goals, and objectives,
- Guiding the library director and staff in implementation of board judgments,
- Providing direction and consistency in day-to-day service to community and library operation,
- Reducing uninformed decision-making and crisis responses to problem situations,
- Protecting the rights and assuring fair treatment of all patrons and staff members.

Policies tailored to local conditions, the library’s mission statement, and service responses work best. Once adopted, the library director implements policies through the development of library procedure. Library staff follow the procedures during daily activities and programs. When all elements are in place, the library director and staff have direction of the day-to-day operation of the library, and both the public and the staff are assured of consistent treatment in all aspects of library service.

### Who develops library policy?

While only boards of trustees have the legal responsibility and authority to make policy, library director and staff

# 5

In this section:

- Who develops policy?
- Developing policy
- Types of library policy
- Legally defensible policies
- Policies versus procedures

involvement is vital. The director and staff act as guides: researching options available, contacting other facilities to garner the impact of similar decisions, drafting the document for consideration, and presenting the report. *The library board must approve all policies in properly noticed public meetings.*

Record, compile, and organize the library's policies into an easily accessible manual. All interested parties need a copy: appointing authorities, board members, the director, and staff. Post policies affecting services to the community on the library website or in the library. Send the Library Commission an electronic copy of your policy manual as policies are reviewed, revised, or newly adopted.

### **Developing Policy**

Policy development and maintenance affects established practice and policies. Trustees should allow adequate time for consideration and discussion. Systematic policy development includes:

1. An explanation of the condition or problem, past or present, that requires policy consideration.
2. How any policy development/revision will contribute to the accomplishment of the library's mission, goals, and objectives.
3. A list of all existing policies related to or affected by the policy decision.
4. An account of policy options available, with an analysis of:
  - a) long- and short-range effects of enacting new policy,
  - b) potential side effects — good or bad — of passing each policy,
  - c) relevant legal ramifications, and
  - d) cost in terms of library resources: staff, budget, collections, and buildings.
5. A recommendation from the library director, accompanied by a summary of the corresponding rationale for changes in related policies.
6. A concisely worded draft statement for consideration.

Once adopted, the policies should have the unqualified support of the entire board. Review policies annually and revise as needed in order to meet the mission, goals, and objectives of the library.

## Types of Library Policies

Every phase of library operation is broadly covered by a policy and implemented through library procedures. Local needs and situations will determine the content a library's policies. The following policy explanations are not intended to list all needed elements.

- **Personnel:** policies regarding employee hiring, firing, salaries, benefits, annual and sick leave, dress, performance review, job duties, conduct, grievances, promotion, and use of substitute staff. Include the drug free workplace statement certifying that the library is a drug-free workplace and has a drug-free awareness program here.
- **Library Operations:** policies that affect the day-to day operations of the library and services provided.
  - Access: the availability of the library and its services to residents of an area served. In a larger sense, the ability to reach sources of information through a library and its cooperative links to other information sources.
  - Borrowing privileges: eligibility for library cards and expiration, type of materials available for borrowing, fees for nonresidents, and consequences for misuse of privileges.
  - Cash handling/audit: the job classifications authorized to deal with cash and other monies and frequency and procedure for audit.
  - Circulation of materials: loan period for various types of materials, renewal and hold processes, and fee schedule for overdue, damaged or lost materials.
  - Confidentiality of user records: to ensure that information about a patron and the materials a patron has checked out is confidential and may not be made available to any other person or governmental agency except through proper legal process, order or subpoena. Develop this policy within the framework of ***West Virginia Code §10-1-22. Confidential nature of certain library records.***
  - Cooperation with other libraries and information providers: banding together of various groupings of libraries and other information providers with a formal or informal agreement to use or provide common services, purchase cooperatively, and share resources. The intent is to more effectively utilize resources.
  - Disaster plans: how a library will deal with evacuating, storing, restoring, and replacing materials and equipment in the case of a natural or man-made disaster, including plans for restoring or providing interim library service. The disaster plan must also include how staff will respond to medical or other emergency situations in the library.

- Exhibits and displays: explanation of what types of groups may use exhibit and display areas and for what purpose, priority of library use, length of time and types of materials allowed. Consistent conditions and limitations are important.
- Fines and fees: fines for overdue, lost or damaged material and fees for various services, including, but not limited to, borrowing of certain materials, printing fees, meeting room fees, etc. Fees are usually limited to recovering costs and providing nontraditional services.
- Gifts: gifts of money, stocks or bonds, land, books, materials or other gifts to the library and whether or what conditions made for their use are acceptable, and how to publicly recognize gifts.
- Hours of service: library's hours when open to the public, including holidays and when users may access telephone assistance if needed.
- Intellectual freedom: affirming a citizen's right to hold and express individual beliefs, and the library's obligation to provide information representing a continuum of viewpoints about specific topics and to ensure that challenges to First Amendment rights can be met and defended. This may be combined with a policy regarding censorship.
- Interagency cooperation: conditions under which the library will cooperate with other agencies (local, state, and/or federal), what types of cooperation will be involved, legal or other guidelines to be followed.
- Interlibrary loan: system of interlibrary cooperation that allows libraries to obtain information and materials (to borrow for a specified time period) for their users from other libraries.
- Meeting room use: explanation of what types of groups may use library meeting rooms and for what purposes, priority of library use, time period of use, booking period limits, frequency of use, any fees assessed for use, whether refreshment is allowed and how it may be provided. Consistent conditions and limitations are important.
- Programming: philosophy of types of special events or activities the library will seek or permit to be presented and perceived value/use of such events or activities.
- Provision of library equipment and supplies for public use: whether provided and intended to promote equitable and consistent public access to and use of library-owned equipment and supplies and to protect library resources and facilities.
- Public participation and input: methods for the library's public to communicate opinions and concerns about library policies and practices, in an impartial and comfortable atmosphere with a mechanism for timely and duly considered library response.

- Public relations: how to represent the library, inform the public about and encourage use of the library, ensure accurate and professional communication, and to provide evidence of good stewardship of public funds and trust.
- Reference service: the various kinds of librarian assistance, including quick or ready reference and online searching, provided to individual library users seeking information; discusses type of service provided, length of time allowed, and variety of resources used.
- Relationship to Friends of the Library: responsibilities of Board and Friends in specific areas of library operations, legal limits to each organization's functioning.
- Responsibilities of board and director: for developing an effective library program by delineating and following clearly understood respective responsibilities.
- Rules of behavior: to provide a safe and appropriate environment within the library for use of its resources and to prohibit activities inconsistent with achievement of substantial library objectives and be concerned with the public's right of access, the safety of users and staff, and the protection of library resources and facilities.
- Service to schools, nursing homes and other institutions, including prisons/jails: discussion of whether library will provide outreach service by taking programs or materials to other locations, how the library will schedule school visits, the amount of time provided to such services.
- Site establishment criteria for branches and bookmobile stops: what criteria will be used, statistics collected, forum developed for collecting public opinion, time frame for reevaluation.
- Unattended children: balancing of safety of the library for children when unaccompanied by a responsible adult, the legal ramifications of unattended children, and the needs of the library to provide service to all, including the children of the community.
- User complaints: how to deal with user complaints/concerns about materials, policies, staff, or situations in a particular library or system.
- Volunteers: includes roles and responsibilities, recruitment and selection, duties and limitations, library staff relationship, and recognition and rewards. Develop this policy within the framework of ***West Virginia Code §10-1-22. Confidential nature of certain library records.***
- **Collection development:** the activities related to building a library collection, including assessing user needs, studying collection use, standards for selecting materials and maintaining the collection, which includes weeding. Includes statements of purpose of collection, subject area and material formats, and how

the library will meet the needs for resources not purchased. Also includes "Request for Reconsideration of Library Resources" or other form for patron expression of concern about a particular library resource.

- **Technology**

- Electronic access: methods by which patrons outside the library may access information, the catalog, etc., electronically. Also, resources which the library may access electronically.
- Internet acceptable use: conditions under which patrons may access the Internet at a particular library or system; may include time limits, acceptable or unacceptable types of information sought, method of storing information for later retrieval.

### **Legally Defensible Policies**

It is important that the board adopts policies that are legal. Use these four tests to determine of the legality of the policy:

*Test 1: Policies must comply with current statutes and case law.*

*Test 2: Policies must be reasonable. And, all penalties must be reasonable.*

A library policy that says, "All talking in the library is prohibited, and anyone who talks in the library will permanently lose library use privileges," is clearly an unreasonable rule with an equally unreasonable penalty.

*Test 3: Policies must be clear (not ambiguous or vague).*

A policy that says, "Library use privileges will be revoked if a patron has too many overdue materials," is too vague to be fairly administered.

*Test 4: Policies must be applied with discrimination.*

If a library charges fines, it cannot give preferential treatment to some individual patrons, like members of the board or local elected officials. If the library waives fines, that waiver must be available to all patrons on an equal basis.

### **Policies versus Procedures**

Whereas policies are the general statements, procedures outline the steps necessary to accomplish various tasks. These tools are helpful in ensuring tasks are done consistently and for training new employees.

Procedures must confirm to the library's established policies. The library director has the responsibility for the development of procedures and its day-to-day supervision.

## Library Finance

Ensuring the library has funds to operate effectively is the final third of the “most important” responsibilities of the board. Ultimate responsibility for the library financial management resides with the board—from budgeting to spending to financial reporting. Government funders and the community are more likely to provide the resources necessary for high-quality library service when they know library finances are carefully controlled and monitored. To insure this, the board must:

- Insure careful development and approval of the budget.
- Review and approve of all library expenditures.
- Review and monitor monthly financial statements.
- Develop of policies for the handling of gifts and donations.
- Insure accurate financial reporting.
- Assure that audits are completed annually and are paid careful attention.

Library budgeting and finances are an area where the board and the director need to work in close partnership and where high trust among them really pays off. Both trustees and staff should have a clear understanding of the budget process and a major opportunity to contribute.

### The Budget Process

Reviewing the library’s strategic plan is the first step in developing the budget. The plan should already document the community’s library services needs and the library activities necessary to meet those needs. Reflecting on the financial implications of the activities for the coming year is a starting part for planning the budget.

Understanding and determining the total financial resources necessary for what the library wants to

# 6

In this section:

- The budget process
- Funding sources
- Budget characteristics
- Terms and distinctions
- Sample library budget
- Approval of the budget

accomplish in the upcoming year is the second step. Often, increased funding is necessary because of increased costs, increased usage, and/or new services that will be offered. The library director can offer insight on these increases as well as services and/or programs that need to be changed or eliminated.

The library director and staff will prepare the draft budget documents for the board to review. Follow the format required by the funders. The board will review the draft budget(s) with the director, propose changes, and finally approve a finished budget. *The library board must approve the budget in properly noticed public meetings.*

After the written budget documents are approved by the board and submitted to the appointing authorities, the final step is securing the funding. Trustees are especially effective budget advocates. The board should be involved in the presenting, explaining, and supporting the library budget.

The board may need to make budget changes if the funding is not secured to balance the budget. Changes may need to take place during the budget year if certain expenditures come in higher as expected or unexpected things happen, needing a new HVAC system for example.

## **Funding Sources**

Funds for public library service in comes from a combination of sources, including:

- Government funds, including local, state, and federal monies;
- Grants and gifts;
- Fines;
- Fees for service; and
- Community fundraising.

Public libraries in West Virginia receive funding through the West Virginia Library Commission from monies allocated by the West Virginia legislature, also known as Grants in Aid (GIA). Money distributed to the public libraries is on a per capita basis as determined by the previous 10-year Census report.

Local levies are a source of funding for West Virginia public libraries. The board may be very effective in determining how the interests of the library will best be served in levy voting. As key figures in the local community, trustees may understand the political advantages of different methods of levying than the library director or staff. For details on special library funding laws and levies, see Chapter 11, Article 8, Section 16 of the

West Virginia Code. *Keep in mind that only board members may advocate for a local levy; it is a conflict of interest for the library director or staff advocate for the levy.*

Grants and gifts are an excellent source of supplementary funds for special projects. For example, community citizens are often willing to make significant donations to cover part or all the costs of a new or remodeled library building. This type of funding should never be used to justify reducing or replacing the local government's commitment to public funding.

Fines may be a source of library income but is unpredictable from one year to the next. When considering using fines as a funding source, the board should consider both the effectiveness of fines in encouraging the return of materials and possible adverse public relations when establishing a fine policy.

Fees for service may include charges for photocopying or other printing, faxing, interlibrary loan service, and other special services of the library. Mostly these fees are used to recover costs, like for printer paper and toner, and are not a significant addition to the library's revenue. Fees for service are discussed in the West Virginia Code and provided below. The library policies need to indicate how fees for service are determined and what fees will be charged.

**West Virginia Code, 10-1-9a. Fees, service and rental charges; fines; sale surplus or obsolete materials or equipment; deposit and disbursement of receipts.**

The Board of Directors of a library established or maintained under this article may fix, establish, and collect such reasonable fees, service and rental charges as may be appropriate; may assess fines, penalties, damages or replacement costs for the loss of, injury to, or failure to return any library property or material; and may sell surplus, duplicated, obsolete, or other unwanted material or equipment belonging to the library. All monies received from these or other sources in the course of the administration and operation of the library shall be deposited in the library fund and shall be disbursed by the board of directors in the manner described elsewhere in this article.

Community fundraising efforts support both special projects and operating expenses of some libraries. Efforts may include used book sales, ramp dinners, quilt shows, etc., and are often projects of the board or library friends' group. It is often more effective to concentrate on one or two major events than several smaller ones. The board or friends group need to be sure that all events abide by local laws, and, that if special permits or insurance coverage are required, they are purchased. Board member serve as public

relations agents in community fundraising, networking with contacts in other organizations throughout the community to encourage participation in library events.

### **Budget Characteristics**

There are four characteristics that your budget document should include.

1. **Clarity:** The budget presentation should be clear enough so every board member, every employee, and every governing body member can understand what is being represented.
2. **Accuracy:** Budget documentation must support the budget figures. Be sure final budget figures accurately reflect the back-up documentation.
3. **Consistency:** Budget presentations ought to retain the same format from period to period so that comparisons can be easily made. All budgets are comparative devices, used to show how what is being done now compares to what happened in the past and to what is projected to happen in the future.
4. **Comprehensiveness:** Budget reports should include as complete a picture of fiscal activities as is possible. The only way to know the actual cost of the library operation is to be certain that all income and expenditure categories are included within the budget.

### **Terms and Distinctions**

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

**Operating vs. capital costs:** In planning for the financial needs of the library and recording financial activities, it is important to keep operating and capital activities separated for reporting purposes. Operating costs are those that recur regularly and can be anticipated from year to year. Included as operating expenditures are staff salaries and benefits; books and other materials acquired for the library; heating, cooling, and regular cleaning and maintenance of the building; and technology expenses. Capital costs, in contrast, are those that occur irregularly and may require special fundraising efforts. These would include, for example, new or remodeled library buildings, repaving the parking lot, or major upgrades of technology. Present the operating and capital costs separately within your library budget.

**Income vs. expenditures:** In both operating and capital budgets, income and expenditures need shown. Income should be broken down by the source of the funding—for instance, municipal appropriation, county appropriation, state appropriation, grant projects, gifts and donations, fines and fees, etc. Expenditures are shown in categories (or lines) representing similar kinds of products or services—for instance, wages, benefits, print materials, audio and video materials, telecommunications, staff and board continuing education, etc.

### Sample Budget

	Monthly	Yearly	Total
<b>Personnel</b>			
Salaries/ Wages			\$130,060.32
Library Director		\$35,000.00	
Children's Librarian		\$28,000.00	
Cataloging Librarian		\$28,000.00	
Circulation Clerk 1		\$7,540.00	
Circulation Clerk 2		\$7,540.00	
FICA		\$8,115.12	
Hospitalization	\$462.00	\$5,544.00	
Retirement		\$9,547.20	
Unemployment	see form	\$288.00	
Worker's Compensation	see form	\$486.00	
<b>Utilities</b>			\$9,300.00
Electricity	\$120.00	\$1,440.00	
Gas	\$350.00	\$4,200.00	
Telephone	\$143.00	\$2,916.00	
Water	\$37.00	\$444.00	
Trash Removal	\$25.00	\$300.00	
<b>Contractual</b>			\$7,750.00
Insurance		\$1,500.00	
Audit		\$1,100.00	
Janitorial	\$300.00	\$3,600.00	
Equipment maintenance		\$1,000.00	
Copier		\$150.00	
Postage		\$50.00	
Public Relations		\$350.00	
<b>Library Materials</b>			\$18,400.00
Print	\$800.00	\$9,600.00	
Magazines		\$1,000.00	
Audiobooks		\$5,000.00	

	eBooks		\$1,000.00	
	Video		\$1,800.00	
<b>Supplies</b>				\$2,500.00
	Office	\$50.00	\$600.00	
	Processing	\$75.00	\$900.00	
	Summer Reading		\$500.00	
	Adult Programs		\$500.00	
<b>Furniture/Equipment</b>				\$2,850.00
	New Chair for Circ Desk		\$500.00	
	Card Tables		\$350.00	
	New public PCs		\$2,000.00	
<b>Programs</b>				\$1,400.00
	Honoraria		\$900.00	
	Travel		\$500.00	
<b>Continuing Education</b>				\$3,125.00
ALA - Director				
	Airfare		\$550.00	
	Registration		\$400.00	
	Hotel		\$500.00	
WVLA Annual - 2 Staff				
	Travel		\$175.00	
	Registration		\$150.00	
	Hotel		\$210.00	
WVLA Spring Fling - 2 Staff				
	Travel		\$140.00	
	Registration		\$60.00	
	Hotel		\$210.00	
<b>Hospitality</b>				
	Story Hour - 36 weeks		\$180.00	
	Summer Reading		\$400.00	
	Adult Programs - 3		\$150.00	

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<b>Total Library Budget</b>				<b>\$175,385.32</b>
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## Approval of Library Expenditures

The board has financial oversight of the expenditures of all moneys collected, donated, or appropriated for the library fund. This control is exercised through the approval of the budget, the establishment of financial policies, and the audit and approval for all library expenditures during board meetings.

Library financial procedures need to include:

- Approval of the annual budget and any budget adjustments during the year.
- Delegated authority to the library director to make purchases within the budget and according to financial policies.
- The library director creating a monthly list of all expenditures, and a monthly library financial statement.
- At meetings, the board reviews and approves payment of the expenditures and the financial statement.
- Approved expenditures are made by the designees of the board. The West Virginia Library Commission requires "at least two signatures, one of which must be a library trustee, on all checks used in payment of library financial obligations. All those with signature authority must be bonded at the expense of the board of library directors."

## Planning

Every library board has a fundamental duty to develop an effective library plan. It is tempting to focus on more immediate concerns and put planning indefinitely on the back burner. A good plan becomes a roadmap for the library. It assists the board and the director in making decisions that are best for the community being served. It also publicizes the library's priorities and its vision of the future.

The plan should reflect intense examination of the following questions:

- What is the present state of the library? How is the library meeting the needs of the community? What are the economic, political, and cultural factors that have an impact on library services? What trends can be identified as being significant to the library? What role does the library want to play in the community?
- Where should the library be in the future? What is the mission of the library? What are the goals? What does the library want to accomplish?
- How will the library get to the future? What steps should be taken? Who has responsibility for each step?
- What is the best sequence for the steps? What is the timetable for the implementation steps?
- How will the board determine when the plan has succeeded? What measurements will be used?

Planning involves looking at what is possible and considering a wide range of alternatives. Open-mindedness and creativity help in developing a plan that will direct the most effective use of library resources. Board members should keep in mind the present and future needs of the entire community served by the library. Obtaining input from members of the public, as well as from the director and staff, is critical.

# 7

In this section:

- Planning statements
- Evaluation

Planning is not easy, and it takes dedicated time. It involves a thorough examination of many factors and ideas. An excellent tool to assist in this process is the Public Library Association's (PLA) *The New Planning for Results: A Streamlined Process*. Copies are available for interlibrary loan from the Library Commission.

### Planning Statements

Plans should have a hierarchy of planning statements, including a mission statement, goals, objectives, and activities statements:

- **Mission Statement** - a tightly worded statement of the library's purpose for existing. "Its purpose is to inform the community about the library's priorities in clear and easily understood terms." Mission statements should be carefully worded to provide enough specificity to serve as a guide for the rest of the plan without being too wordy. Mission statements should be written after service responses are selected. Your goals, objectives, and activities statements will flow from your mission statement.
- **Goal** - The benefits your community (or a target population within your community) will receive because the library provides programs and services related to a specific service response.
- **Objective** - The steps the library will take to measure its progress toward reaching a goal. Every objective contains the same three elements: a measure, a standard against which to compare that measure, and a date or time frame by which time the standard should be met. For example: The number of children enrolled in the summer reading program (the measure) will increase by 10 percent (the standard to determine success) each year (the time frame).
- **Activities** - The strategies or groupings of specific actions that the library will carry out to achieve its goals and objectives. At this point the planning process becomes real to the staff for the first time for they can now see how planning will affect their day to day activities. Activities chosen must accomplish the outcomes described in the goals and objectives and the library must have the resources required to accomplish the chosen activities.

### Evaluation

After the plan has been finalized and implemented, the planning process shifts to review and evaluation. The board will monitor the plan's progress. Have any goals been accomplished? Are parts of the plan out of date and in need of amendment? Are there new elements that need to be added to the plan? Plans are not set in stone. They are dynamic documents; at times it is necessary to change them. While mission statements are not apt to be changed for a long time, goals, objectives, and activities statements are likely to be altered in the review process.

## Public Relation and Advocacy

Library boards perform the most basic public relations role. This includes assuming the job of interpreting the programs, policies, and services of the library to the general community. Board members attend meetings and informal gatherings and speak up in favor of the library. It becomes the "listening ear" for the library; learning from the community what their concerns are and conveying that information at board meetings. Boards learn to be good listeners, to ask open-ended questions, and to probe for the facts behind opinions.

Vocal and visible enthusiasm for the library will attract others. When the board is negative about change, discouraged by the lack of prospects for staffing, funding or building space, or lax in fulfilling trustee duties, the library is put in a negative light. Knowledgeable, enthusiastic, and supportive library boards will serve as the library's best public relations advocate.

Work together with the library director to project a positive image of the library to the community. The ability to demonstrate a positive image of the library and promote its services and programs to the community can mean the difference between a barely adequate library and one that receives wide support from the community at large and from the library's funding sources.

### Public Relations

Besides serving as a conduit for information and support between the library and the community, the board has several other responsibilities that are related to public relations:

- Hire a good director.
- Provide quality service. Review the library's general policies manual to ensure quality service. No amount of good public relations can make up for bad service. Insure that library services are evaluated at regular intervals.

# 8

### In this section:

- Public relations
- Sample public relations policy
- Advocacy
- Coordinating advocacy
- Effective advocacy
- Advocacy techniques
- Promoting good relations

- Adopt a public relations policy. A public relations policy guides the library director in the development of a schedule of activities to promote the library's role and to market its services and materials.
- Explain the library budget. As the public officials responsible for the use of public library funds, the board is accountable to the community for that money. Explaining how the library fund is expended may comprise a great deal of the trustees' "public relations" role.
- Use the library and have a library card. Be users of the library's resources and materials and visit the library regularly. Do not expect or ask for personal exceptions to the library's rules and regulations.
- Develop a library promotion program. A library promotion program is usually developed through a formal planning process in which the board and the library's staff define and enumerate goals and objectives as well as needed resources. Once developed, review and revise the plan on a regular basis and aggressively implemented. Such a plan should include:
  - A written set of goals and objectives directing all activities pursued.
  - Identification of specific target audiences to which programs are directed.
  - Identification of individuals (board members, staff, volunteers, Friends of the Library members) who actively participate or perform specific duties or have special responsibilities under the plan.
  - A calendar of anticipated special events that are planned during the coming 12-month period; these events may require publicity, such as special newspaper articles, brochures, or flyers.
  - Identification of funding required to effectively implement the program. Some elements cost money, while others require the time and talents of individuals. Know where the funds and talent come from!

### Sample Public Relations Policy

#### [Perfect] Public Library

A. Public relations goals of the \_\_\_\_\_ Public Library are:

- to promote a good understanding of the Library's objectives and services among governing officials, civic leaders, and the general public;
- to promote active participation in the varied services offered by the library to people of all ages.

B. The Board recognizes that public relations involves every person who has connection with the Library. The Board urges its own members and every staff member to realize that he or she represents the library in every public contact. Good service supports good public relations.

C. The director will be expected to make presentations and to participate in community activities to promote library services. A reasonable amount of library time will be allowed for preparation and speaking. Materials to be used by press, radio, or television will be approved by the director.

D. The board will establish a publications budget to cover costs related to printing, publication, supplies, and miscellaneous needs related to the public relations effort.

### **Advocacy**

Library board members are "advocates," or they would not be board members. They are appointed by the local governing bodies that are generally the primary sources of support for their library

Board members should regard advocacy activities as being of prime importance, a skill to be practiced and perfected, and an essential element of the public relations and awareness program. Library board members have a leadership role in library advocacy, promoting their library, generating public interest, and winning political support. As a library board member, you must know your community. You are a bridge between the library and the community. You are the advocate for the library, and you can help the community understand its importance in all aspects of life.

### **Coordinating Advocacy**

The board can be effective spokespersons for public libraries with the state legislature and other official bodies. Coordinate efforts with other advocates by contacting the Legislative Committee of the West Virginia Library Association. The Committee will help you by discussing proposed legislation and coordinating efforts at the correct time and place with the people who can help – from elected officials to staff members of representative committees.

The American Library Association Washington Office tracks legislation affecting libraries and librarians and alerts its members when to contact politicians regarding proposed legislation. Coordinated efforts are best; legislation and appropriations should address the situation in general, rather than favor an individual library. Get access to the American Library Association Washington Office Newsletter (ALAWON) and Library Lookout from the Library Commission.

### **Effective Advocacy**

How can board members become effective advocates for the library? Develop the following ideas based on the board's own talents, its knowledge of the community, its

understanding of the library's services and programs, and its commitment to achieving library goals and objectives:

- Know your library and libraries in general.
- Develop a program of providing information on a regular basis to the community. In addition to the formal activities, such as newspaper articles and presentations to groups and organizations, a board member might have lunch with the local newspaper editor or meet regularly with the Chamber of Commerce staff or other agency or organization which will broaden awareness of the library program.
- Get to know the local, state, and national representatives on a personal basis and become knowledgeable about their views and impressions of libraries. In this manner, board members can relate their library knowledge and concerns and, when required, influence or change any negative impressions or images that may exist.
- Make regular calls on all elected officials, as well as to other agencies or individuals, who can promote libraries, their services, and their programs. Attend events at which these officials appear and let them know why the library board representation is there.
- Involve those in the political process and invite them to library-sponsored events, activities, and organizations.
- Visit legislators and legislative sessions in Washington, D.C. or Charleston, particularly during ALA and WVLA Legislative Day activities. Join in, to the extent practical, with any legislative activity planned by library support organizations such as WVLA.
- Plan regular meetings with members of your governing body. This meeting may be an annual or more frequently scheduled event, but it should be carefully planned to provide the governing body with specific facts and figures about the needs of the library. It is also effective to spotlight your successes, as these lend credibility to requests for additional resources to support existing or proposed projects, programs, and services.

### **Some Advocacy Techniques**

**Speak Out.** Take your case to both individuals and groups as an effective, ongoing program of library advocacy. The time to be certain your neighbors and colleagues are aware of the library's services is not just when you go before them to justify increased taxes or a building program. Ideally, every person you see will connect you with the library. This includes the people with whom you work or attend church, your children's teachers, the grocery store clerk, and, very importantly, every civic, business, and government leader.

**Accept every invitation you can to speak to groups.** Seek such invitations when they aren't offered spontaneously. Be sure your library has an ongoing public relations program that you can draw upon for assistance. A simple ten-minute slide tour of your library can work wonders in bringing the library to people who have never entered its door. Be sure to always indicate the role the community has taken in developing and supporting the library.

**Remember that it is the people of your community who own the public library,** and it is those people to whom you wish to respond.

**Inform the media.** Your local newspaper is an ideal vehicle for library information. The press should routinely cover board activities. The library should also keep the press informed about ongoing and special programs, major additions to the collection, and special achievements and honors attained by the board and staff. Whenever you go out into the community to speak to a group, be sure the press is informed. Be sure, also, that the newsletter of the group you are addressing contains information about your speech. Whenever there is an important issue concerning your library that your state or federal legislators will be considering, your local press should be informed. If the outcome of the issue would affect your library's services significantly, it is appropriate to request editorial support. This will not only draw attention to your library, but also add a great deal of weight when sent to the lawmakers who will vote on the issue.

**Write to Legislators.** When writing your letters, remember the basics. Use clean stationery, preferably with a business, personal, or library letterhead. Type or word-process your letters. There is little reason to hand write anything other than a social letter or note today. If you are writing concerning a specific piece of legislation, identify the issue or the bill. Before you write the message, be sure that you understand both sides of the issue under discussion. Keep it simple, straightforward and to the point.

Currently, email is often the most effective means of communication. By having a good relationship with your legislator, you will likely determine whether written letters or emails are your best bet. Remember to keep it simple, straightforward, and to the point.

**Make personal visits.** The best way to establish and maintain a good relationship with your legislators is with a personal visit. Take advantage of such events as National Library Week to ask your governing body to declare a local library week. Be sure the press is aware of such designations, and use that week to call on those persons you feel can help influence the way your citizens' library services are provided. In addition, there are times each year when state or federal legislative activity is at a minimum, and lawmakers are not in the throes of a campaign. That's the best time to visit. Take a colleague with you. A party of two or three ensures comfortable conversation and allows you to divide advocacy responsibility. All you need is about fifteen minutes.

**Invite your Local Officials and Legislators** to library events.

### **Promoting Good Relations**

Library trustees in West Virginia operate with some degree of autonomy and authority in managing their libraries. The West Virginia Code vests library boards with many powers. Other statutes govern the library's financial affairs.

Map out a plan to keep in touch with members of the governing body, sharing information, preparing them to make decisions important to the library and the community it serves. The objective is to have them share a vision of the library that sets up goals and finds ways to implement them. Honesty is important in relating to government officials. Information shared should be fully explained and related to the goals the community has for its library.

Advocate for appropriate levels and the legally required amount of funding for the library. This includes working with the library director to justify the library's budget requests. It also includes working with officials to assure increased, rather than decreased funding for the library. Those who establish the appropriation for the public library must understand why the library needs money and what it can do with adequate funds. They also need to understand what the ramifications of underfunding might be.

This is advocacy in the finest sense – that of providing information – when library trustees make the case for the library in planned ways. This includes giving timely updates, attending meetings of funding bodies, understanding and being able to explain the budget, and never wavering in support of the library's plans.

Boards will find many ways to relate to members of other boards (for example, recreation boards, school boards, YM/YWCAs, etc.). Invitations to library events, regular newsletters or updates, personal calls on members, involvement of other boards in planning sessions, and casual meetings between individuals, all offer opportunities to increase awareness of the importance of the library in the community.

## Friends of the Library

A Friends of the Library organization is a group of active volunteers who are independently organized to support, promote, improve, and expand local library services. Friends understand the importance of good library service for the community. The initial reasons for founding a Friends organization vary among libraries and usually involve advocacy, community involvement, fund raising, and public relations.

Friends are recognized as one of the most important citizen groups in the library world. Time and time again, Friends have brought benefits to libraries as a result of their activities and representation of community needs and interests. But their role and the library board's legal function are not the same.

The basic relationship, however, which best serves both groups, and therefore best serves the library, is one that is mutually communicative, cooperative, and supportive. Both groups are dedicated to promoting and improving library services; however, this relationship is affected by the distinct differences in the roles of each.

Board members serve the library officially in an advisory capacity as a legally appointed board and are thus held legally responsible for the results of their decisions and actions.

On the other hand, Friends groups are separate, independent organizations with their own officers and organizational structure. While they cannot legally take on any of the functions assigned by law to the library board, there are a wide variety of ways Friends groups can serve their libraries.

Examples of Friends activities include:

- Raising public awareness of library services
- Presenting or sponsoring cultural and educational programs

# 9

In this section:

- Relationship between the library board and friends' groups
- Sample memo of understanding
- Help from additional groups
- Sample volunteer policy
- Organizing volunteer groups
- Sample volunteer job description

- Conducting book sales and other fund-raising activities to provide money for projects or items not covered by the library's operating budget
- Communicating the library's financial needs to the governing body or the voters.
- Advocating for increased library services and funding at the state and national levels
- Organizing and/or providing volunteers for work on specific or ongoing projects suggested by the library director
- Supporting new services that later may become part of the library's ongoing program
- Operating gift shops and/or used book stores in the library
- Sponsoring writing or poetry contests
- Recognizing exceptional performance of individual library staff members

### **Relationship Between Board and Friends**

The relationship between the board and the Friends group should be a strong, positive one. There are a variety of ways in which the relationship can be enhanced, and the important support role of the Friends assisted, through the board's actions. Some possibilities include:

Inviting and welcoming members of the Friends to library board meetings

Encouraging at least one Friends member to serve as a regular board liaison by attending all board meetings

Developing, in cooperation with the library director and a Friends group representative, a policy clarifying the role of the Friends in relationship to the library and the library board

Providing the Friends group, on a regular basis, with information such as library board meeting agendas, minutes, and reports

Considering Friends group members for informal advisory committee membership, especially for citizen input opportunities when library goals, objectives, and priorities are being planned annually

Recognizing the Friends group's contributions and support of the library in such ways as letters to officials, certificates of appreciation, press releases, and honoring the group or selected individuals at special programs

Always supporting Friends group activities by attending their events, contributing to their fund raisers, and offering to help at their functions

Be a Friend yourself--join now!

## Sample Memorandum of Understanding Between the Library Board and Friends Group

The following will constitute an operating agreement between the Friends of the Anytown Public Library (Friends) and the Anytown Public Library (Library). It will stand until and unless it is modified by mutual agreement of the Friends executive board and the Anytown library administration. The Friends mission is to raise money and public awareness in the community to support the services and programs of the Library. As a non-profit, 501c3 organization, however, it is a legally distinct entity and is not a part of the Library.

**The Library** agrees to include the Friends in the long-term planning process to ensure that the Friends are aware of the goals and direction of the library.

**The Library** agrees to share with the Friends the library's strategic initiatives at the beginning of each fiscal year and discuss with Friends how their resources and support might help forward these initiatives.

**The Library** agrees to supply the Friends with a "wish list" each year that indicates the anticipated needs for Friends support.

**The Library** agrees to provide the Friends with staff support to assist them with development of the newsletter, mass mailings, meeting coordination, and Friends promotional materials.

**The Library** agrees to provide public space for Friends membership brochures and promotional materials.

**The Library** agrees to provide the Friends with space in the Library for book storage and sorting, book sales, and office needs.

**The Friends** agree to publicly support the Library and its policies.

**The Friends** agree to include a member from the library's administration as a non-voting presence at all Friends' meetings and to allow room on the agenda for a library report.

**The Friends** agree that any and all monies raised will be spent exclusively for library programs, services, and other Library defined needs unless otherwise agreed to by both the Friends and the Library.

**The Friends** agree that the library administration has the final say in accepting or declining any and all gifts made to the library.

**The Friends** agree to engage in advocacy efforts on behalf of the Library under the guidance of the Library and the Library's Board of Trustees.

**The Friends** agree that if they cease to actively fundraise and promote the Library, they will disband allowing for a new Friends group to be established in the future.

### Help from Additional Organizations

For information or assistance regarding forming a Friends group or interacting with an already established group, contact:

Friends of the Library organizations in nearby towns

The **West Virginia Library Commission**. The Commission provides information and advice for Friends groups and their libraries. Call (304) 558-2041 and ask for Library and Development Services for help and ideas.

The **West Virginia Library Association** occasionally sponsors conference workshops of interest to Friends groups. Check their web site (<http://www.wvla.org>) for information on Spring and Fall conference offerings.

**United for Libraries** an affiliate of the American Library Association (ALA). United for Libraries publishes Friends of Libraries Sourcebook, a bi-monthly newsletter, fact sheets, videos, and pamphlets on advocacy and general activities. Much of this information is available on the web site. United for Libraries meets during the ALA Annual conference each summer and during ALA Midwinter meeting.

### Volunteers

Many libraries in the United States have their origins in volunteer groups – from women's clubs to the creation of public facilities from private collections. The desire to help the library may be supported through volunteerism, which is returning in popularity in our country.

The use of volunteers should be carefully planned, beginning with determining the purpose of library volunteers. Some questions that may yield answers:

- Does the library have an adequate staff to provide needed services?
- Are there roles volunteers can fill that make a positive contribution to library services?

*Volunteers are not a substitute for the core of paid staff that is necessary to provide good library service.* Since volunteers are not paid, the expectation should not be for them to work as substitutes for staff or on a regular schedule. They may or may not be

available consistently. Maintaining dependable library service is very important if the community's needs are to be met.

A volunteer program should have its own goals and objectives, a plan, and a management system.

It is important that staff be fully involved in developing the concept of a volunteer program. Staff should be involved in the planning process to establish roles and to iron out difficulties, and to work toward the success of the volunteer program. If this is done, staff "resistance" to the program, if any, may be eliminated. Staff should discuss what gaps might be filled by volunteers.

Some examples of staff work, which might be done by volunteers, are:

- Shelving books
- Checking out and receiving books (note parameters of confidentiality as specified in WV State Code, Article 1, §10-1-22, and summarized on the following page)
- Setting up displays and exhibits
- Processing and repairing of materials
- Greeting visitors and providing basic information
- Contacting patrons to inform them of availability of requested materials
- Maintaining depository collections in nursing homes and other sites
- Delivering books to home-bound people

And, given talents and ability along appropriate lines:

- Creating press releases or radio or TV spots, and delivering them to editors and program staff during friendly visits
- Planning and executing programs in the library, including story hours and demonstrations
- Speaking to community organizations about the library
- Developing major events such as art fairs, book sales and special observances
- Helping to organize advisory groups to talk with librarians about special collections
- Assisting to convey planned messages to groups and individuals about library events or special interests
- Training to be a stand-in for staff members who want to attend a workshop
- Undertaking special projects for which the staff does not have time, such as oral history, newspaper clipping, developing mailing lists, showing videos, and arranging for discussion groups
- Data entry

Volunteers can be quite useful to providing quality public library service, although some tasks that staff may consider assigning to volunteers require some prior training and special consideration. For example, patron and circulation records contain confidential and personal information. Prior to 2016, West Virginia State Code restricted library volunteers from accessing these records. However, during the 2016 Legislative Session, Article 1, §10-1-22 of the Code of West Virginia, *Confidential nature of certain library records*, was amended to allow volunteers access to these records under the following conditions:

**§10-1-22. Confidential nature of certain library records.**

(a) Circulation and similar records of any public library in this state which identify the user of library materials are not public records but shall be confidential and may not be disclosed except:

(1) To members of the library staff in the ordinary course of business, including paid employees and unpaid volunteers upon completing a written confidentiality agreement which shall prevent disclosure of circulation records, personal information, and similar records of any public library except to the extent allowed under this subsection and obtaining written permission from the library director of the library system wherein he or she will be working;

(2) Upon written consent of the user of the library materials or the user's parents or guardian if the user is a minor or ward; or

(3) Upon appropriate court order or subpoena.

(b) Any disclosure authorized by subsection (a) of this section or any unauthorized disclosure of materials made confidential by that subsection (a) does not in any way destroy the confidential nature of that material, except for the purpose for which an authorized disclosure is made. A person disclosing material as authorized by subsection (a) of this section is not liable therefor.

### Sample Volunteer Policy

The [Your Library] shall use the services of volunteers to supplement the efforts of paid library staff to provide quality library services.

Volunteers need to present a positive image to the public and are expected to follow library policies and procedures.

- A volunteer is a person who performs tasks for [Your Library] without wages, benefits, or compensations of any kind. Volunteers provide work for the library and will adhere to the same behavior codes as employees.

- Volunteers will come in contact with library patrons and serve as a representative of the library. Volunteers must present a professional, friendly demeanor at all times.
- This policy does not create a contract between the volunteer and the library. Both the volunteer and the library can terminate their association at any time, for any reason, without cause being stated.
- Volunteers under the age of 18 must have the consent of a parent or legal guardian. The library will not accept volunteers under the age of 14 and the library may limit the amount of time that these volunteers can work.
- Volunteers must follow all library policies and procedures, especially those relating to confidentiality of library records. Failure to maintain confidentiality will result in immediate termination of the volunteer.
- Work performed by the volunteer will be supervised by library staff and the schedule of the volunteer is dependent upon the availability of staff to supervise.
- Volunteers must adhere to their schedule and notify the library if they will be late or absent.
- Should a volunteer have a grievance with a staff person, another volunteer, or library patron, the situation will be handled by the library director.
- The library will provide orientation and training to prepare the volunteer to perform their duties.

I have read and understand the [Your Library] Volunteer Policy.

Volunteer: \_\_\_\_\_ Date: \_\_\_\_\_

Library Director: \_\_\_\_\_ Date: \_\_\_\_\_

## Organizing Volunteer Programs

Ideally, a volunteer program in a library should have a staff member in charge. Often, the program is organized and operated by a volunteer, much in the manner of such groups in hospitals, nursing homes, and agencies.

Assuming a library of modest size, these are the elements of a volunteer program operation:

- A coordinator of volunteers, preferably hired, but probably a volunteer who likes to manage, has good skills in working with people, is reliable, and can give planned time
- An office or location with desk, file, telephone and computer, as well as access to a private interview area
- A list of job descriptions which volunteers may be invited to do, together with an estimate of the time requirement and the level of skill required
- An interview process which results in placing volunteers in the most suitable jobs
- A training program for volunteers covering job requirements, techniques and the library's functions and purposes
- A manual of operations setting policies for volunteers and including job descriptions and regulations
- A reward system coupled with evaluation. Rewards may be as simple as hours-earned mentioned in the library bulletin or local press; they should exist to say thanks to the volunteer
- A recruitment system that makes it possible for new people to join the volunteer corps
- A method for dismissing a volunteer who does not perform

## Sample Volunteer Job Description

## Teen Volunteer Application

This application is for youth ages [13-17] who would like to volunteer at the [YOUR LIBRARY].

**A parent or guardian's signature is required.**

Your Name: \_\_\_\_\_

Parent/Guardian Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ (home) \_\_\_\_\_ (cell) Date of birth \_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_\_ Grade Point Average: \_\_\_\_\_

**Emergency Contacts:**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Relationship: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Relationship: \_\_\_\_\_

**References:** (Do not list family members. You may use teachers, coaches, scout leaders, etc.)

Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Relationship: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Relationship: \_\_\_\_\_

How many hours are you available: \_\_\_\_\_

List preferred times and days: \_\_\_\_\_

Are your volunteer hours for a school or organization project? \_\_\_\_\_

At what branch do you wish to volunteer? \_\_\_\_\_

Do you have any previous experience as a volunteer or paid work? \_\_\_\_\_

What activities would you like to pursue as a library volunteer? \_\_\_\_\_

List any computer/tech skills: \_\_\_\_\_

I certify the statements made in this application are true and correct. I understand misrepresentation of any information may result in termination of my volunteer involvement. I understand I am volunteering my time and will not be paid for my services to the library.

\_\_\_\_\_ Date: \_\_\_\_\_

[YOUR LIBRARY]

Teen Volunteer Application Liability Waivers & Parental Consent

**Parent/Guardian**

I, \_\_\_\_\_, as a parent/guardian of \_\_\_\_\_, do hereby release and hold harmless the [YOUR LIBRARY] and agree to indemnify and hold harmless the [City/County of] from any and all liability, claims, or causes of action that may arise for any accidents, injuries or illnesses that may occur from his/her child participation in the volunteer program.

I also agree the [YOUR LIBRARY] has permission to use my child's photograph or videotaped image in publicity about the library and its activities.

My son/daughter has my permission to volunteer at the [YOUR LIBRARY]

\_\_\_\_\_  
Parent/Guardian printed name

\_\_\_\_\_  
Parent/Guardian signature

\_\_\_\_\_  
Date

## LAW AND THE LIBRARY TRUSTEE

*This manual only serves as an information resource and is NOT designed to replace the professional guidance of a practicing attorney. It is recommended that public libraries boards, at a minimum, have an attorney designated for the library if one is not provided by the appointing authority.*

### **West Virginia Code, Chapter 10**

Chapter 10 of the West Virginia Code, the official laws of the state, discusses the establishment, operation and governance of public libraries within West Virginia and the establishment and powers given to public library boards. The complete text of Chapter 10 is contained in the Appendix of this manual. In Chapter 10, power is given to local governing authorities to establish public libraries and boards to operate those libraries. It sets the qualifications, terms of office, compensation and other guidance regarding library trustees, explains their powers and their duties. Chapter 10 provides protections for library materials. It sets up the West Virginia Library Commission, sets its powers, duties and responsibilities, and generally sets up the entire system of administration and governance of public library services in the state.

### **Title 173 – The Administrative Rules (AR)**

The Code of State Rules are administrative guidelines adopted by the Legislature and maintained by the West Virginia Secretary of State. These rules dictate fiscal practices libraries and service centers must follow to receive state funding, including regulations regarding the fiscal audit of library accounts. These rules were last updated by the Legislature in 2007. The ARs are listed in the Appendix.

# 10

In this section:

- West Virginia Code, Chapter 10
- Title 173
- West Virginia Sunshine Law
- Federal laws

### **The West Virginia Sunshine Law**

The West Virginia Code also dictates the practices of all governmental boards, including library trustees, with respect to openness of government in Chapter 6. This section, known simply as the “Sunshine Law” carefully mandates how public meetings are to be conducted with respect to notification and “openness”. The West Virginia Sunshine Law is contained in Section 3.

### **Federal Laws**

Numerous federal laws affect public libraries. A selection of these laws of special interest to trustees include the following:

#### **Americans with Disabilities Act (ADA)**

It is not unusual for boards to have questions about the federal 1990 Americans with Disabilities Act (ADA). This major piece of civil rights legislation made it illegal to discriminate against people with physical, mental or emotional disabilities. It requires public facilities, such as public libraries, to make reasonable modifications or accommodations to ensure equal access for these individuals. Boards that choose not to modify the library to make it physically accessible must be able to demonstrate that people who do not have access to the building can receive substantially the same services as those who can enter the building. For more information on ADA, visit [www.adaportal.org](http://www.adaportal.org).

#### **Employment Laws**

Libraries must abide by federal and state laws that prohibit discrimination in relation to hiring, promotion and all other working conditions of employment. It is illegal to discriminate against qualified applicants on the basis of sex, race, creed, color, religion, age, country of national origin, individual life style, or physical or mental disability. Stated policies should demonstrate that the library board makes every effort not to discriminate. Most library employees also fall under minimum wage and fair labor standards laws. Boards should consult with the library attorney regarding how these and other federal laws affect the library.

#### **Children’s Internet Protection Act (CIPA)**

CIPA requires libraries that receive e-rate discounts or Library Services and Technology Act (LSTA) funds for Internet connectivity, Internet access, or computer purchases to filter all computers including staff computers. Filters must block certain defined categories of IMAGES, not text. For more information visit [www.ala.org](http://www.ala.org).

**E-Rate (Telecommunications Act of 1996)**

In 1997, the Federal Communications Commission (FCC) adopted a Universal Service Order implementing the Telecommunications Act of 1996. The order is designed to ensure that all eligible schools and libraries have affordable access to modern telecommunications and information services. Each year, as funding authorized by Congress is available, the West Virginia Library Commission is provided with discounts on authorized services, which are, in-turn, provided to libraries. These discounts are often referred to as the “E-Rate.” For more information on E-Rate, contact the Director of Administrative Services at the West Virginia Library Commission. Also, visit [www.sl.universalservice.org](http://www.sl.universalservice.org).

**Library Services and Technology Act (LSTA)**

In 1996, the Library Services and Technology Act (LSTA) replaced the Library Services and Construction Act (LSCA), which had been in operation since the 1950s. LSTA, which is administered by the federal Institute of Museum and Library Services (IMLS), helps states develop electronic networks among libraries. These networks make it possible for libraries to share information resources as well as to provide library services to users with special needs.

LSTA funds are awarded annually and administered by the state library agencies (in our case, the West Virginia Library Commission), for purposes deemed important in and by each state. To receive funds, each state develops an LSTA Five-Year Plan, which is approved by the IMLS ([www.ims.gov](http://www.ims.gov)). These funds are used for programs of the West Virginia Library Commission, such as services to the blind and print handicapped, to provide consulting, guidance, and training to library staff and trustees, support telecommunications, Internet access, and hardware. Statewide projects include the Summer Library Program, Book Discussion Group kits, back-up reference service from the Library, the West Virginia Center for the Book, and WVInfoDepot.

**USA Patriot Act**

The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act) became law on October 26, 2001. The legislation originated with Attorney General John Ashcroft, who asked Congress for additional powers to fight terrorism in the wake of the events of September 11, 2001. The USA PATRIOT Act amended over 15 federal statutes, including the laws governing criminal procedure, computer fraud and abuse, foreign intelligence, wiretapping, immigration, and the laws governing the privacy of student records. These amendments expanded the authority of the Federal Bureau of Investigation and law enforcement to gain access to business records, medical records, educational records and library records, including stored electronic data and

communications. It also expanded the laws governing wiretaps and “trap and trace” phone devices to Internet and electronic communications. These enhanced surveillance procedures pose the greatest challenge to privacy and confidentiality in the library. Visit the webpages at [www.ala.org/ala/oif/ifissues/usapatriotact.htm](http://www.ala.org/ala/oif/ifissues/usapatriotact.htm) for a thorough understanding of the USA PATRIOT Act.

Libraries need to have established policies and procedures to cover situations where library records could be subpoenaed or investigated by law enforcement officials. All staff and board need to be apprised of appropriate legal processes before this situation arises. Prompt access to legal services to review any law enforcement requests is imperative.

### **Codes of Ethics**

A code of ethics is designed to prohibit conflict between public duty and private interest by specifying rules of conduct for public officers, including library trustees. The code covers confidential information, gifts, and other economic benefits or compensations. For a sample Code of Ethics, see the Association for Library Trustees and Advocates (ALTA) Ethics Statement for Public Library Trustees in the Appendix. Professional librarians also have a Code of Professional Ethics. See the American Library Association website ([www.ala.org](http://www.ala.org)) for more information.

### **Censorship and Intellectual Freedom**

Boards should provide for a process by which complaints in this area can be handled in an orderly fashion. Normally, the library director would receive any complaints and deal with the initial explanation of the library's policies. If this contact is not sufficient, a complaint form can be used to obtain details about the concern. The board is made aware of the complaint and should be prepared to address the issue when it comes to the board.

Be prepared for handling complaints by understanding the policies they have adopted. An understanding of how materials are selected and how staff utilizes reviews and other information before purchasing an item is essential. A materials selection policy is mandatory for a library. Such a policy states the general purpose of the library, its mission to offer variety and its priorities in spending materials budgets. The guidance of such a statement is useful to staff as a reminder that there are priorities that need to be satisfied.

While the usual complaint is on the controversial content of a book or other material, complaints are often made that librarians are censoring by what they choose to order

and not to order (e.g., that controversial materials are simply not purchased). If the material selection policy is followed, this complaint will not be valid. Trustees need to check with the library director to monitor how the wide mission of the library is being met through its collection.

Trustees also need to understand the rationale behind their Internet access and/or filtering policies, and be able to explain and justify them to the public in case of complaint.

### **Risks of a Lawsuit to Board Members**

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. Board members need to be well informed and knowledgeable about library issues and law in order to make informed decisions.

Any person accepting a position of public responsibility today accepts legal responsibilities and the possibility of liability. Suits are likely to include individual board members, even if trustees cannot be sued individually, however, the board can be sued collectively.

A recommended best practice is for the board to have, on retainer, an attorney knowledgeable about library law who is available to advise the board on difficult legal issues, as well as the inevitable contract and employee relations matters.

Liability insurance for the board should be a part of the liability package paid for by the library. State law is quite clear on giving powers and duties to the library board, but no law can be definitive or anticipatory in an era of change. Library boards and their trustees can and have been sued. It is a risk that can be dealt with through proper insurance and careful attention to duty.

Most censorship episodes, for example, do not go to court but could. A resource in this area is the Freedom to Read Foundation ([www.ftrf.org](http://www.ftrf.org)). This group raises funds for support of those challenged and has publications and offers advice in the area. The West Virginia Library Association has an active Intellectual Freedom Committee ([www.wvla.org](http://www.wvla.org)), which offers assistance. The American Library Association also has such a committee (Office of Intellectual Freedom, [www.ala.org/alaorg/oif/](http://www.ala.org/alaorg/oif/)), which publishes a newsletter that is a valuable source of information on censorship across the country.

A board faced with a suit will need to retain legal counsel promptly and follow the advice. (The board should never hire a lawyer who is a member of the board). Board members should be careful to avoid public discussion as individuals. The president and your legal counsel should serve as spokespersons. The library should have written policies, procedures, and a designated chain of command as to whom is the library's official spokesperson in public and media communications and legal matters. All trustees and staff members should be aware of this.

The best defense, of course, is responsible performance, observing the law, following policies and staff and board training. Library boards must perform in an ethically, accurate, and timely manner. They must also stay in compliance with policy and the law. The rule is to stay within known legal bounds and seek legal advice if you have questions about your right to take an action.

## Role of the Library Commission

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The mission of the West Virginia Library Commission (WVLC) is to promote, assist, and support the development of effective and efficient library services to meet the needs of all citizens. It is mandated in Chapter 10-1-14 of the West Virginia Code to "give assistance, advice and counsel to all school, state- institutional, free and public libraries, and to all communities in the state which may propose to establish libraries...". This includes advising library boards regarding the operation and maintenance of public libraries. The agency is statutorily authorized to administer state and federal programs and funds for West Virginia public libraries.

Chapter 10 of the West Virginia Code further charges the West Virginia Library Commission with performing the following activities:

- Appointing a Secretary to the Commission, who serves at will, and directs the West Virginia Library Commission under law, regulations, and policy; (West Virginia Code 10-1-13)
- Accepting gifts and establishing collections, (West Virginia Code 10-1-14)
- Publicizing the efforts of libraries; (West Virginia Code 10-1-14)
- Encouraging and providing continuing education within and among libraries; (West Virginia Code 10-1-14)
- Developing a plan for regional library services; (West Virginia Code 10-1-16)
- Developing and administering rules and regulations for the distribution of state funds designated for libraries; (West Virginia Code 10-1-20)
- Collecting and preserving statistics and other data concerning libraries; (West Virginia Code 10-1-21)
- Conducting surveys related to the needs or conditions of libraries in the state and publishing the survey results and findings; (West Virginia Code 10-1-21)

- Establishing cooperation among libraries and entering into cooperative library agreements; (West Virginia Code 10-1A-1,3)
- And performing such other service in behalf of public libraries as it may consider for the best interest of the state. (West Virginia Code 10-1-14)

The Library Commission is a primary resource on library-related issues. Its commissioners and staff work to provide the library community with encouragement, support, and guidance.

### **Agency Organization**

West Virginia Library Commissioners are appointed by the Governor and confirmed by the Senate. Three members are appointed from each of the Congressional districts. They meet regularly in open meetings to set and review the progress of the strategic plan, to adopt the annual budget proposal, and to adopt policies and rules on library issues. The Commissioners receive staff reports and hold public hearings on key issues of planning and policy.

The **Secretary** acts as the State Librarian and directs the daily operations of the West Virginia Library Commission under the established law and budget, and implements the plans, regulations and policies adopted by the Commissioners. The Secretary is responsible for the selection of personnel and administers their employment under the West Virginia Division of Personnel regulations. The Secretary is responsible for the management of the annual budget adopted by the Legislature and the strategic plan adopted by the Commissioners. The Secretary prepares the Commissioners' meeting agenda and coordinates the presentation of staff reports to the Commissioners. The Secretary works on issues affecting libraries with: the Secretary of Education and the Arts; public library boards of trustees; library directors and staff; the West Virginia Library Association, and related local, state, and federal agencies and organizations.

**Administrative Services** monitors the agency's budget to ensure that all programs enhance and expand library information services in West Virginia and that they are implemented in accordance to state and federal regulations. Administrative Services includes Human Resources, Purchasing, Public Information, State Library E-Rate Services and Television Services.

**Library and Development Services** supports all aspects of library operations through consulting, professional development, resources, and the administration of the Library Services and Technology Act (LSTA) for statewide library services. The department functions as a library for state agencies, the legislature, and libraries. It is the home to the West Virginia Center for the Book, an affiliate of the National Center for the Book at the Library of Congress.

**Network Services** administers the Statewide Library Network that supports online library catalogs and Internet access in public libraries. Network Services technicians are based in Charleston and in strategic locations throughout the state to maintain the integrity of network hardware and software and to provide every public library assistance with computer related services.

**Special Services** the regional library of the National Library Services for the Blind and Physically Handicapped and is part of the Library of Congress national network. It connects library service to residents who are unable to read or use standard print with resources for everyday living including Braille materials, audiobooks, digital talking book machines, and more.

## Glossary

**Accredited Library School**-A college or university teaching library and information science at the master's degree level that has qualified for accreditation under requirements of the American Library Association. For a list of the ALA-accredited library schools, see the web site at [www.ala.org](http://www.ala.org).

**Activity**-In the planning process, the means used to accomplish an objective.

**Affiliate Library**-A library, established under Chapter 10 of the West Virginia Code, which meets the West Virginia Library Commission requirements to provide at least 30 hours of service per week, has a minimum annual local income of \$5,000, and is assigned to a service center.

**American Library Association (ALA)**-A national association founded in 1876 to promote library service and librarianship; national conferences are held each year in various parts of the country.

**Americans with Disabilities Act (ADA)**-A federal act giving civil rights protections to individuals with disabilities. It impacts libraries as service providers and as employers.

**Branch Library**-A library with separate quarters, a permanent basic collection of books, a permanent staff, and a regular schedule, and is under the administration of a central library.

**Censorship**-An attempt by an individual or group to have materials removed from the library. See also "Intellectual Freedom."

**Chapter 10**-The portion of the West Virginia Code which provides statutory authority for libraries in West Virginia.

**Circulation**-The activity of lending materials to borrowers and the recording of such loans.

**Collection**-The total materials in the library.

**Collection Development**-A planned process of selecting, acquiring, and managing library materials to meet the needs of a library's community.

**Continuing Education**-Opportunities provided to personnel and trustees for improvement and growth in their duties.

**Designate Library**-A library that has met the West Virginia Library Commission requirements for direct receipt of grants-in-aid. A designate library has an MLS director and has at least \$75,000 in local funds annually.

**Disaster Plan**-A document that outlines a systematic and planned response to safeguard records and other materials from potential disasters (floods, fire, roof collapse, etc.). Identifies most valuable and vulnerable parts of the collection and provides the method for removal and recovery of materials. Disaster planning is the physical act of gathering information, identifying resources, outlining responsibilities, and formulating plans in response to possible disasters.

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

**Fiscal Year (FY)**-A 12-month accounting period based upon the budget of the organization. The fiscal year of the State of West Virginia is July 1 to June 30. FY19 indicates the fiscal year ending on June 30, 2019. The federal fiscal year is from October 1 to September 30.

**Friends of the Library (FOL)**-A group of concerned citizens, formally organized, who actively participate in helping the library.

**FTE**-Full time equivalent. In reference to employees, this means that in a library with a 40-hour work week, one person working 25 hours per week and one person working 15 hours per week equal one FTE.

**Goal**-In planning, a broad and unspecific general statement of a desired or future condition which flows from the mission statement.

**Governing Authorities**-County Commission, Board of Education, and the Municipality.

**Grants-in-Aid (GIA)**-State funding provided to public libraries on a per capita basis. In FY05, the per capita amount was \$4.06.

**Input Measure**-A measurement of the library's resources such as staffing, materials, funding, etc.

**Intellectual Freedom**-The right of individuals to exercise their freedom of inquiry, exclusive of invasion of privacy; this right is supported by the American Library

Association and individual libraries through their commitment to the Library Bill of Rights and the Freedom to Read Statement as the rationale upon which librarians and media specialists should serve the people.

**Interlibrary Loan (ILL)**-A transaction in which library material or photocopies of material are loaned by one library to another for the use of a patron

**LSTA-Library Services and Technology Act**-Federal legislation that provides funds for library services. The funds allocated to this program are distributed to state library agencies annually to address the goals of LSTA according to each state's long-range plan. The West Virginia Library Commission administers LSTA funds in West Virginia.

**Mission Statement**-A statement of overall or basic purpose; the primary reason for existence. A mission statement is generally expressed in abstract terms and communicates the library's purpose to internal and external constituencies. The statement should explain what the library does, differentiate it from other organizations, and provide guidance for related subsequent planning activities such as the development of goals, objectives, strategies, and service responses.

**MLS**-Master of Library Science degree; may also be MLIS, Master of Information Science. These degrees are awarded by higher education institutions accredited by the American Library Association.

**Objective**-In planning, a statement describing a single, specific measurable result to be achieved within a specified time period in order to move closer to achieving a goal.

**Output Measure**-In planning, the result of the collection, analysis, and organization of objective, quantitative data.

**Patron**-A library user or customer.

**Planning**-The process by which a library envisions its future and develops the necessary objectives and actions to achieve those future goals.

**Policy**-A clearly written statement passed by formal motion of the board of trustees which establishes the terms of the library's operation. A policy gives general guidelines for making decisions in the administration of the library.

**Public Library**-In West Virginia, a public library is organized under Chapter 10-1-1 of the West Virginia Code. Each public library is maintained wholly or in part by funds derived by taxation and provides services without charge to all residents of a county.

**Public Relations**-The cultivation of good relations between the library and its public. It includes such things as good service, publicity, and sensitivity to the user's needs and wants.

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

**Service Center Library**-A library managed by a director with an MLS degree and with a second MLS degreed librarian on staff. A service center has local funding of at least \$75,000 annually and has affiliate libraries assigned by the West Virginia Library Commission.

**Sunshine Law**-West Virginia Code Chapter 6, Article 9A that requires all meetings of public agencies, including library boards, be open to the public.

**Trustee**-A person appointed to a public library board for a specific term of office who is legally responsible for the administration of the library. The library board functions in accordance with Chapter 10 of the West Virginia Code.

**West Virginia Library Association (WVLA)**-A statewide organization of public, academic, school, and special librarians, Friends of the Library groups, and library trustees.

**West Virginia Library Commission (WVLC)**-The official state library agency in West Virginia which gives assistance, advice and counsel to all libraries in the state. It is charged with administering Chapter 10 of the West Virginia Code and Title 173 of the Code of State Rules.

## Appendices

### ALA Ethics Statement for Library Trustees

Trustees must promote a high level of library service while observing ethical standards.

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

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

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

A trustee must respect the confidential nature of library business while being aware 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 of individuals.

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

### Library Bill of Rights

Adopted June 18, 1948

Amended February 2, 1961 and June 27, 1967, by the ALA Council

The Council of the American Library Association reaffirms its belief in the following basic policies which should govern the services of all libraries.

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In this section:

- ALA Ethics Statement for Library Trustees
- Library Bill of Rights
- The Freedom to Read Statement
- West Virginia Code, Chapter 10
- Title 173, Legislative Rule

1. As a responsibility of library service, books and other library materials selected should be chosen for values of interest, information and enlightenment of all the people of the community. In no case should library materials be excluded because of the race or nationality or the social, political, or religious views of the authors.
2. Libraries should provide books and other materials presenting all points of view concerning the problems and issues of our times, no library materials should be proscribed or removed from library because of partisan or doctrinal disapproval.
3. Censorship should be challenged by libraries in the maintenance of their responsibility to provide public information and enlightenment.
4. Libraries should cooperate with all persons and groups concerned with resisting abridgement of free expression and free access to ideas.
5. The rights of an individual to the use of a library should not be defined or abridged because of his age, race, religion, national origins or social or political views.
6. As an institution of education for democratic living, the library should welcome the use of its meeting rooms for socially useful and cultural activities and discussion of current public questions. Such meeting places should be available on equal terms to all groups in the community regardless of the beliefs and affiliations of their members, provided that the meetings be open to the public.

### **The Freedom to Read Statement**

A joint statement by the American Library Association and the Association of American Publishers originally issued in May of 1953.

1. It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those which are unorthodox or unpopular with the majority.
2. Publishers, librarians and book sellers do not need to endorse every idea or presentation contained in the books 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 books should be published or circulated.
3. It is contrary to the public interest for publishers or librarians to determine the acceptability of a book on the basis of the personal history or political affiliations of the author.
4. There is no place in our society for efforts to coerce the taste of others, to confine adult to the reading matter deemed suitable for adolescents or to inhibit the efforts of writers to achieve artistic expression.

5. It is no the public interest to force a reader to accept any book the pre-judgment of a label characterizing the book or author as subversive or dangerous.
6. It is the responsibility of publishers and librarians, as guardians of the people's freedom to read, to contest encroachments upon that freedom by individual or groups seeking to impose their own standards or tastes upon the community at large.
7. 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, book-men can demonstrate that the answer to a bad book is a good one; the answer to a bad idea is a good one.

NOTE: "Books as used in this statement include all kinds of material acquired for library use.

## **West Virginia Code, Chapter 10. Public Libraries**

### **ARTICLE 1. PUBLIC LIBRARIES**

#### **10-1-1. "Public library" and "governing authority" defined.**

The term "public library" as used in this article shall be construed to mean a library maintained wholly or in part by any governing authority from funds derived by taxation and the services of which are free to the public, except for those charges for which provision may be made elsewhere in this article. The term shall not, however, include special libraries, such as law, medical or other professional libraries, or school libraries which are maintained primarily for school purposes. The term "governing authority" shall be construed to mean county court, county board of education or the governing body of any municipality.

#### **10-1-2. Power of governing authority to establish and maintain libraries; financing.**

A governing authority either by itself or in cooperation with one or more such governing authorities, shall have the power to establish, equip and maintain a public library, or take over, maintain or support any public library already established. Any library established, maintained or supported by a governing authority may be financed either (1) by the appropriation from the general funds of the governing authority of a sum sufficient for the purpose, or (2) by the imposition of an excess levy for library purposes, in accordance with the provisions of Section 16, Article 8, Chapter 11 (11816) of this Code.

**10-1-3. Regional library defined; apportionment of regional library expenses.**

A regional library is a public library established and/or maintained by two or more counties, by action of their governing authorities, under the terms of a contract to which they all agree. The expenses of the regional library shall be apportioned between or among the counties concerned on such a basis as shall be agreed upon in the contract.

**10-1-3a. Authority of regional library board to disburse funds.**

The governing authorities which maintain a regional library may contribute the apportioned sum to the regional library board, such contributions to be deposited as the regional library board shall direct and to be disbursed by the officer designated by that board. By such contribution, the governing authority designates the regional library board as its disbursing agent.

**10-1-4. Contract with existing public library.**

The governing authority may, in lieu of supporting and maintaining its own public library, enter into a contract with an existing public library and make annual payments of money to such library, whose library materials and services shall be available without charge to all persons living in the area represented by such governing authority. Any school board may contract for school library service from an existing public library which shall agree to furnish books to a school or schools under the terms of the contract. All money paid to a library under such a contract shall be expended solely for the maintenance and support of the library.

**10-1-5. Board of library directors--Qualifications; term of office; vacancies; removal; no compensation.**

a) Whenever a public library is established under this article, the governing authority or authorities shall appoint a board of directors with five members chosen with reference to their fitness for such office, from:

1) The citizens of the library's service areas, as determined by the Library Commission; or

2) The county in which the library is located.

b) The board of directors for a regional library shall consist of not less than five nor more than ten members, with a minimum of one member from each county in the region. The total number of directors and the apportionment of directors by county shall be determined by joint action of the governing authorities concerned.

- c) The term of office for a director is five years from the first day of July following the appointment. Directors may serve until their successors are appointed and qualified.
- d) For a new board of directors under this article, the initial appointment of the directors shall be staggered. Thereafter all appointments shall be for terms of five years.
- e) Vacancies in the board shall be immediately reported by the board to the governing authority and filled by appointment. Vacancies for an unexpired term shall be immediately reported by the board to the governing authority and filled by appointment for the remainder of the term only.
- f) A director may be removed for just cause in the manner provided by the bylaws of the library board.
- g) No compensation shall be paid to any director.

#### **10-1-6. Board of library directors--powers and duties.**

The board of directors of each public library established or maintained under this article shall:

- a) Immediately after appointment, meet and organize by electing one member as president and one as secretary, and such other officers as may be necessary. All officers shall hold office for one year and shall be eligible for re-election.
- b) Adopt such by-laws, rules and regulations as are necessary for its own guidance and for administration, supervision and protection of the library and all property belonging thereto as may not be inconsistent with the provisions of this article.
- c) Supervise the expenditure of all money credited to the library fund. All money appropriated or collected for public library purposes shall be deposited in the treasury of the governing authority to the credit of the library fund, to be paid out on the certified requisition of the library board, in the manner provided by law for the disbursement of the library board, in the manner provided by law for the disbursement of other funds of such governing authority, or shall be deposited as the library's board of directors shall direct and be disbursed by the officer designated by that board, such officer before entering upon his duties to give bond payable to and in an amount fixed by the board of directors of the library, conditioned for the faithful discharge of his official fiscal duties. The cost of such bond shall be paid from the library fund. The books, records and accounts of the library board shall be subject to audit and examination by the office of the State Tax Commissioner of West Virginia.
- d) Lease or purchase and occupy suitable quarters, or erect upon ground secured through gift or purchase, an appropriate building for the use of such library; and have

supervision, care, and custody of the grounds, rooms or building constructed, leased, or set apart for library purposes.

e) Employ a head librarian, and upon his recommendation employ such other assistants as may be necessary for the efficient operation of the library.

#### **10-1-7. Free use of libraries.**

Each library established or maintained by any governing authority shall be free for the use of all persons living within the area represented by such governing authority, except for those charges for which provision may be made elsewhere in this article. The use of the library is subject to reasonable rules and regulations adopted by the library board. The board may extend the privilege and use of the library to non-residents upon such terms and conditions as it may prescribe. The board may exclude from the use of the library under its charge any person who willfully and persistently violates any rule or regulation prescribed for the use of the library or its facilities.

#### **10-1-8. Annual report.**

The board of directors shall make an annual report for the fiscal year ending June 30th to the governing authority or authority appointing it, stating the conditions of the library property, the various sums of money received from the library fund, and all other sources, and how such money was expended, the number of books and periodicals on hand, the number added and withdrawn during the year, the number of books lent, the number of registered users of such library with such other statistics, information and suggestions as may be deemed of general interest. A copy of this report shall be sent to the West Virginia library commission.

#### **10-1-9. Library board to be a corporation; vesting of title to bequests or donations.**

The board of directors of each public library shall be a corporation; and as such it may contract and be contracted with, sue and be sued, plead and be impleaded, and shall have and use a common seal. The title to all bequests or donations of cash or other personal property or real estate for the benefit of such library shall be vested in the board of directors to be held in trust and controlled by such board according to the terms and for the purposes set forth in the deed, gift, devise or bequest: Provided, however, that the person making the bequest or donation of cash or other personal property or real estate for the benefit of such library shall have the right and privilege to vest the title thereto in a trustee, or trustees, of his own selection, and to provide for the selection of successor trustees, and to designate the manner in which said fund or property shall be invested and used.

**10-1-9a. Fees, service and rental charges; fines; sale surplus or obsolete materials or equipment; deposit and disbursement of receipts.**

The Board of Directors of a library established or maintained under this article may fix, establish, and collect such reasonable fees, service and rental charges as may be appropriate; may assess fines, penalties, damages or replacement costs for the loss of, injury to, or failure to return any library property or material; and may sell surplus, duplicated, obsolete, or other unwanted material or equipment belonging to the library. All monies received from these or other sources in the course of the administration and operation of the library shall be deposited in the library fund and shall be disbursed by the board of directors in the manner described elsewhere in this article.

**10-1-10. Injury to library property; penalty.**

Any person who shall willfully deface or injure any building or furniture, or deface, injure or destroy any picture, plate, map, engraving, newspaper, magazine, book, subject of art, or any other article belonging to a public library shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than ten dollars, nor more than fifty dollars, or by imprisonment not exceeding six months.

**10-1-11. Willful retention of library property.**

Any person who willfully retains a book, newspaper, plate, picture, photograph, engraving, painting, drawing, map, magazine, document, letter, public record, microfilm, sound recording, audio visual materials in any format, magnetic or other tapes, artifacts or other documentary (written or printed) materials, or all material of any kind whatsoever belonging to any public library for thirty days after the mailing date of a written notice demanding the return of said material and giving notice of said violation, forwarded to that person's last known address, is guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than two hundred dollars' Provided, that a date or dates designating a grace period for the return of library materials to public libraries shall be established, said dates to be established by the state library commission pursuant to rules and regulations promulgated thereto.

A conviction or payment of any fine shall not be construed to constitute payment for library material, nor shall person convicted under this section be thereby relieved of any obligation to return to the library such material. Further, a conviction or payment of any fine shall not be construed as a waiver of any nominal daily fine which may be imposed by library rules, regulation or policies.

The parent or guardian of a minor who willfully commits any act prohibited by this section shall be liable for all damages so caused by the minor up to the amount of two

thousand five hundred dollars, after the parent or guardian is served with proper written notice as aforementioned.

#### **10-1-11a. Effect of article on existing laws.**

Nothing in this article shall be construed to abolish or abridge any power or duty conferred upon any public library already established by virtue of any city or town charter or other special act, or to affect any existing local laws allowing or providing municipal aid to libraries. Any library now operating under any city or town charter or other special act has however, the privilege of reorganizing under the provisions of this article.

All powers granted herein shall be considered to be conferred upon public libraries existing at the time of the passage of this act (February 21, 1961).

Any provision concerning the disbursement of funds including the designation of the depository of the library funds or of the library board's disbursing officer contained in this article may be adopted by a library board organized under the provisions of this article, notwithstanding any other provisions of law.

#### **10-1-12. State library commission.**

There shall be a state library commission, known as the "West Virginia library commission", which shall consist of five members who shall be appointed by the governor, by and with the advice and consent of the Senate, each for a term of four years. Thereafter, on the first day of July, one thousand nine hundred ninety-five, four additional members shall be appointed: Provided, that for the four new members added to the commission in the year one thousand nine hundred ninety-five, one shall serve an initial term of four years and three shall serve an initial term of two years. No more than three members may reside in the same congressional district. At least four members of the commission shall be women and at least four members shall be men. No member of the commission shall receive compensation for services rendered, nor be engaged or interested in the publishing business.

The members of the commission in office on the date this code takes effect shall, unless sooner removed, continue to serve until their respective terms expire and their successors have been appointed and have qualified. On or before the expiration of the terms for which said members are appointed, the governor shall appoint their successors. (1929, c. 5, 1; 1995, c. 160.)

**10-1-13. State library commission--Officers.**

The officers of the commission shall be a chairman, elected from the members of the commission for a term of one year, and a secretary, who shall be a person trained in modern library methods, not a member of the commission. The secretary shall be appointed by the commission and shall serve at the will of the commission.

Notwithstanding any other provision of the code to the contrary, the salary of the secretary shall be sixty-two thousand five hundred dollars per year. The commission may establish headquarters or maintain its office at such point in the State as it may determine.

The secretary shall keep a record of the proceedings of the commission, have charge of its work in organizing new libraries and improving those already established, supervise the work of the traveling libraries, and in general perform such duties as may from time to time be assigned to him or her by the commission.

**10-1-14. Same.--Power and duties.**

The commission shall give assistance, advice and counsel to all school, state-institutional, free and public libraries, and to all communities in the State which may propose to establish libraries, as to the best means of establishing and administering them, selecting and cataloging books, and other details of library management, and may send any of its members to aid in organizing such libraries or assist in the improvement of those already established.

It may also receive gifts of money, books, or other property which may be used or held for the purpose or purposes given; and may purchase and operate traveling libraries under such conditions and rules as the commission deems necessary to protect the interests of the state and increases the efficiency of the service it is expected to render the public.

It may purchase suitable books for traveling libraries and distribute them as needed to those persons and places in the state without adequate public library service. It may collect books and other suitable library matter and distribute the same among state institutions desiring the same.

The commission may issue printed material, such as lists and circulars of information, and in the publication thereof may cooperate with other state library commissions and libraries, in order to secure the more economical administration of the work for which it was formed. It may conduct courses of library instruction and hold librarians' institutes in various parts of the state.

The commission shall perform such other service in behalf of public libraries as it may consider for the best interests of the state. (1929, c. 5, § 3.)

**10-1-15. State library commission--Disposition of monetary gifts.**

If any sums of money are received by the commission as gifts, they shall be paid into the state treasury and used exclusively for carrying out the provisions of this article, and paying expenses of the commissioners, the commission shall expend no sums unless they are available by gift, appropriation or otherwise.

**10-1-16. Regional libraries and library areas--Establishment and location.**

The West Virginia library commission is hereby authorized to develop a plan for the establishment and location of regional libraries, and library areas throughout the state, based on a detailed survey to be made by the commission of the needs of the various localities of the state. A region shall include two or more counties.

**10-1-17. Regional libraries and library areas--Referral of plan to county courts; action on; alteration of plan.**

On completion of the survey of any proposed region, the executive secretary of the commission shall refer the proposal to the county courts of all the counties included in such proposed region. The county courts shall act upon such proposal by resolution, and the votes of the majority of each of the county courts of the counties included in the proposed region shall be necessary for the adoption of such proposal. In case of the rejection of such proposal by the county courts of any of the counties included such proposed region, the library commission is hereby authorized to alter its plan in accordance with such action in order to provide for a region in such section of the state. The vote of a majority of each county court in the counties in such altered region shall be necessary for the adoption of such proposal.

**10-1-18. Regional libraries and library areas--Powers of West Virginia library commission.**

The West Virginia library commission shall have the following powers for the establishment and maintenance of regional areas and regional libraries:

- a) Establish, maintain, and operate a public library for the region;
- b) To appoint a librarian and the necessary assistants, and to fix their compensation, such appointments to be based upon merit and efficiency as determined by the commission. The librarian shall hold a certificate from an approved school of library science and shall have had not less than three years of practical experience in library

work. Said library commission shall also have the power to remove said librarian and other assistants;

- c) To purchase books, periodicals, equipment and supplies;
- d) To purchase sites and erect building, and/or to lease suitable quarters, and to have supervision and control of said property;
- e) To borrow books from and lend books to other libraries;
- f) To enter into contracts to receive service from or give service to libraries within or without the region and to give service to municipalities without the region which have no libraries, or to cooperate with and aid generally without such contracts, public school, institutional and other libraries;
- g) To make such by-laws, rules and regulations not inconsistent with this article as may be expedient for the government of such regional library areas and the regional libraries therein, and for the purpose of carrying out the provisions of this article;
- h) To accept for the state of West Virginia any appropriations of money that may hereafter be made out of the federal treasury by an act or acts of Congress and to disburse such funds for the purpose of carrying out the provisions of this article, in accordance with sections eleven and twelve (§§ 18-10-11, 18-10-12), article ten, chapter eighteen of the code of one thousand nine hundred thirty-one, as amended.

**10-1-18a. Establishment of state publications clearinghouse; definitions; powers of West Virginia library commission; designations by state agencies.**

(a) There is hereby established the state depository library clearinghouse which shall be under the direction of the state library commission.

(b) As used in this section, the following terms have the following meanings:

(1) "Public document" means any document, report, directive, bibliography, rule, newsletter, pamphlet, brochure, periodical, request for proposal, or other publication, whether in print or an unprinted format, that is paid for, in whole or in part, by funds appropriated by the Legislature and may be subject to distribution to the public;

(2) "Depository library" means a library designated to collect, catalog, maintain and make available all or particular selected state publications to the general public; and

(3) "State agency" means any state office, whether legislative, executive or judicial, including, but not limited to, any constitutional officer, department, division, bureau, board, commission or other agency which expends state appropriated funds.

(c) The state library commission shall establish a state depository library clearinghouse to receive and distribute all state public documents to the depository libraries around the state.

(d) The commission shall designate a state library staff member as director of the state publications clearing house for librarians. The director shall hold a graduate degree in library science from an accredited institution of higher learning. The clearinghouse shall establish requirements for eligibility to become and remain a depository library.

(e) In designating a library as a depository library, the clearinghouse shall consider the geography of the state and the existing federal depository libraries. West Virginia University library, Marshall University library and the state department of archives shall be designated as complete depository libraries that shall receive two copies of all public documents, the clearinghouse shall also, pursuant to the requirements it establishes hereunder, designate other libraries around the state as depository libraries, upon request from a library.

(f) Each state agency shall designate one person as its documents officer while notifying the clearinghouse of his or her identity. The documents officer shall, prior to the public release of any state public document, deposit with the clearinghouse a minimum of fifteen copies as required to meet the needs of the depository library system. If fewer than forty copies of a public document are produced, no more than two such copies are required to be deposited with the clearinghouse. (1995, c. 218)

#### **10-1-19. Regional libraries and library areas--Transfer of certain libraries to library commission.**

After the establishment of a regional library area or regional library, as provided for in this article, the county court, legislative, body of any city or town, the board of education of any county, or any other governing body of any political subdivision of this state, already maintaining a public, school or county library, may notify the West Virginia library commission and such county, city or town, or other subdivision library may be transferred to, leased to, or be used by said Library Commission for regional library purposes under such terms as may be mutually agreed upon between the said library commission and the respective county courts, legislative bodies of cities and towns, boards of education, or governing bodies of other political subdivisions.

**10-1-20. Aid to libraries by library commission.**

The West Virginia library commission is hereby authorized and empowered to render such aid and assistance, financial, advisory and/or otherwise, to public, school, county, or regional libraries, whether established or maintained by said library commission or not, under such conditions and rules and regulations as the said commission deems necessary to further the interests of the state and best increase the efficiency of the service it is expected to render the public.

Having determined that the development and support of such libraries will further the education of the people of the state as a whole and will thereby aid in the discharge of the responsibility of the state to encourage and foster education, the West Virginia library commission is authorized and empowered to pay over and contribute to any board of library directors created and maintained pursuant to the provisions of this article or any special act of legislature such sum or sums of money as may be available from funds included in appropriations made for the West Virginia library commission for such purpose. The amount of any such payment or contribution by the commission to any such local library board of directors shall be determined in accordance with rules and regulations promulgated by the commission. The library commission shall have the authority to promulgate rules and regulations governing the manner in which such amount or amounts of money shall be accounted for and expended.

**10-1-21. Collection and preservation of library data; surveys; employment of personnel; use of data.**

The West Virginia library commission is hereby authorized and empowered to collect and preserve statistics and other data, concerning libraries of any sort located within this state; to make surveys relating to the needs or conditions of such libraries or the library conditions of any city, town, county, regional library area, or other subdivision of this state; and to publish the results and findings thereof in accordance with the provisions of Section 14 (10114) of this article. The commission may employ all necessary personnel for any of these purposes, such appointments to be based on merit and efficiency as determined by the commission. Such data, surveys and findings of the library commission shall be available to all school, public, institutional, regional and/or other libraries within this state, whether proposed or established.

**10-1-22. Confidential nature of certain library records.**

(a). Circulation and similar records of any public library in this state which identify the user of library material are not public records but shall be confidential and may not be disclosed except:

- (1). To members of the library staff in the ordinary course of business, including paid employees and unpaid volunteers upon completing a written confidentiality agreement which shall prevent disclosure of circulation records, personal information, and similar records of any public library except to the extent allowed under this subsection and obtaining written permission from the library director of the library system wherein he or she will be working;
  - (2). Upon written consent of the user of the library materials or the user's parents or guardian if the user is a minor or ward; or
  - (3). Upon appropriate court order or subpoena.
- (b). Any disclosure authorized by subsection (a) of this section or any unauthorized disclosure of materials made confidential by that subsection (a) does not in any way destroy the confidential nature of that material, except for the purpose for which an authorized disclosure is made. A person disclosing material as authorized by subsection (a) of this section is not liable therefor.

### **Title 173, Legislative Rule, Library Commission SERIES 1**

#### **ADMINISTRATIVE RULES**

- 1.1. Scope. -- This legislative rule establishes requirements and procedures for allocating and administering state appropriated funds that are distributed by the West Virginia Library Commission and are used to develop and enhance library services in the state. This rule applies to public libraries established according to West Virginia Code §10-1-1, unless otherwise specifically provided for in a special library law.
- 1.2. Authority. -- West Virginia Code §10-20.
- 1.3. Filing Date. – 04/02/07
- 1.4. Effective Date. – 07/01/07
- 1.5. Repeal and Replacement. -- This rule repeals and replaces “The Administrative Regulations of the West Virginia Library Commission” effective July 1, 1997.

#### **§173-1-2. Definitions.**

- 2.1. “Administrative Fees” means outlay for administrative and support services including, but not limited to, professional librarian advice, personnel assistance, fiscal management, planning, program management, and public relations.

- 2.2. “Audit” means an annual examination of the financial records of the public library completed in full accordance with generally accepted accounting procedures for governmental agencies and performed by an accountant appointed by the State Auditor.
- 2.3. “Board of Library Directors” means the administrative authority of a public library. The board of library directors consists of five members appointed to staggered terms unless other provision is made by a special library law. Each member is called a library trustee.
- 2.4. “Budget” means an itemized summary of estimated income and expenditures for a specific period.
- 2.5. “Collection Development” means a planned process of selecting, acquiring, and managing library materials to meet the needs of a library’s community.
- 2.6. “Community Library” means a library that offers services to the public but is not established in accordance with the provisions of the West Virginia Code §10-1-1 et seq.
- 2.7. “Consortium” means a formal cooperative established and developed to improve library services and resources. It may be restricted by geographical area, established for specified purposes, initiated by the West Virginia Library Commission or initiated by a library. It requires formal agreements concerning purpose, membership, administration and procedures and may include non-library entities. Libraries may enter into any number of consortia agreements that meet the definition of this rule. The West Virginia Library Commission must approve consortia agreements that expend funds administered by the Library Commission.
- 2.8. “Continuing Education” means activities, including attendance at workshops and conferences, for the purpose of maintaining and increasing job-related competence.
- 2.9. “Development Plan” means a document that indicates how the public library will provide quality services to the community for the next three to five years.
- 2.10. “Fiscal Year (FY)” means a 12-month accounting period based on the budget of the State of West Virginia, currently July 1st through June 30th.
- 2.11. “Governing Authority” means County Commission, county board of education, or municipal governing body.
- 2.12. “Grants to Public Libraries” means awards determined annually by the West Virginia Library Commission from funds appropriated by the Legislature for distribution to public libraries.

Grants are to enhance library services, not to reduce local funding. Grants to Public Libraries include:

Grants-in-Aid -- Funds distributed on a per capita basis to all qualifying public libraries.

Other grants -- Funds awarded from any balance in the Grants to Public Libraries appropriation or from any other funds designated by the Library Commission.

2.13. "Interlibrary Loan" means a transaction in which library material, or copies of material, is loaned by one library to another for the use of a patron.

2.14. "Legal Service Population" means the number of people in a geographic area assigned to a public library by the Library Commission. This term is a standard data element of the Federal-State Cooperative System (FSCS) for Public Library Data, a project of the U.S. Department of Education's National Center for Education Statistics.

2.15. "Library Director" means the individual hired by the board of library directors to administer the total library program.

2.16. "Library Support Staff" means all paid staff who assist with the delivery of library services and programs; does not include janitorial staff.

2.17. "Local Funds" means revenue received from local sources for operating expenditures of the public library. Local tax-based revenue includes all local government funds designated by the county commission, board of education, or municipality for the public library. Non-tax based local revenue includes all other funds such as monetary donations, interest, library fines, fees for library services, or grants.

2.18. "Maintenance of Effort" means a specified level of financial effort that is required by a library over a designated time period in order to receive grants.

2.19. "Minutes" means the official record of a meeting of the board of library directors. Minutes show date, time and place of the meeting, names of those attending, actions on all motions and expenditures, corrections to previous minutes, and other information determined to be necessary. Minutes are signed by the secretary.

2.20. "Operating Expenditures" means costs of providing on-going library services. Operating expenditures do not include capital outlay or one-time projects.

2.21. "Patron" means any person who uses the resources and services of a library, not necessarily a registered borrower.

2.22. "Policy" means a statement that articulates principles of operation for the library. The board of library directors must formally adopt all policy statements.

- 2.23. “Professional Librarian” means an individual who has received a master’s degree from a program accredited by the American Library Association.
- 2.24. “Public Library” means a library established in accordance with West Virginia Code §10-1-1 et seq. and in compliance with this rule, having paid staff, an organized collection, an established schedule during which services of the staff are available to the public, and the facilities necessary to support such a collection, staff, and schedule. A public library may consist of a single facility or multiple facilities.
- 2.25. “Quorum” means the minimum number of library trustees who must be present at a meeting for business to be conducted legally. Unless otherwise defined by a special law, a quorum is three.
- 2.26. “Service Center Library” means a library that provides professional and management services to libraries assigned to it by the Library Commission.
- 2.27. “Services to Libraries Grants” means funds distributed to Service Center libraries to assist in providing those services specified in this rule.
- 2.28. “Special Library Law” means a law, approved by the West Virginia Legislature, which specifies local funding appropriations to the public library. It may also establish the public library and provide for appointment of library trustees.

### **§ 173-1-3 Requirements for Receiving Grants**

- 3.1. A public library must fulfill all of the requirements set forth in this section to be eligible to receive a grant from the library commission.
- 3.2. The public library is organized and operates in accordance with West Virginia Code § 10-1-1 et seq. or a special library law that meets the minimum requirements in the code.
- 3.3. The public library receives local funding to support its operations.
- 3.4. Local funds received in the previous fiscal year equal or exceed the maximum Grant-in-Aid established for the library. Local non-tax based funds used as matching funds cannot exceed the amount of local tax-based funds.
- 3.4.a. In the first three fiscal years following passage of this rule during the 2007 regular session of the Legislature, Grants-In- Aid will be awarded at the maximum amount to every library meeting all other requirements.
- 3.4.b. Section 3.4 will be implemented in the fourth fiscal year following passage of this rule during the 2007 regular session of the Legislature.

3.5. Local operating expenditures for the previous fiscal year are equal to, or greater than, the average of the total local operating expenditures for the three fiscal years preceding that previous fiscal year. All funds included in the maintenance of effort calculation shall be expended in the fiscal year for which the determination is made and shall not include capital expenditures, special one-time project costs, or similar windfalls.

3.6. The board of library directors is the disbursing agent for appropriations received from governing authorities as described in West Virginia Code §10-1-2.

3.7. The accounting and fiscal procedures of the public library shall be conducted under the management, direction and control of the board of library directors which may delegate to the library director or to any other employee or duly designated agent such duties and functions as it deems appropriate.

3.8. The accounting and fiscal procedures of the public library, unless otherwise provided for in a special library law, include the following:

3.8.a. The fiscal year of the State of West Virginia is used for reporting to the Library Commission.

3.8.b. The board of library directors annually elects a treasurer to perform or oversee all financial operations.

3.8.c. Provision is made for at least two signatures, one of which must be a library trustee, on all checks used in payment of library financial obligations. All those with signature authority must be bonded at the expense of the board of library directors.

3.8.d. The board of library directors approves all adjustments to the budget.

3.8.e. All accounts of the library are settled within thirty (30) days after the close of the fiscal year.

3.8.f. Library funds are disbursed based on itemized invoices verified by the party duly authorized by the board of library directors.

3.8.g. The payroll is prepared in accordance with budgeted amounts approved by the board of library directors.

3.8.h. All accounting records are readily available in a form which can be audited or reviewed by the Library Commission or authorized representatives of the State of West Virginia or United States Government.

The annual audit or review is filed with the Library Commission within 30 days of the receipt of the audit.

- 3.8.i. A financial report of the preceding year is filed within 45 days from the end of that year on forms provided by the Library Commission.
- 3.9. The public library submits, by the beginning of the fiscal year, an application for Grant-in-Aid on a form provided by the Library Commission.
- 3.10. The public library submits, by the beginning of the fiscal year, a spending plan for the use of the state Grant-in-Aid and an annual budget on forms provided by the Library Commission.
- 3.11. The board of library directors employs a full-time professional librarian to direct the operations of the library and to participate in meetings, workshops and conferences for which the Library Commission requires attendance.
- 3.12. The board of library directors meets at least four times annually with a quorum present. All meetings of boards of library directors are subject to the provisions of the Open Governmental Proceedings Act, W. Va. Code § 6-9A.
- 3.12.a. Approved minutes are forwarded within thirty (30) days to the Library Commission, or if applicable, to the Service Center Library.
- 3.12.b. A report showing the status of all accounts, funds and expenditures is presented for review and approval at all regular meetings of the board of library directors or board finance committee.
- 3.12.c. Policies covering library operations, collection development, personnel, and technology are formally adopted and forwarded to the Library Commission.
- 3.12.d. The public library regularly submits to the Library Commission a development plan for a period of at least three years and no more than five years.
- 3.12.e. No member of a board of library directors is involved in any claim or contract with the public library. This does not mean that a library trustee may not be a stockholder, officer, or director of a bank designated as a depository for the public library.
- 3.12.f. Reimbursement of travel expenses for library trustees is in accordance with policies adopted by the board of library directors.
- 3.13. The library director completes no fewer than eight (8) hours of continuing education per year. All other full-time library support staff complete no fewer than three (3) hours of continuing education per year.
- 3.13.a. Continuing education hours must be approved in advance by the Library Commission.

- 3.13.b. Staff of a library assigned to a Service Center Library is required to attend the annual staff development workshop sponsored by the Service Center.
- 3.14. The public library is open a minimum number of hours weekly based on the legal service population ranges below.
- 3.14.a. Fewer than 6000 – 25 hours
- 3.14.b. 6000-15,000 – 30 hours
- 3.14.c. More than 15,000 – 40 hours
- 3.15. The public library is open to the public at least six hours per week that are either before 9 a.m., after 5 p.m., or on Saturdays or Sundays.
- 3.16. The public library provides free service to residents except as provided for in the West Virginia Code § 10-1-9a.
- 3.17. The public library provides public access to informational services and programs provided by the Library Commission at no cost to libraries.
- 3.18. The public library agrees to share resources with other libraries in the state, according to local interlibrary loan policy and guidelines endorsed by the Library Commission.
- 3.19. The public library designates National Library Week and Children’s Book Week or any other two weeks annually as grace periods during which no fines or penalties are assessed for overdue materials.

#### **§173-1-4 Non-Compliance with Requirements**

- 4.1. The Library Commission shall determine by review of required reports and evaluation visits whether a public library meets eligibility requirements.
- 4.2. A library not directed by a professional librarian will be assigned by the Library Commission to a Service Center Library.
- 4.3. If the maintenance of effort requirement (3.5) is not met, the Grant-in-Aid shall be reduced by a percentage equal to the percentage of the unmet maintenance of effort.
- 4.4. Failure to meet any requirements other than those described in sections 3.4 and 3.5 of this rule will result in the public library forfeiting a portion of its Grant-in-Aid. Such portion will be determined by the Library Commission.

**§173-1-5 Waiver of Requirements**

5.1. The eligibility requirements contained in section 3 of this rule may be waived if the Commission determines that due to exceptional or uncontrollable circumstances, one or more of the requirements for receiving grants contained in section 3 would impose undue hardship on a public library. For the purpose of this subsection, exceptional or uncontrollable circumstances may include, but are not limited to, a natural or man-made disaster or a governing authority's lack of financial resources to provide adequate local funding to support a public library's operations.

5.2. The board of library directors requests a waiver by notifying the Library Commission in writing of any extraordinary circumstances and the fiscal year affected. A waiver is granted for one year.

5.3. The board of library directors and staff must work with the Library Commission to develop and implement a recovery plan.

5.4. The Library Commission determines the amount of any Grant-in-Aid distributed to a library on a waiver.

5.5 The provisions of this rule shall be liberally construed to accomplish its objectives and purposes.

**§173-1-6 Requirements For Use of Grants-in-Aid**

6.1. The Library Commission determines annually, on a per capita basis, the maximum Grant-in-Aid for each library. Each library must submit, by the beginning of the fiscal year, a Grant-in-Aid expenditure plan to the Library Commission for approval.

6.2. Grants-in-Aid shall be used for the following purposes:

6.2.a. Salaries, wages, and benefits; all staff must be paid no less than state or federal minimum wage, whichever is higher;

6.2.b. Library materials;

6.2.c. Equipment;

6.2.d. Travel expenses for library director, staff and library trustees to attend meetings, workshops and conferences and any other library-related activities approved by the board of library directors;

6.2.e. Bookmobiles;

6.2.f. Audits required by state or federal law, rule or regulation;

- 6.2.g. All other current operating expenses approved by the board of library directors;
- 6.2.h. Fellowships for graduate and undergraduate degrees when there exists between the sponsoring public library and the recipient of the fellowship a written agreement that includes, but is not limited to, the following:
  - 6.2.h.1. The fellowship recipient must be an employee of the sponsoring public library;
  - 6.2.h.2. A candidate for a graduate fellowship must attend a school accredited by the American Library Association;
  - 6.2.h.3. The amount the sponsoring public library will pay for classes;
  - 6.2.h.4. The expected completion date;
  - 6.2.h.5. The trainee must agree to return to the sponsoring public library for at least two (2) years following receipt of the degree;
  - 6.2.h.6. The trainee may be permitted by the sponsoring public library to substitute employment in any public library in West Virginia for two (2) years if a position is not available with the sponsoring public library. If no employment is available at a salary commensurate with the trainee's education, repayment of the grant may be waived at the discretion of the sponsoring library with approval from the Library Commission;
  - 6.2.h.7. If repayment of the grant is not waived by either the sponsoring public library or by the Library Commission, the grant must be repaid to the sponsoring public library.

### **§173-1-7. Service Center Libraries**

- 7.1. A Service Center Library ensures that professional librarian expertise is available to each public library. The Library Commission may assign a library to a Service Center Library if required reports or evaluation visits indicate need.
- 7.2. Responsibilities of a Service Center Library are:
  - 7.2.a. To reach a formal agreement with each consortium member regarding assistance provided with the Services to Libraries Grant or administrative fee;
  - 7.2.b. To file, by the beginning of each fiscal year on forms provided by the Library Commission, a plan for assisting each assigned library, based on the formal agreement between the libraries;
  - 7.2.c. To employ a full-time professional librarian in addition to the director;
  - 7.2.d. To visit each assigned library four times a year, including one board meeting, and to present at least one staff development workshop annually;

7.2.e. To evaluate the collections, fiscal management, and operations of each assigned library and report the results annually to the library with a copy to the Library Commission;

7.2.f. To account for funds or administrative fees used to assist assigned libraries. Administrative fees must be approved by the Library Commission and may not exceed twenty percent (20%) of the Grant-in-Aid for each assigned library.

7.3. The Library Commission will evaluate periodically the performance of each Service Center library. Failure of a Service Center Library to meet the responsibilities of section 7.2 of this rule may result in the Service Center forfeiting a portion of funds received from the Library Commission or administrative fees, or, in the reassignment of libraries.

### **§173-1-8. Other Grants**

8.1. The Library Commission may distribute other grants that further library service in the state. Any public library is eligible to apply for these grants.

Grant priorities and qualifications are determined annually by the Library Commission.

8.2. Construction grant applications must meet minimum standards identified by the Library Commission for:

8.2.a. New construction

8.2.b. Expansion

8.2.c. Renovation, including

8.2.c.1. Handicapped access

8.2.c.2. Safe working conditions

8.2.c.3. Public safety

8.3. An application for a construction grant will be on forms provided by the Library Commission and will include, but not be limited to, the following:

8.3.a. Project budget, including a history of local funding for the most recent five (5) years;

8.3.b. Certification by board of library directors of all local funds available for this project. Certification includes the source of the funds, the anticipated date of receipt of funds and the method to be used to provide any additional funding needed;

8.3.c. Timeline for the project;

8.3.d. Current status of the building program, architectural development, site acquisition, and fund raising;

8.3.e. Long range plan for use of the proposed, expanded or renovated facility;

8.3.f. Statement of ownership of the new building;

8.3.g. A feasibility study if proposed construction is the expansion, remodeling or alteration of an existing building. The study is to be done by an AIA registered architect;

8.3.h. A survey and description of the Library Commission approved site;

8.3.i. Project summary including descriptions of the current facility and the new facility comparing total square footage and space needs for public service areas, staff work space, and collection, meeting room, parking, and non-assignable spaces;

8.3.j. Description of how the project will benefit the service area and provide better library service, as well as information about current services.

8.4. Construction contracts must be entered into within three hundred sixty-five (365) days following the Library Commission approval of the grant request.

8.5. Assurance must be given to the Library Commission that, for all construction projects assisted through a grant, all laborers and mechanics employed by contractors or subcontractors will be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the U.S. Secretary of Labor in accordance with the Davis-Bacon Act, as amended, and that covered workers will receive overtime compensation in accordance with, and subject to, the provisions of the Contract Work Hours and Safety Standards Act. Further assurance must be provided that contractors or subcontractors comply with any other applicable state or federal law, including but not limited to workers compensation and unemployment compensation.

8.6. Additional reports must be submitted as requested by the Library Commission during the project.

8.7. Financial accounting:

8.7.a. Local funds for construction will be deposited in an account separate from all other funds. A certification by the bank as to the amount of these funds and certification that these funds are free from encumbrances must be furnished to the Library Commission;

8.7.b. Payment of federal and state funds on a construction project will be made to the board of library directors after approval of invoices by the Library Commission;

8.7.c. Request for a federal or state share will be made on forms provided by the Library Commission;

8.7.d. A retainage of ten percent (10%) will be withheld from the federal and state share of each construction project. The creditor's invoice should reflect the total amount due in order to prevent duplication of the retainage;

8.7.e. The public library will require the general contractor or equivalent to keep on file a copy of weekly payrolls with the required certification in regard to anti-kickback provisions of the Copeland Act. These payrolls will be checked by the general contractor or equivalent against the minimum wage determination for the project and will be reviewed periodically by the Library Commission. Periodic on-the-job interviews will be made by the Library Commission to assure compliance with federal regulations. A copy of this interview will be on file at the Library Commission. A copy of the labor interview will be forwarded to the general contractor or equivalent for filing with the payroll for the week. The general contractor or equivalent will file copies of weekly payrolls with the contracting library;

8.7.f. The portion of the architect's fee, which is paid for supervision, must be based on that portion of the "Contract Completed" at the date of the request;

8.7.g. Any change from the original construction contract must be made by a formal "Change Order" accompanied by a letter of authorization by the president of the board of library directors. If the change or addition requires additional funds over and above the approved budget, the board of library directors must certify that the additional funds are available;

8.7.h. The ten percent (10%) retainage from the federal and state share will be paid only after local architect's certification of completion of the construction contract and after an audit by an auditor approved by the Library Commission is filed with the Library Commission. This audit will be made at the expense of the board of library directors and may be a part of the total project cost;

8.7.i. All records pertaining to a construction project must be kept by the board of library directors for at least three (3) years after completion of the project, or as directed by any applicable federal legislation. These records must be made available to the Library Commission or authorized representative of the State of West Virginia or United States Government on request.

**§173-1- 9. Establishing New Libraries**

9.1. Representatives of a community interested in establishing a public library shall contact the Library Commission and provide the following information:

9.1.a. What area the library will serve;

9.1.b. How the operations of the library will be funded;

9.1.c. The expected effect of the new library on existing libraries in the area;

9.1.d. Comparison of services of the new library to services of existing libraries in the area;

9.2. To qualify for state funds, a newly established public library must:

9.2.a. Be established according to West Virginia Code § 10-1-1;

9.2.b. Comply with this Library Commission rule;

9.2.c. Develop a plan for library service using advice and continuing education from the Library Commission.

9.3. After meeting requirements for state funds, the newly established public library will be assigned to a Service Center Library.

**§173-1- 10. Appeal Process**

10.1. Any appeal of a decision related to this rule shall be submitted in writing to the Chairman of the Library Commission and the Secretary of the Library Commission.

10.2. The appeal shall include the following:

10.2.a. Name and address of the library

10.2.b. Statement of the decision being appealed

10.2.c. Signatures of the Library Director and president of the board of library directors

10.2.d. Supporting documentation

10.2.e. Resolution sought

10.3. Failure to submit any of the above may delay the consideration of the appeal by the Library Commission.

10.4. The Secretary will review each appeal and determine if it has been adjudicated previously. If not, The Secretary will place the appeal on the agenda for the next regular meeting of the Library Commission and inform the appellant.

10.5. The appellant shall inform the Secretary if a brief oral presentation will be made at the Commission meeting. Presentations must be limited to ten minutes unless extended by action of the Commission.

10.6. The Library Commission shall review the appeal and issue a decision no later than the next regular meeting.

10.7. Appeal of any decision by the Library Commission may be made to the Circuit Court by the appellant according to the provisions of the West Virginia Code § 29A-5-1.