



MICHIGAN PUBLIC LIBRARY TRUSTEE MANUAL 2021 EDITION

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ACKNOWLEDGMENTS

The Library of Michigan wishes to thank all those whose thoughtful input and hard work have made possible this updated edition of the Michigan Public Library Trustee Manual. We are especially grateful to those dedicated and disciplined souls who created the original Michigan Public Library Trustee Manual that this new edition is built upon, including Martha Seaman McKee and other current and previous staff of the Library of Michigan. The updated edition was prepared by Clare Membiela with input and editing by Shirley Bruursema. This project was made possible in part by the Institute of Museum and Library Services.

Dear Library Trustee:

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

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

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

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

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

This handbook will be published online so that references and links to online resources can be easily located and updated. You are encouraged to review the Library of Michigan Trustee resources available on our website for additional information and helpful resources: www.michigan.gov/librarytrustee.

In addition to our website, the Library of Michigan provides a statewide membership for all Michigan public libraries in the American Library Association's Division, United for Libraries (UFL). UFL provides training and support resources for library trustees, friends, and foundations. Please take advantage of all the member only resources such as online self-paced training sessions, toolkits, and fact sheets as you serve your term as a library trustee. Find instructions in [Appendix A](#) on how to use the membership resources from UFL.

Please note that any research or resources provided are for informational purposes only and not for the purpose of providing legal advice. You should contact your attorney to obtain advice with respect to any particular issue, question, or problem. Also, don't hesitate to contact Library of Michigan staff with questions you may have about your role as a public library trustee. You can reach our staff listed in [Appendix B](#).

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

Library of Michigan

CHAPTER I TRUSTEE RIGHTS, RESPONSIBILITIES AND ORIENTATION

A. Trustee Rights

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

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

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

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

The governing board of a library is the legal face of the library. The board has a fiduciary duty, www.law.cornell.edu, to act in the best interests of the library in all matters, but especially in financial matters. The library establishment statutes provide the board with the authority to manage the funds belonging to the library, and the responsibility to manage them as public funds. ALL monies that enter a library's accounts are considered public funds.

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

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

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

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

Delegation reflects a high level of mutual trust between the board and the director, while keeping the board in charge with respect to its role. The board is concerned with the big picture, while the director is generally charged with administering day-to-day operations of the Library. Directors are professionals trained in the particulars of library service who are expected to fulfill their roles in accordance with the board's vision and policies.

The importance of a mutually respectful relationship between the Board and the Library Director is highlighted during times when matters arise which are not easily categorized as being a board matter or a director matter. In such situations, it is imperative that the board and the director discuss the issues fully, and together determine a course of action. For example, situations involving intellectual freedom (censorship) usually contain a mixture of board and director responsibilities.

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

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

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

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

In addition to the legal aspects of library boards, there are ethical standards to be followed by board members. While many ethics laws in Michigan applicable to “public employees” do not apply to library board members, there are many Michigan municipalities that have passed ethics ordinances which may govern certain municipal board behaviors – including Library Boards. It is recommended that board members review any applicable local ethics laws or ordinances in effect in their municipalities. The Michigan Municipal League has a useful website at <http://www.mml.org/resources/information/ethics.htm>. There are also ethical standards that are not enforceable as law, such as certain association and professional standards. Board members are encouraged to read and follow the American Library Association’s Ethics Statement for Public Library Trustees (see [Appendix E](#)) adopted by the Michigan Library Association.

The following is a short review of board responsibilities:

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

Human Resources. The board hires, monitors, and evaluates the director. In the absence of a union, it provides a competitive salary scale for all staff and ensures that staff receives reasonable fringe benefits such as Social Security, pension, vacation and sick leave, opportunities for professional growth, and good working conditions. Depending on the type of Library, a board may also participate in the negotiation of Union benefits and pay scales.

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

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

Finance. The board reviews the annual budget submitted by the director and makes necessary changes, officially approves budget requests, and revises the budget to fulfill the legal requirement of balancing income with

expenditures. The board accepts and manages discretionary funds; purchases, leases, manages and sells real estate; and, taking the director's recommendations into account, accepts financial assistance from Friends. If the library is funded by appropriations, the entire board appears at budget hearings to show support for the library's financial needs. The director and/or selected board representatives submit and defend the library's budget. The board explores ways of increasing the library's income from other sources.

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

Continuing Education. The board sets aside time at its meetings to study topics of concern to the library. The members read this manual and other informational materials. It sees that new trustees receive planned orientation. Board members attend district, state and national trustee or trustee-related meetings and are encouraged to join the Michigan Library Association and to take advantage of the resources available from the division of ALA reserved for trustees and friends, United for Libraries. (See [Appendix A](#) for more information).

B. Trustee Responsibilities

Library boards function successfully when each trustee fulfills these responsibilities:

Attend all board meetings. Boards conduct their business at meetings and need attendance to function effectively. If you cannot attend all meetings, with exceptions for illness or emergencies, think about resigning your post to make room for someone who can fully participate. Absences can also result in removal from a board, depending on individual Board Bylaws.

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

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

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

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

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

Support the library director. At times, the library director may be attacked by a citizen or government official. The board should always assume the director is correct and then investigate the situation if necessary.

C. Trustee Orientation

The library director and existing board members are responsible for providing an orientation for new library trustees. New trustees cannot adequately fulfill their legal responsibilities as board members until they understand the basics of how public libraries function, and the processes and extent of their board's authority. During the orientation, encourage as many questions as possible. The following is a list of items and actions to include as part of trustee orientations:

Tour of the library building: Give the new trustee an in-depth tour of both public service areas and a thorough “backstage” tour of library staff and work areas. Be sure to introduce them to staff members. Give the trustee a map of the library, and any other handouts provided to the public. The tour should include details of each library department and its function in relation to the working of the entire library. Even small libraries have special collections, staff areas, and duties of which a new board member may not be aware.

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

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

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

Board Minutes: Review with the trustee its bylaws and recent board minutes. All trustees need a copy of the Open Meetings Act (OMA) and must understand how they are governed by this act. The Michigan Open Meetings Act Handbook is available online at https://www.michigan.gov/documents/ag/OMA_handbook_287134_7.pdf.

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

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

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

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

Library of Michigan: Explain to the trustee the relationship between the public library and the Library of Michigan. Ensure that the Trustees are familiar with the Library of Michigan's website www.michigan.gov/libraryofmichigan, including the Trustee section at www.michigan.gov/librarytrustee.

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

Michigan Library Association: Encourage the trustee to join the Michigan Library Association to support its role in advocating and lobbying for the Michigan library community and in providing professional development for library staff and supporters.

Michigan Library Laws: Give the trustee a copy of the library law under which your public library is established and Public Act 89 of 1977. All board members need to understand that the board acts as a whole and that individual trustees may not act alone unless authorized by the entire board. A good resource is the Michigan Library Law Handbook created by Lance Werner and Anne Seuryneck now available on the Library of Michigan website, http://www.michigan.gov/documents/libraryofmichigan/LM_2013_MI_Library_Laws_Handbook_423082_7.pdf

CHECKLIST FOR CHAPTER I

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

Quality Services Audit Checklist (QSAC) Measures for Trustees

https://www.michigan.gov/documents/libraryofmichigan/LM_2016_QSAC_Measures_rev_547146_7.pdf

See the standards below within the appropriate level for your library to obtain additional information on best practices. For more information about QSAC, see [Appendix F](#) of this Handbook.

Essential Level – Core Measure for Governance/Administration

Essential Level – Elective Measure for Governance/Administration

Essential Level – Core Measure for Human Resources

Enhanced Level – Elective Measure for Public Relations

Excellent Level – Elective Measure for Human Relations



CHAPTER 2 BYLAWS

A. Bylaws and Board Organization

Bylaws

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

- Provide the operational philosophy and principles of the organization
- Provide a structure for conduct at meetings
- Provide guidance as to the extent and the practice of the Board's authority
- Describe the board's primary duties
- Act as a guidepost for decision making and problem solving
- Provide necessary checks and balances
- Provide policies for compliance with necessary laws
- Provide transparency to ensure board fulfills its public trust

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

Bylaws are the basic rules relating to the library board as an organization. They define the primary characteristics of the library board and describe how the board functions. Good bylaws can act as a user manual on the operation of a productive board. Incomplete or badly written bylaws can cause conflict and hamper the operation of the board – and the library.

When creating bylaws from scratch, start by looking at the work done by other libraries. There are many excellent examples to be found on the internet or on the United for Libraries website, a resource provided to all Michigan public libraries. (See [Appendix A](#))

There are many areas that can be covered by board bylaws and creating them can easily become overwhelming. A wise practice is to start with the basics and then build on them over time. A good set of bylaws is an organic publication that gets tweaked and updated over time as the needs of libraries and library patrons change over time.

A comprehensive, initial set of Library Board Bylaws should include the following:

- A statement of the official name of the library (along with a citation to the applicable resolution or ballot measure, if applicable).
- Confirmation of the authority of the library board to exist, citing the establishment statute or the source of the library's existence, e.g. the County Libraries Act or the city charter, or some other higher authority.
- Description of the board's powers and duties, both stated and delegated.
- An outline of board participation in strategic planning, policymaking and funding decisions.
- Provision for periodic evaluation of the director's job performance.
- Outline of delegation of library administration.
- Outline of the board's responsibility for prudent stewardship and management of the finances and resources of the library.
- Policy on the receipt of gifts (eg: not permitted where there could be the perception of influence).

- Conflict of Interest statement (eg: Board members may not contract or otherwise enter into an arrangement of agreement with the library where the Board member will directly or indirectly receive a financial or other tangible benefit). Board members must also recuse themselves from discussions or decisions involving family members or organizations they have direct or indirect business or relationships with.
- Description of duties of the library director and a discussion of the board's duties in relation to the Director's.
- Description of the structure of the board, officer titles, descriptions of the duties & powers of each position.
- Most boards elect a president, vice president and secretary. Some include a treasurer. (Note that a board secretary does not take and keep minutes of the board meetings. This activity effectively removes them from participation in the meeting. Use a staff member [not the director] to take board minutes, except for closed sessions.)
- Procedure for how officers are elected, terms for each office, schedule for elections, how to fill seats that become vacant mid-term, and officer rotation.
- Wise boards rotate officers to keep new ideas flowing and to educate board members in all aspects of board management
- Procedure and causes for officer removal. (Note that in some cases this process is governed by statute)
- Statement of parliamentary procedure.
 - Parliamentary procedure is the formal process by which meetings are run and by which business is brought before and considered by formal bodies. There are two primary forms of parliamentary procedure, Roberts Rules of Order, and The Standard Code of Parliamentary Procedure (formerly the Sturgis Standard Code). The Board will want to determine which style of procedure is best for them, and then include in the bylaws a statement of which procedure is to be followed for board business.
 - See [Appendix H](#) for a listing of resources on parliamentary procedure.
- What constitutes a quorum.
- Description of standing committees including names, number of members and rotation of members.
 - It is a good idea to rotate committee members, just as you would rotate board officers. This gives each board member a chance to learn and grow. It also keeps members from becoming entrenched in certain roles.
- Procedure for establishing & abolishing committees
 - Committees may not act for the board as a whole. They are simply a mechanism used by the board to assist in compiling information or proposing solutions.
 - It is not necessary to have committees. The board can act as a committee of the whole and many smaller libraries run perfectly well without them. However, board committees can prove helpful, especially in the areas of personnel, policies, finance, bylaws and board recruitment.
 - Committees can be standing or ad hoc.
 - An ad hoc committee should go out of existence with the completion of its purpose. For example, a building committee ends when the building project is completed.
 - A standing committee is a permanent committee of the board that has ongoing responsibilities.
 - A finance committee
 - A personnel/HR committee
 - Meeting Details – (The ALA division United for Libraries has a useful toolkit called Trustee Board Meetings – Effective Meetings for Library Boards of Trustees (See [Appendix A](#))).
 - A description of how often meetings will be held (Monthly, bi-monthly, etc.)

- The schedule of meetings (day, & time, & location)
- The procedure for setting up the meeting (reserving the space, arranging AV, etc.)
- The criteria and procedure for changing/canceling a meeting (for bad weather, etc.)
- The procedure of noticing/announcing a meeting (or meeting change)
- The procedure and policies for public comment at meetings
 - Anyone attending a meeting is not required to give their name or address, but you may require this information if they wish to speak during the public comment portion of a meeting.
 - If you wish to limit the time an individual may speak, include that in your bylaws.
- The procedure for minutes (taking and keeping and posting)
 - Who is responsible for posting and maintaining online.
 - Who records or takes minutes (as stated before, the secretary is probably not the best candidate for this job).
- Determine the order of business. The order of business is the blueprint for board meetings. A typical agenda may look like the following:
 - Call to order
 - Approval/amendment of the agenda
 - Approval of the last meeting's minutes
 - Treasurer's report
 - Committee reports
 - Director's report
 - Old business
 - New business
 - Public comment
 - Adjournment
- Description of how bylaws may be amended.

B. Board Relations

Board discussion, even vigorous debate, is a healthy part of reconciling diverse views. However, ongoing board contention can be a sign of trouble. Discussion strengthens a board's ability to govern, but constant contention can destroy it. It is the responsibility of the board leadership to resolve conflict among board members. It is inappropriate for a director to be put in the position of chastising a board member, who is ultimately the director's employer.

There are steps the board chair can take to keep conflicts from escalating into contentiousness:

First, use the controlled environment of the board meeting to close down those members who seek to create dissention and conflict:

- Establish time limits for each portion of the agenda. These limits give you a tool to move the meeting away from fruitless arguing.
- Limit the amount of time each speaker can use to debate a point or issue. If an issue is up for discussion, and each speaker gets 5 minutes, no one can monopolize the time allotted for a particular agenda item.

- Focus on the agenda and make use of committee delegation to end conflict. Creation of a new committee can be an effective means by which a frustrated board member can make a valuable contribution. Establish deadlines for committee progress in order to keep committees on track.

Second, follow term limits and rotate positions to control contention.

Effective recruitment is perhaps the most valuable tool for creating a vibrant, healthy board. A nomination and recruitment committee can ensure the diversity of a board, provide effective orientation for new board members, organize board retreats, and provide the board with recognition and rewards.

Finally, the board chair must make it part of his or her job to resolve conflicts that have turned into contention:

- Seek to educate rather than reprimand.
- Remain objective.
- Meet with individuals one-on-one in a neutral location.
 - **TIP:** Be sure to adhere to the Open Meetings Act. Refrain from discussing actual policy or the merits of a particular stance. Focus on coaching the frustrated board member on techniques to make themselves heard without conflict.
- Exercise discretion. Nothing will deteriorate the situation more than rumors of collusion or coercion.
- Recognize goodwill in someone else and allow a little time to pass. A board member will come to recognize that the board chair is making a sincere effort to maintain a positive, progressive board.

C. Conflict of Interest

Library board members need to be aware of the Incompatible Public Offices Act (Public Act 566 of 1978, 15.181, et. seq.). This act prevents the subordination of one public officer to another and the supervision of one public office by another. In other words, a member of the library board may not also serve as a library employee, or in another example, a county commissioner cannot serve on the board of a county library. A township trustee should not serve on a township library board.

- Board members must excuse themselves from discussion and voting when the board is considering a matter that may involve profit for a relative or friend of the board member. It is not necessary to leave the room but acknowledging a possible conflict of interest is always wise.
- It is not appropriate (and if the situation falls within the purview of MCL 15.322, MCL 15.323a, or MCL 15.323b, it may not be legal) for a Board member to profit from their relationship with the Library (see also “conflict of interest under “Bylaws,” above).
- Even if a particular board member is not covered by the statutes listed above, several municipalities have “Ethics Ordinances” which may prohibit this behavior.
- Before drafting a Board Conflict of Interest policy, be sure to understand what the rules are for your municipality. It is also important to note that, even under the best of circumstances, certain practices may encourage unflattering perceptions of the Library and its board. If there is a question about a possible conflict of interest or incompatible office, the Board should seek consultation with their attorney.
- Current trustees and staff members may not hold office in the Friends of the Library organization. Doing so not only can create a conflict of interest, it could jeopardize the Friends’ standing as a non-profit organization.

D. Liability and Indemnification

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

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

Liability suits against library trustees can arise from:

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

There are some common-sense practices a board can institute to try to avoid liability in the context of their duties:

- Have an attorney on retainer and use them. A small cost of prevention is well worth the cost of a lawsuit – even if you ultimately win.
- When in doubt about a matter that could have legal ramifications, consult your attorney.
- Have in place clear and comprehensive ethics & conflicts of interest policies.
- Avoid even appearances of impropriety or conflicts of interest.
- Understand the laws of your state and municipality with regards to matters the library board handles.
- Pay particular attention to FOIA (Freedom of Information Act) & OMA (Open Meetings Act). Ensure policies are in place for compliance – and that those policies are being followed.
- Consult with an attorney in matters that could have legal repercussions. This includes the drafting of contracts and agreements, personnel issues (particularly issues involving federal laws on civil rights such as disabilities, discrimination, and union issues).
- Take extra time to carefully read and consider matters involving issues with legal aspects – especially all contracts, agreements, terms of use & licenses.
- Vote “no” on any proposal that “seems” wrong, or that is clearly violative of any law or regulation.
- Encourage board members to ask questions when they are unsure of a proposal or initiative.
- Create a procedure and an environment where board members, library staff, and patrons feel comfortable discretely reporting incidents of ethics and legal violations.

The former American Library Trustee Association (ALTA), now United for Libraries, developed and approved the following indemnification statement:

“It should be considered mandatory that every library have an adequate level of insurance coverage. If any claim or action not covered by insurance or state statute is instituted against a trustee, officer, employee or volunteer of the library system arising out of an act or omission by a trustee, officer, employee or volunteer acting in good faith for a purpose considered to be in the best interest of the system, or if any claim or action not covered by insurance or state statute is instituted against a trustee,

officer, employee or volunteer allegedly arising out of an act or omission occurring within the scope of his/her duties as such a trustee, officer, employee or volunteer, the system should at the request of the trustee, officer, employee or volunteer:

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

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

United for Libraries has a Toolkit that can assist with information on Insurance Issues for Library Boards of Trustees, “Insurance for Libraries”. (See [Appendix A](#) for login information to UFL.)

CHECKLIST FOR CHAPTER 2

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

Quality Services Audit Checklist (QSAC) Measures for Trustees

https://www.michigan.gov/documents/libraryofmichigan/LM_2016_QSAC_Measures_rev_547146_7.pdf

See the standards below within the appropriate level for your library to obtain additional information on best practices. For more information about QSAC, see [Appendix F](#) of this Handbook.

Essential Level – Core Measure for Governance/Administration

Additional Resources:

COSLA Public Library Trustee Manual: A Template for Use by State Library Agencies and Public Libraries;

http://www.cosla.org/documents/Public_Library_Trustee_Manual_A_Template.docx

Gardner, and Kalonick, **The Complete Library Trustee Handbook** Assn of Library Trustees, Advocates, Friends, & Foundations, Neal-Schuman, New York, NY 2010.

CHAPTER 3 POLICIES

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

Stated policies balance competing interests in public service. Often that balance is between budget, impact on staff and feasibility vs benefit to the patron. For example, a library may not have enough computers for public use, and they have neither the budget nor the space to add additional workstations. The library board may approve a policy limiting the time each patron may spend at one computer, thereby giving all patrons an opportunity to use the computers.

This solution addresses the lack of computers in a manner that acknowledges the Library’s limitations.

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

Although policies are often initiated by library staff (and approved, if not created by the library director before going before the library board), GOOD policies reflect the influences of the community which the library serves (such as patrons & trustees), as well as other relevant professionals, such as attorneys and library associations, and, of course, federal, state and local laws.

When developing policies from scratch, it is important to keep in mind the following traits:

1. Does the policy comply with current law?
2. Is the policy reasonable (including any penalties for violations)?
3. Could the policy be applied in a discriminatory manner?
4. Is the policy measurable?

For additional information regarding these traits, see (traits from “Four Tests for A Legally – Enforceable Library Policy” Library of Michigan webpage, https://www.michigan.gov/libraryofmichigan/0,9327,7-381-88855_89735_89755-54454--,00.html)

See also “Primer on Library Policies” Library of Michigan, https://www.michigan.gov/libraryofmichigan/0,9327,7-381-88855_89735_89762-54481--,00.html

In addition, a well-written policy is:

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

While some policies may have to be individually crafted to address local issues, it is common for libraries to look to peer libraries for samples of policies that could be adapted when creating their own policies.

Sample library service and operational policies can be found through Internet searching and through the sources listed below.

- The American Library Association, <http://www.ala.org/pla/resources/tools>
- United for Libraries has sample policies available at <http://www.ala.org/united/trustees/policies>
- Local library systems

Each of these options have good resources for sample policies as well as tools to help draft original policies.

Personnel and human resources policies can be found:

- Quality Services Audit Checklist (QSAC) program found on the Library of Michigan website https://www.michigan.gov/libraryofmichigan/0,9327,7-381-88855_89735_89759---,00.html (See link “Human Resources – Appendix A” located towards the end of the page),
- Local libraries
- Library Policy Development Site by The American Library Association: <https://libguides.ala.org/librarypolicy>
- Other State Library Organizations (be mindful that state laws governing libraries and other issues differ. Always consult your attorney on policy language):
<https://www.cde.state.co.us/cdelib/librarydevelopment/publiclibraries/policies>
<https://www.statelibraryofiowa.org/ld/k-p/Policies>
- Human Resource Professional Associations such as SHRM
<https://www.shrm.org/resourcesandtools/tools-and-samples/policies/pages/default.aspx>
- When considering personnel policies, it can also be helpful to consult legal texts such as “Employment Law In Michigan,” by Seryak, Ellman & Kopka & published by the Michigan Institute for Continuing Legal Education (ICLE).
- A well-written policy can serve several purposes. For example, some libraries have a policy prohibiting the consumption of food in the library. A well-written food policy:
 - Gives direction and establishes consistent rules of behavior for patrons; Supports the goals of the library. (Such as protecting the investment in the furnishings and facilities of the library by keeping the library clean and attractive)
 - Empowers staff to enforce policies without becoming personal, “In order to maintain our beautiful facilities and keep our library clean, we ask our patrons to refrain from bringing food or beverages into the library.”
 - Ensures staff and public safety by controlling rodent and insect infestations
 - Ensures accountability and enforcement. There can be clear consequences — the patron may be asked to leave if they do not comply.

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

CHECKLIST FOR CHAPTER 3

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

Quality Services Audit Checklist (QSAC) Measures for Trustees

https://www.michigan.gov/documents/libraryofmichigan/LM_2016_QSAC_Measures_rev_547146_7.pdf

See the standards below within the appropriate level for your library to obtain additional information on best practices. For more information about QSAC, see [Appendix F](#) of this Handbook.

Essential Level — Core Measure for Governance/Administration

Enhanced Level — Core Measure for Governance/Administration:



CHAPTER 4 PLANNING

A. What & Why

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

Where are we now?

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

Where do we want to go?

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

How do we get there?

- How will the library make its vision a reality?
- What steps should be taken?
- Who has responsibility for each step?
- What is the best sequence and timetable for implementing the steps?

How do we know we've arrived?

- How will the board determine when the plan has succeeded?
- What measurements of attainment will be used?
- How and why will we adapt our plan in the future?

Planning involves looking at what is possible among a wide range of alternatives. Planning takes into account the present and future needs of the entire community served by the library. A good plan also helps the library develop alternative scenarios for a changing future.

Obtaining input from members of the public, the director and the library staff is critical.

When preparing to create and/or amend a plan, it is important to assemble a team or committee of diverse representatives of the library community. Often, Friends of the Library serve as representatives of the general public. Other times, influential members of the community and/or representatives from other governmental units are sought to serve on the planning team. The team should strive to represent as many perspectives as is practical in order to ensure buy-in for the resulting plan from staff, patrons, trustees, municipal leaders, and any other group involved (or that the board would LIKE to get involved) in the welfare of the library.

Good planning requires work and time. It requires a thorough examination of many factors and ideas. There are many helpful tools available to assist boards looking to create or update a strategic plan:

- United for Libraries provides short videos and accompanying handouts on many topics of use to Trustees called Short Takes for Trustees. Video #6 is about Strategic Planning and includes an accompanying handout. (See [Appendix A](#) for login information.)
- Reed, Sally, *The Library Boards Practical Guide to Strategic Planning* available: [http://www.ala.org/united/sites/ala.org/united/files/content/trusteezone/practical – guides/strategic-planning.pdf](http://www.ala.org/united/sites/ala.org/united/files/content/trusteezone/practical%20guides/strategic-planning.pdf)
- The American Library Association (ALA) has a site on planning and assessment that links users to many resources on developing plans for libraries and evaluating libraries. http://wikis.ala.org/professionaltips/index.php?title=Planning_and_Assessment
- ALA's *Planning and Role Setting for Public Libraries*. Although published in 1987, it still serves the purpose well. (Search using title on book seller sites.)
- Quality Services Audit Checklist, known as QSAC. Provided by the Library of Michigan, these measures help libraries determine what level of service they're currently offering, and where efforts should be concentrated for improvement. The Library of Michigan awards certificates of attainment for compliance at three levels of service: essential, enhanced, and excellent. Certificates of attainment are awarded on stated objectives. Library directors and trustees are encouraged to use these standards when measuring their current level of service and as markers for the future. QSAC details can be found at <http://www.michigan.gov/qsac>. The QSAC planning resources sheet can be found at this page too.

B. How: Planning Statements

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

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

Goals — a broad statement of what the library should be doing in the future. Goals must be consistent and flow from the mission statement. An example of a goal is: "The library will provide access to a library building for residents within a 10-mile driving radius."

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

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

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

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

C. Evaluation

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

Plans are dynamic documents and need to be reviewed to keep them relevant. While mission statements remain constant over long periods of time, goals, objectives, and action statements are often amended in light of changing circumstances, such as shifts in population, in funding, or in technology.

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

CHECKLIST FOR CHAPTER 4

- Has your library developed a strategic plan for the library?
- Did your board use the Library of Michigan's Quality Services Audit Checklist (QSAC) during the planning process?
- Was the community affected by the library – the municipality, the patrons, board, director and staff considered and consulted in the planning process?
- Has your board evaluated the strategic plan within the past year?

Quality Services Audit Checklist (QSAC) Measures for Trustees

https://www.michigan.gov/documents/libraryofmichigan/LM_2016_QSAC_Measures_rev_547146_7.pdf

See the standards below within the appropriate level for your library to obtain additional information on best practices. For more information about QSAC, see [Appendix F](#) of this Handbook.

Essential ELECTIVE Quality Measures

Enhanced CORE Quality Measures – Governance/Administration

Excellent CORE Quality Measures – Governance/Administration

QSAC Planning Resources

https://www.michigan.gov/libraryofmichigan/0,9327,7-381-88855_89735_89759-492787--,00.html

CHAPTER 5 FUNDING

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

A. Local Funding

I. Individual Library Millages

The most stable funding for a public library is through a library millage. A “millage” is defined as “The amount per \$1,000.00 used to calculate a tax on property.” Generally these taxes are levied at the local, municipal level after being approved through a popular vote on a ballot initiative. Many of these ballot initiatives, or proposals designate such taxes for the benefit and funding of public libraries. Once approved, the funds generated by a particular millage can be used ONLY for the purpose designated by the millage/ballot language. For example, funds collected via a public library millage MAY NOT be used for any other purpose other than the public library they are meant for. The one exception is that downtown development authorities may (subject to certain statutory conditions we will discuss later in this section) capture millage funds.

Although campaign finance laws prohibit public library funds from being used to fund millage campaigns, the library board of trustees can and should support library millage campaigns. Separate millage “campaign finance committees” (also known as “Yes” Committees) are set up through the Michigan Bureau of Elections (Department of State) and are funded separately. Individual board members (outside of their board duties), Friends, patrons, and off-duty staff members may participate in the activities of a campaign finance/yes committee. United for Libraries (a division of the American Library Association (ALA)) has some excellent resources on millage campaigns (website):

In addition to being the preferred method to fund public libraries, for many library establishment options, millages are required as part of the establishment process. City, village & township libraries, as well as district libraries are all required to pass millages as part of the current establishment process.

I. City, Village and Township Libraries

Libraries established under 1877 PA 164 (The City, Village & Township Libraries Act) should look to the following sections of that act for information regarding Millage requirements:

City Libraries: Sections I (MCL 397.201); Sec.10a through 10c (MCL 397.210a-397.210c) Townships & Villages: Sec10-10c (MCL307.210-397.210c)

In addition, libraries should also review the applicable Michigan campaign finance laws that apply to millage campaigns. These laws cover the rules for submitting the ballot language, communicating to the public about the millage, etc.

The Foster Swift Law Firm has a useful introduction to Michigan laws on campaign finance as they relate to millage campaigns: <http://www.fosterswift.com/communications-Michigan-Campaign-Finance-Act.html>

The Michigan Secretary of State has a webpage with information, dates, and forms for elections and campaigns: <http://www.michigan.gov/sos/0,4670,7-127-1633---,00.html> (see the “campaign disclosure” area.)

Knowing which sections of the Michigan Compiled Laws apply to your library (and how to comply with them) is an important part of your millage campaign. Consider consulting with your attorney if you are unsure of which laws apply to your situation.

II. District Libraries

District Libraries should look to the District Libraries Establishment Act 1989 PA 24 (MCL

937.171 et seq) for provisions concerning library millages:

Sec.3-3d (MCL 397.173 – 397.173d) Sec. 13 – 23 (MCL 397.183 – 397.194)

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

Library of Michigan has a Michigan District Library Law Handbook posted on the web at https://www.michigan.gov/documents/mde/LM_Michigan_District_Library_Law_329703_7.pdf

III. County Libraries

County libraries should review The County Libraries Act 1917 PA 138 (MCL 397.301, et. seq.) for information on millages:

Sec. 1 (MCL 397.301), Sec 5 (MCL 397.305)

Millages for county libraries are placed on the ballot by the County Board of Commissioners. If the County Board of Commissioners does not choose to place the library millage question on the ballot, there is no way for a library board to do so. However, residents of the county may petition the Board of County Commissioners to place a library millage question on the ballot. but the petition does not make placement on the ballot mandatory.

IV. School District Public Libraries

School district public libraries may no longer be funded by millages because of the school finance reform legislation of 1994, known as Proposal A. 1976 PA 476 (MCL 380.1451) (As amended)

For more information regarding library millage campaigns, see the following:

United for Libraries:

United for Libraries has resources on library campaigns in its Friends area, “Citizens Save Libraries Power Guide” and it is a helpful resource to review and available at <http://www.ala.org/united/powerguide>.

Other Resources:

Check training calendars from the Library of Michigan, MLA, and cooperatives for training and webinars on millages throughout the year.

2. Re-Establishment

Frequently, city, village and township libraries receive adequate funding from their legal service areas but are unable to extract fair payment from their contracting municipalities (see section A.5.of this chapter). This situation not only creates friction between patrons within the library community (why is one group paying more for the same service?), but it also denies the library important revenue.

If the option of a countywide or contracted area millage (see section A.LC. of this chapter), is not possible, a solution may be to re-establish as a district library under The District Libraries Establishment Act (1989 PA 94, MCL 397.171, et. seq.) Establishing as a district library, a city, village, county, or township library increases its legal service area to include the additional municipalities served previously as contractual areas. This would have the effect of automatically including these municipalities in any millage proposal (if they are part of the district library agreement).

After re-establishing as a district library, the library board is authorized to place a district – wide millage question on the ballot for voter approval. If approved, this millage covers the entire district. For more information, see the Library of Michigan’s publication, *District Library Law: Establishing and Funding a District Library*. The 2003 edition of this publication is available at: https://www.michigan.gov/documents/mde/LM_Michigan_District_Library_Law_329703_7.pdf

B. County-wide Millages

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

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

1. Appropriations

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

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

2. Contractual Funds

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

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

3. Personal Property Tax Reimbursement/Local Community Stabilization Authority Act Funding

Personal Property Tax Reimbursement is now included within The Local Community Stabilization Authority Act, 2014 PA 86, MCL 123.1341 to 123.1362 (Libraries see MCL 123.1345(s) – NOTE – “Libraries” = *District Libraries*. *Municipal libraries’ reimbursements are calculated with their municipalities and the funds are then sent as part of the municipality refunds (but amounts to go to a municipality’s library is designated on the check to the municipality)*. *District Libraries receive their own checks directly.*) See also MCL 123.1354.

The State of Michigan Treasurer has a website devoted to this funding at https://www.michigan.gov/taxes/0,4676,7-238-43535_72736_81317---,00.html This site contains additional information as well as contact information for additional assistance and information.

4. Tax Increment Financing/ Downtown Development Authority Opt – Out

In 2016, the Michigan legislature passed, and in early 2017, Governor Snyder signed, bills that would become 2016 PA 505, through 2016 PA 510. These acts laid out criteria that required existing municipal tax financing authorities, and downtown development authorities to notify the municipalities (including public libraries) of any boundary changes to existing projects. This notice provided public libraries with millages passed before January 2017 the opportunity to “opt out” of the capture of millage funds for that project. Additionally, the acts provided for the automatic opt out of millage capture for millages passed after Dec 2016. Libraries wishing to participate in capture by an Authority were required to affirmatively file a resolution acquiescing to the taking of millage monies by the TIFA or DDA. These acts were further amended in 2018 to form The Recodified Tax Increment Financing Act, 2018 PA 57, (MCL 125.4101 – MCL 125.4915). This act amended the 2016 acts to clarify language and combine them into one act. The current act retains all of the voluntary and automatic tax capture exemptions. Below is a list of the particular sections affecting Public Libraries.

Library boards should investigate the TIFA's and DDA's that affect their millages and prepare to consult with their attorneys to understand the effect or opportunities these new laws may provide for the recovery and/or protection of library funds.

Downtown Development Authority [MCL 125.4203](#)

Tax Increment Finance Authorities [MCL 125.4303](#)

Local development Finance Authorities [MCL 125.4404](#)

Corridor Improvement Authorities [MCL 125.4618](#)

Water Resource Improvement Authorities [MCL 125.4715](#)

Neighborhood Improvement Authorities [MCL 125.4814](#)

Additional information on the library TIFA & DDA opt-out is available from the Michigan Library Association: https://www.milibraries.org/index.php?option=com_content&view=article&id=159:mla-advocacy---may-25--2017&catid=44:news-advocacy-update&Itemid=223 general information about TIFA's & DDA's in Michigan:

Michigan Senate: <http://www.senate.michigan.gov/sfa/publications/notes/2016notes/noteswin16dk.pdf>

5. Fundraising

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

501(c)3 or Not?

The term “501(c)3 organization” appears often in discussions of fundraising for non-profit or charitable purposes (such as library fundraising). Most people understand this term as referring to an organization or charity that can accept donations that would be “tax deductible” to the donors. In other words, those entities giving money can deduct some or all of the cost of the donation from their Federal (and sometimes state) taxable income. This trait, understandably, makes these organizations attractive options to people looking to donate funds.

“501(c)3” is actually the section of the U.S. Internal Revenue (or Tax) Code that provides for this ability to deduct donations made to certain charitable entities. In order to be recognized as a 501(c)3 entity, an organization must file documents with the IRS showing that the entity complies with certain requirements proving their charitable nature. Most legitimate charities and service organizations are 501(c)3 entities, and most large grant-bestowing foundations require 501(c)3 status as a prerequisite for obtaining a grant. Many public library Friends groups and foundations obtain “501(c)3” status in order to enhance their fund-raising capabilities.

What about public libraries themselves? Should they be 501(c)3 entities? This is a question that is best answered by an individual Library Board, with the advice of their attorney and accountant. Public Libraries MAY file for, and be granted 501(c)3 status, but in many instances, it is likely that this status is not necessary because public libraries are recognized government entities, and as government entities, public libraries are already tax-exempt entities. This means that donations to public libraries are already tax-deductible. Public libraries do not need a 501(c)3 designation in order to provide a tax deduction to donors.

There are some grant programs that require a 501(c)3 status for applicants, and there may be other advantages that would encourage some public libraries (particularly large libraries) to obtain 501(c)3 status in addition to their existing governmental entity tax exempt status. Once obtained, 501(c)3 status is retained only by filing annual reports with the IRS. This is why it is important for Library Boards to consult with their attorneys, friends’ groups, and accountants when determining whether or not to apply for 501(c)3 status.

Libraries can confirm their governmental entity tax exempt status by obtaining a “Governmental Information (or “Determination”) Letter from the IRS. [Appendix I](#) contains information on how to obtain this letter from the IRS, as well as State of Michigan information on tax exempt status for government entities.

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

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

Fundraising activities are covered by various Federal and State statutes such as Michigan’s Charitable Organization & Solicitation Act 1975 PA 169 (MCL 400.271, et. seq.). When considering supporting a fundraising initiative, and in order to protect their tax-exempt status, library boards should consult with their attorney in order to verify that any proposed plan complies with requisite state and local laws that cover tax-exempt government entities.

6. Casinos

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

C. State Funding

I. State Aid

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

- The Library must be legally established.
- The local area must provide a minimum of three-tenths (3/10) of a mill to the library, based on the population served, as calculated by the decennial U.S. census.
- Have personnel whose education level is certified by the Library of Michigan.

For specific guidelines, consult the latest Library of Michigan state aid guidelines found at: www.michigan.gov/librystateaid

Direct State Aid

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

Indirect State Aid

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

Library Cooperative State Aid

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

Sparse Population

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

County Libraries

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

2. Penal Fines

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

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

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

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

Many judges are not aware of the vital need for penal fines in support of libraries.

As a board member, you have an opportunity to educate them on how penal fines have improved the lives of their constituents. For example, invite your local judges to your library for breakfast and a tour. Show them the tangible results of how penal fines have improved library services for their constituency.

Municipalities can and do circumvent the constitutional penal fine provisions by adopting their own local parallel ordinances. When violators are fined under local ordinances rather than under state penal laws, the fines paid do not go to public libraries. Penal fines reports can be found on the Library of Michigan web site at www.michigan.gov/librarystateaid

D. Federal Funding

Library Services and Technology Act (LSTA)

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

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

CHECKLIST FOR CHAPTER 5

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

Quality Services Audit Checklist (QSAC) Measures for Trustees

https://www.michigan.gov/documents/libraryofmichigan/LM_2016_QSAC_Measures_rev_547146_7.pdf

See the standards below within the appropriate level for your library to obtain additional information on best practices. For more information about QSAC, see [Appendix F](#) of this Handbook.

Essential Level – Core Measure for Governance/Administration

Enhanced Level – Elective Measure for Governance/Administration

Excellent Level – Core Measure for Governance/Administration

CHAPTER 6 BUDGET

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

A. Budgeting Process

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

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

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

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

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

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

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

B. Audit Process

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

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

The Public Library Financial Management Guide can be found at www.michigan.gov/librarymanuals. This publication covers information on accounting, fund balance, budgeting, financial reporting, property taxes, state funded revenue, investments, real estate, inventory, financing, the audit process, and internal controls. This publication was prepared by the accounting firm of Yeo & Yeo and funded by LSTA funding through the Library of Michigan.

CHECKLIST FOR CHAPTER 6

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

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Essential Level – Core Measure for Governance/Administration

Enhanced Level – Core Measure for Governance/Administration

Excellent Level – Core Measure for Governance/Administration



CHAPTER 7 ADVOCACY AND PUBLIC RELATIONS

A. Advocacy

Local Advocacy

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

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

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

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

State Advocacy

Trustees are libraries’ best advocates at the state level. They are viewed by legislators as advocates of a respected segment of the public. Through the Trustees and Advocates Division of the Michigan Library Association (see Chapter 12, Resources and Support), trustees combine to create a vital, powerful voice for library services.

National Advocacy

The same holds true at the national level. Through the American Library Association’s division United for Libraries, library trustees gain a voice in national events concerning libraries. (See [Appendix A](#))

B. Public Relations Responsibilities

Trustees perform public relations responsibilities:

Hire a Good Director. It is the board’s responsibility to hire the best director they can afford for the job.

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

Create, Adopt, & Implement a Public Relations Policy. The board, with the director, develops and adopts a strongly defined public relations policy. This policy guides the library director in the development of a schedule of activities to promote the library’s role and to market its services and materials. QSAC provides three public relations checklists in its appendices section at www.michigan.gov/qsac

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

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

Use the Library. This may seem obvious, but it bears mentioning. Trustees need to visit and use the library regularly. Never ask for personal exceptions to the library's rules and regulation, and never interfere with the management of library staff.

Excellent trustees:

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

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

CHECKLIST FOR CHAPTER 7

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

Quality Services Audit Checklist (QSAC) Measures for Trustees

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Essential Level – Elective Measure for Governance/Administration

Essential Level – Core Measure for Public Relations

Enhanced Level – Elective Measure for Human Resources

Enhanced Level – Elective Measure for Governance/Administration

Enhanced Level – Elective Measure for Public Relations

Excellent Level – Core Measure for Governance/Administration

Excellent Level – Elective Measure for Governance/Administration

Excellent Level – Elective Measure for Human Resources

CHAPTER 8 FACILITIES AND TECHNOLOGY

A. Buildings and Equipment

Maintaining Existing Buildings

The size, age, historical status, and architecture of a building can each affect the difficulty and expense of maintenance and repair of the library. The use and amount of traffic in the building can also be factors that contribute to costs of upkeep and frequency of repairs.

The library budget should include funds for general maintenance and upkeep. These funds would be used for costs such as:

- Cleaning or custodial services. As a public facility, a clean library is not only attractive and enticing to patrons, it is also an important component of public health. Include emergency services for unexpected incidents such as large spills and bio-hazard issues such as spills involving bodily fluids. The budget should also include adequate and appropriate supplies and materials to perform cleaning.
 - NOTE: Be sure to address EXACTLY what services are covered within a cleaning contract. Coordinate with staff what, if any, services will be expected of them (such as unexpected spills, toilet tissue replacement).
- Repair services. Having a licensed, insured facilities staff person, or general repair service, or handyman service on retainer can enable the library to stay on top of preventative maintenance and address issues as they occur which can save money and prevent more costly repairs.
 - NOTE: If creating a facilities position, consult your attorney regarding the licensure and insurance the position would require to be able to legally perform certain repairs. The Skilled Trades Act, MCL 339.5101, et. seq requires appropriate licensing for certain types of repair work.
- Emergency repairs and equipment replacement. Unexpected things happen. HVAC failure, power surges, flooding. The Library should have some resources to address emergency repairs and costs not covered by insurance.
- Insurance Coverage. Know exactly what IS and what isn't covered by your insurance – for example, would insurance cover the clean-up and restoration of books affected by flooding from a burst pipe?
- Municipal Options. Depending on the type of library establishment, some of these services may be covered through the municipal entity. Before drafting a budget, discover what, if any services will be supplied through your municipality, and what, (if anything,) the library is expected to pay for those services.

In addition to the budget items, the Board should create certain policies to facilitate maintenance of the building:

- The board should consider which aspects of maintenance are priorities. Which areas of the library should be prioritized by cleaners for cleaning and repair. Carpets? Floors? How often should dusting occur? Window washing? Garbage collection? What is the staff responsible for vs custodial or cleaning staff?
- The library should have a policy in place that outlines the procedures for staff to report facilities issues when the issues are identified – such as a leak or a carpet stain, or an overflowing toilet. Certain staff (the director?) should be authorized to contact repair and/or cleaning services during times when it may not be practical to contact the board (such as evenings or weekends). The director may wish to empower certain front-line staff to make this determination as well.

B. New Buildings and Remodeling

Starting and Managing the Construction Process

The construction or remodeling of the library building is one of the most exciting and ambitious projects a library can undertake. It is also one of the most complex. Before choosing the furnishings and colors, however, there are many issues to consider. The director and the board should start the process by gathering and reviewing data to ascertain:

- Does the library NEED a new building, an addition, renovation, etc.? Demographics, population data, circulation/usage information, acquisition data, shelving statistics – these should be reviewed to see how the current library is growing and to project what is needed in a new building or renovation. The director and board are the experts in the library and how the community uses it. To start a campaign, the library should have some facts and data available that demonstrates WHAT is needed and HOW.
- Once the data and information reflecting the needs of the library are compiled, it is time for the library to start a building committee/team.
- The library's building team should draw in a variety of individuals. The basic building team usually consists of the library director and staff representatives, selected board members, appropriate government officials (if applicable), the architect and, later, the building contractor.
- The library's building team prepares a building program. The building program is an amended and fleshed-out version of the needs identified by the director and board in the previous step. It should include:
 - Goals and objectives;
 - Service area and population;
 - Service statistics;
 - Existing and projected services and collections;
 - Projected need for space, equipment and furnishings;
 - Function and area relationships;
 - Technical and legal requirements (including compliance with The Americans with Disabilities Act); and
 - Local needs or requirements.

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

It is also generally recommended for libraries to hire library design consultants as part of their building committees or teams. Library design consultants can facilitate building projects by offering experienced suggestions and opinions on building design, floor plans, size considerations, furniture, and shelving placement (including information on what is NOT needed). These firms often have relationships with library equipment and furniture manufacturers and can negotiate pricing. Good design companies will also know what other library building (or dismantling) is occurring locally and often these firms will locate and/or negotiate the trade/purchase/loan of used library furniture and shelving between local libraries – to the enormous savings of both entities. These firms can also recommend architects and other professionals needed as part of a building or renovation project.

One of the best ways to locate good library design consultants in your area is word of mouth. Ask directors at libraries you know were recently built or renovated. Large and academic libraries often use these firms. Your state library association may also know the local design firms.

What if you are a small library that can't afford the services of a design firm? There are some alternatives:

- Contact the directors of other libraries that have recently built or renovated. Interview each about their experiences and what they would have done differently. Tour their buildings for ideas. Obtain the names and contact info of contractors and professionals they would recommend.
- Review books and resources on library design. ALA publishes a few titles on building designs:
 - Library Building Checklist <http://www.alastore.ala.org/detail.aspx?ID=11526>
 - Countdown to a New Library <http://www.alastore.ala.org/detail.aspx?ID=2778>
 - Managing Your Library Construction Project <http://www.alastore.ala.org/detail.aspx?ID=118>
 - The Practical Handbook of Library Architecture <http://www.alastore.ala.org/detail.aspx?ID=11998>
 - Creating Inclusive Library Environments <http://www.alastore.ala.org/detail.aspx?ID=11974>

In addition to the ALA resources, you may wish to review the following:

- COSLA Public Library Trustee Manual: A Template (pg. 6-14) https://www.cosla.org/Portals/0/Documents/Public_Library_Trustee_Manual_%20A_Template-FINAL.pdf?ver=2019-01-14-152820-117

Technology

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

- Purchasing a computer (and/or network server) and software packages for automating office work, implementing electronic mail, using the Internet and accessing available databases;
- Subscribing to online reference services to gain information on business, agriculture, medicine, law, science, education, and other topics; and
- Installing an integrated library system (ILS) to automate all library/patron transactions.
- Utilizing Cloud services to maintain digital files.
- Installing WIFI services available to patrons inside and outside of the library walls.
- Adding “self-serve” check-out stations.
- Establishing automated “library kiosks” in remote locations.
- Patron initiated systems enabling the sharing of catalogs and resources across libraries and library systems.
- Implementing the use of tablets and or laptops by Staff so they can “rove” and be in the library where the users are.
- Implementing the use of tablets by children for literacy games, etc.
- Implementation of the “Internet of Things.”

Data Security

Security is an area that will need additional effort given the current climate of ransomware and data breaches. Libraries, as repositories of large amounts of personal data, and as institutions with many disparate users, are attractive targets for hackers and malware.

Steps to assist in preventative security:

- Ensuring that public computers are set up in a way that minimizes the chances of being infected with problematic programs.
- Keeping software CURRENT – with all updates and patches regularly uploaded. If a library cannot afford to have a technical staff position, then it would be worth the effort for a library to designate and train a library staff member to keep the computers and systems up to date with software updates and patches.
- **Consider the purchase of Cyber Security Insurance:** (Online article by a tech blog aimed at state & local governments. Article explains the potential benefits of cyber security insurance for state and local government entities). <https://statetechmagazine.com/article/2015/09/should-your-organization-purchase-cyberinsurance>
- Have plans in place for protecting patron data, and plans that outline the process that will be followed in the event of a data hack or breach. Plans should be compliant with applicable state laws on data privacy.

More information on technological security in libraries can be found:

<http://publiclibrariesonline.org/2015/03/protecting-your-library-against-a-data-breach/>

<https://www.railslibraries.info/system/files/Anyone/mtg/135822/IT%20Security%20Part%201%20slides.pdf>

<http://www.ala.org/news/press-releases/2016/08/new-library-privacy-guidelines-offer-strategies-protecting-patron-data>

<http://www.ala.org/advocacy/privacy/guidelines/public-access-computer>

Library technology is ever changing. At the library, you are never “done” with technology. As soon as one major technology project is completed, it is usually time to start planning another. A library’s budget should include allocations for technology improvements on a regular basis. If feasible, the library may wish to consider adding a technology staff position. If an additional position is not in the budget, it would probably be useful for the library to consider bringing in a technology consultant with library knowledge (or a library consultant with technology knowledge) every year to assess the library’s computers and programs and ensure they are up to date and compliant with all security patches, etc.

Financing the Project

Financing a new or expanded facility, or a large technology project, can be a major financial challenge. Some options for funding include;

- A millage vote or bond issue (this will need to be lobbied for like any other millage).
- Community fundraising (make sure all applicable charitable giving statutes are followed; your friends group would be especially helpful for this).
- Securing a mortgage against the present facility (consult your attorney and/ or auditor or financial professional).
- Setting aside part of the library fund as a capital improvement or building fund (work with your financial professional or legal counsel and confirm this is permitted by state/local law).

When considering the finance options, it is important to work with the library’s attorney and financial professional to ensure that the board understands the ramifications of each option. It may be prudent to seek out opinions from the municipality and the community. A board meeting or advertised special session of the board would be an excellent opportunity to talk to these stakeholders and see if the project will get public support.

It is hardly possible to over-prepare for a building project. Such projects can be frustrating and time-consuming, but they also can infuse library staff and board members with excitement about the community’s future library service. The rewards, like the challenges, are great.

In addition to the resources already mentioned, The Quality Services Audit Checklist has a special section for libraries that are considering a new building or an addition to an existing building. Your cooperative may have resources to help in the planning process. www.michigan.gov/qsac

E-Rate

E-Rate is a federal program that assists schools and public libraries with funding for Internet service.

Eligibility for E-rate is determined by your eligibility for LSTA, see: https://www.michigan.gov/libraryofmichigan/0,9327,7-381-88855_89735_89752-201340--,00.html.

More information can be found at the Library of Michigan's Web site: www.michigan.gov/erateforlibraries.

General information on the E-Rate program can be found here: <https://www.fcc.gov/consumers/guides/universal-service-program-schools-and-libraries-e-rate>

CHECKLIST FOR CHAPTER 8

- Has the board recently considered the need for remodeling the library or building a new library facility?
- Does your library receive E-Rate funds?
- Does your library have a plan for regular technological maintenance and security checks?

Quality Services Audit Checklist (QSAC) Measures for Trustees

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Essential CORE Quality Measures – Technology

Essential ELECTIVE Quality Measures – Technology

Enhanced CORE Quality Measures – Technology

Enhanced ELECTIVE Quality Measures – Technology

Excellent CORE Quality Measures – Technology

Essential CORE Quality Measures – Facilities and Equipment

Essential ELECTIVE Quality Measures – Facilities and Equipment

Enhanced CORE Quality Measures – Facilities and Equipment

Enhanced ELECTIVE Quality Measures – Facilities and Equipment

Excellent CORE Quality Measures – Facilities and Equipment

See Also QSAC page www.michigan.gov/qsac (scroll to Appendices)

CHAPTER 9 INTELLECTUAL FREEDOM

Protecting the Public’s Right to Information

A. Intellectual Freedom

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

The selection of library materials is a central activity in support of intellectual freedom. Collection development includes a selection policy proposed by the library director and approved by the board, that reflects the library’s objectives in providing materials. It also supports the right of all members of the community to have access to a wide, objective range of materials, including items some people might find objectionable. A library’s collection should reflect the culture and diversity of the entire community.

Since the beginning of public libraries, there have been library users who object to the inclusion of certain materials in the library collection. To respectfully carry out its duties, the library board needs to adopt a policy and procedures for addressing such patron complaints. Many of these procedures require the complaining patron to discuss their objections with the director or specified staff member before the board considers the complaint.

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

Common objections to library materials often involve young adult and children’s materials, and typically are because a parent finds the material “obscene” or “disturbing.” More and more challenges are because of LGBTQ references or references to unfamiliar religions or cultures.

When responding to such objections, it may be helpful to know that in U.S. law, the freedom to read any information, and the disdain for censorship of any kind means that the law favors freedom of speech – and the right to read anything. Courts tend to interpret the First Amendment very broadly in favor of the right to access information – of all types. Although “obscene” materials are one of the few categories that can be censored, the term “obscene” has a very specific meaning within the law – and it is not the meaning most people think when objecting to certain, materials. A good legal explanation of obscenity: (<https://www.mtsu.edu/first-amendment/article/1004/obscenity-and-pornography>) can be found on the legal information site “Heiros Gamos” (<https://www.hg.org/>).

Handling a censorship attempt can be an uncomfortable experience. It helps to remember that what trustees feel as individuals MUST BE separate from the legal duties as library board members. Everyone is entitled to their views, but board members must remember that they represent ALL their community – not just one party or group.

The American Library Association’s Office of Intellectual Freedom contains helpful online information concerning censorship challenges at <http://www.ala.org/tools/challengesupport>. Another organization, the Comic Book Legal Defense Fund (<http://cblidf.org>) also has excellent resources on handling challenges to materials.

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

B. Collection Development

A library's collection-development policy should be drafted by the library director with input from staff that assist in the recommendation or purchase of materials, such as reference, adult services, teen, and youth services librarians (if applicable). The draft policy then would be discussed and approved by the library board in a formal meeting. If a library is faced with a formal materials challenge, the collection development policy gives the board a local statement to rely on in its defense of the challenged material. Obviously, book reviews and other outside sources are helpful in defending the material, but a collection development policy adopted by the local library board before a challenge arises provides the best defense.

A Collection Development Policy (also called a "Materials Selection Policy") typically contains:

- Statement of purpose of the materials selection policy (why does the public library have a materials selection policy?)
- Responsibility for selection (who selects library materials?)
- Budget allocation (how will funds be allocated for collection development?)
- Criteria for selection (what are the broad requirements for including materials in the library's collection? This should align with the library's mission)
- Description of the selection process (how are materials selected?)
- Gift items (what are the criteria for adding gift items to the collection and how are they handled?)
- Weeding (de-selection) of materials (what are the criteria for removing materials from the collection?)
- Handling materials objections (if an item is challenged, how will the library formally respond? Any forms, or online template language may also be included, but depending on the amendment process of this document, it may be more efficient to not include forms, since form language can change.)

Resources for Collection Development:

- National standards American Library Association's "Library Bill of Rights" found at: <http://www.ala.org/advocacy/intfreedom/librarybill>
- Library of Michigan's Quality Services Audit Checklist collection development Appendix found at www.michigan.gov/qsac
- The American Library Association (ALA) offers some resources on collection development: <http://www.ala.org/tools/atoz/Collection%20Development/collectiondevelopment>
- The Intellectual Freedom Office of ALA offers resources on privacy and information access including helpful tips for collection development policies: <http://www.ala.org/advocacy/intfreedom>
- The public libraries division of ALA also provides resources to assist in building collections:
 - <http://www.ala.org/pla/resources/tools/circulation-technical-services>
 - <http://www.ala.org/pla/resources/tools/circulation-technical-services/collections-management>

C. Public Right to Access Libraries

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

ALL Michigan public libraries are required to provide access to ALL Michigan residents. In addition, the ADA and Elliott-Larsen acts require that public libraries reasonably facilitate access to materials for ALL Michigan citizens – including those with disabilities, those that are homeless, teens, immigrants, etc.

In other words, public libraries may regulate and restrict certain activities within the library (checking out materials, usage of certain materials, participation in certain activities), and, the library may have rules in place to ensure a safe and welcoming environment (rules for hygiene, behavior, noise, food, and beverages, etc.). A public library may NOT become a “club” where only certain members of the community may enter and read, learn, and interact. Patrons may not be barred entry because of their social status, their appearance (including the slogans on their T – shirts or their display of religious faith). It is important that library boards demonstrate and model the philosophy that public libraries are for everyone. This can be especially critical in libraries that serve a large and diverse population. Boards should ensure, through policies, training, and their own behavior, that library employees facilitate access to information for ALL patrons.

Policies should be drafted that detail procedures and efforts that library staff will be expected to undertake to assist and facilitate access for patrons with disabilities. This is especially important in libraries with older, non-accommodating buildings. Creative services, such as delivering hold materials to patron’s cars may be necessary to assist a patron and comply with federal and state law. Libraries should encourage patrons with disabilities to contact library staff to request assistance and accommodations. Library boards should consult legal counsel in determining appropriate procedures.

Well thought-out and carefully crafted policies along with thorough and ongoing staff training, can be a library’s best resources in handling access issues.



CHECKLIST FOR CHAPTER 9

- Do you understand the library's duty to build a diverse collection representative of its community and their information needs, including materials that some will consider offensive?
- Are you familiar with the Library Bill of Rights and the Freedom to Read statement?
- Has your board adopted a formal collection development plan?
- Does the collection development plan include procedures for managing challenges to library materials?
- Have the board and library staff been trained in how to respond to a materials challenge?
- Does the library have a solid, well-crafted set of policies on library access and patron behavior?

Library of Michigan Quality Services Audit Checklist (QSAC)

https://www.michigan.gov/documents/libraryofmichigan/LM_2016_QSAC_Measures_rev_547146_7.pdf

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Essential CORE Quality Measures – Collection Development

Essential ELECTIVE Quality Measures – Collection Development

Enhanced CORE Quality Measures – Collection Development

Enhanced ELECTIVE Quality Measures – Collection Development

Excellent CORE Quality Measures – Collection Development

Essential CORE Quality Measures – Services

Essential ELECTIVE Quality Measures – Services

Enhanced CORE Quality Measures – Services

Enhanced ELECTIVE Quality Measures – Services

Excellent CORE Quality Measures – Services

See Also QSAC page www.michigan.gov/qsac (scroll to Appendices)

CHAPTER 10 THE DIRECTOR

While the board may be the spark that starts a library and the fuel that keeps it going, it is the director that should be the engine that keeps things moving and gets the library where it needs to go.

The director is the person appointed by the board of trustees to administer the library. A director should have the requisite professional credentials, experience and certifications necessary to competently manage this responsibility. A good director can inspire staff, develop programming, engage the public and generally make the library a community center of discourse and fun.

The board is responsible for hiring, supervising, and evaluating the director. The board, however, delegates to the library director the hiring, supervision, and evaluation of all other staff. In short, the director is the library board's one employee. It follows that it is crucial for the board to hire a director that is a good fit for their library, and important for the board to delegate to that director authority sufficient to be successful.

The director's primary responsibility is to manage the day-to-day operations of the library, as well as to propose and then carry out the policies that the board has approved. The director should assist the library board in making sound decisions on behalf of the public. A successful director can reconcile the priorities and expectations of the board with the needs and wants of the public, and with their own professional preferences.

The typical responsibilities of a library director can include:

- **Administration.** The director assumes responsibility for administration of the library within the framework of a board-approved strategic plan, policy manual and budget. The director reports on each area at board meetings and keeps the board up-to-date between meetings via email. The director attends all regular and special board meetings, and Friends of the Library board meetings.
- **Human Resources.** The director employs and directs all staff in accordance with state & federal law, board-approved personnel policies, union contracts, or municipal policies.
- **Collection Development.** The director drafts the Collection Development Plan and manages the selection and purchase of library materials.
- **Policies.** The director proposes policies as needed and advises the board on issues under consideration. The director administers the library in accordance with the approved policies. The director is also responsible for communicating and interpreting those policies to patrons and staff.
- **Planning.** The director works with the board on strategic planning helping to analyze the library's strengths and weaknesses, assess community needs and propose plans to encourage growth (including methods to implement those plans). The director will then implement those policies to patrons and staff.
- **Finance.** The director prepares annual budgets based on present and anticipated needs in relation to the library's strategic plan. The director supplies information to the board to aid in members' interpretation of the library's financial needs. In communities where library funding is by appropriation, the director attends budget hearings to answer questions on library administration and financial details. The director decides on the use of money within the budget allotment and recommends budget revisions in planned expenditures.
- **Advocacy.** The director participates in community activities and works with other local agencies and groups on behalf of the library. Along with the board, the director seeks to influence government action at the local, state, and national levels on behalf of public library services. The director calls the board's attention to any pending legislation that affects library funding.
- **Continuing Education and Professional Development.** The director attends workshops and conferences consistent with the library profession. The director is encouraged to participate in professional associations and to be active in local and national library organizations. The director should provide the board with information on resources to enable board members to stay current on topics of library importance and call the board's attention to issues that affect public libraries. When drafting a budget, the director should include funds sufficient for director, staff, and board professional development opportunities.

Although the library director is the principal face of the library to the public, there are certain duties which must be handled by the board. These include:

- Hiring, evaluating, disciplining, and terminating the library director.
- Final budget approval.
- Final approval of new construction or real estate purchase.
- Contracting for construction, sale, or purchase of library real property.
- Acceptance of large in-kind donations, or of donations with specific conditions (however the library Friends group CAN accept these donations).
- Ratification of union contracts.

The relationship between a library board and the director is without a doubt the most important in the library. Mutual respect for each other's positions and importance within the library, as well as professional curtesy and trust are essential for the formation of a strong effective team.

Without a strong management team, a library can fall into disarray. When that happens the first thing lost is the engagement of the community – which can be a fatal blow to a library that relies on taxpayer approved millages for survival. With a strong leadership team, there is little to prevent a library from becoming the heart and center of a community.

Resources for Library boards and directors:

American Library Association Public Library Association: Directors/Board page:

<http://www.ala.org/pla/resources/tools/directors-managers-administrators/administration-leadership>

Policies page:

<http://www.ala.org/pla/resources/tools/directors-managers-administrators/policies>

Directors and Administrators page:

<http://www.ala.org/pla/resources/tools/directors-managers-administrators>

United for Libraries

(NOTE — See [Appendix A](#) for information to login and access members only resources. The Library of Michigan provides a statewide membership for all Michigan public libraries.)

General Resources:

Tips for Working Effectively with Your Board (State Library of Iowa)

<http://www.statelibraryofiowa.org/ld/k-p/new-lib-dir-man/board-director/tips>

CHECKLIST FOR CHAPTER 10

- Has your board written a clear job description listing the specific duties & responsibilities of the director?
- Does your board know the state aid certification requirements for the library director?
- Has your board delegated the proper amount of authority to the library director?
- Has every effort been made to encourage a strong board-director team?

Quality Services Audit Checklist (QSAC) Measures for Trustees

https://www.michigan.gov/documents/libraryofmichigan/LM_2016_QSAC_Measures_rev_547146_7.pdf

See the standards below within the appropriate level for your library to obtain additional information on best practices. For more information about QSAC, see [Appendix F](#) of this Handbook.

Essential Level Measures – Governance/Administration

Essential CORE Quality Measures – Human Resources

Essential ELECTIVE Quality Measures – Human Resources

Enhanced CORE Quality Measures – Human Resources

Enhanced ELECTIVE Quality Measures – Human Resources

Excellent CORE Quality Measures – Human Resources

See Also QSAC page www.michigan.gov/qsac (scroll to Appendices)



CHAPTER II FRIENDS OF THE LIBRARY

Many public libraries benefit from a volunteer non-profit group known as “Friends of the Library.” “The Friends,” as they are called, are library volunteers who typically focus on fund – raising and volunteer projects on behalf of the library. Their unique status as a separate and independent organization that is devoted to the growth, development, and improvement of the library adds a lot of value to the library but can also present some unique concerns.

Friends groups are an invaluable asset for a library. They use their influence to assist the board in obtaining desired financial support. Their financial support during a district library or millage campaign can be the key to a successful outcome.

Friends usually work to raise additional funds to augment a library’s budget. Organizing community book sales, offering special programs, and selling homegrown cookbooks are just three of the many ways Friends groups generate extra funds from their community. Many groups also have members that are trained in grant writing. Working with the library director, and the library board, Friends select areas of the library they wish to support with these supplemental funds. Final plans for the use of funds raised are often a collaboration between the friends, the director, and the board. It is important to note, however, that Friends Groups are separate entities from the Library and from the board. Friends groups have their own governance structure, bylaws and procedures. Often Friends’ groups elect to register as 501(c)3 (tax – free charitable entities) groups with the IRS. This designation means that donations to the friends’ groups can be tax deductible.

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

Friends are typically comprised of patrons who are enthusiastic library supporters. They are motivated to promote the services of the library to the community. They serve as advocates for the library, working to influence public opinion and governmental action on behalf of the library on the local level. This advocacy is another distinction – and advantage – of a friends’ group, since, as a government entity, libraries (including library boards and staffs) are precluded by law from officially participating in political advocacy (Library boards and staff can advocate as private citizens, but not as an organized group affiliated with the library).

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

Sources on Friends’ groups, including information on starting and revitalizing a group can be found:

- **Friends of Michigan Libraries (FOML)**
<http://foml.org/>
- **United for Libraries**
UFL provides useful resources for Friends groups at www.ala.org/united. (NOTE – See [Appendix A](#) for information to login and access members only resources. The Library of Michigan provides a statewide membership for all Michigan public libraries.) The resources include toolkits such as “Starting a Friends Group or Revitalizing the One You Have” and “Friends and Libraries Working Effectively Together”.
- **American Library Association (Public Library Association) On Demand Webinar: “Friends and Foundations: What they do and how to make the most of them.”** <http://www.ala.org/pla/education/onlinelearning/webinars/ondemand/friends> (NOTE – There is a registration fee for this webinar).

A Word About Tax-Exempt Status (501(c)3 status):

Many public library friends' groups are 501(c)3 entities. This means that the group has applied and been approved by the Internal Revenue Service (IRS) as a charity. "501(c)3" is the Tax Code section under which the tax exemption is authorized. There are different types of tax-exempt designations. 501(c)3 status simply implies a particular type of charitable entity. This 501(c)3 designation permits donors to friends' groups to deduct the donation from income taxes (in accordance with the applicable laws on deductions). This designation also serves as a validation to foundations and other grant-making institutions that the 501(c)3 entity is a legitimate charity that has been verified by the IRS. Often, large grant making entities will only accept applications from 501(c)3 organizations. This does not mean, however, that if a friends' group is not a 501(c)3 entity, that it is not a valid charitable organization. Incorporation as a non-profit in Michigan, and registration with the Attorney General under the Charitable Solicitation Act also provides a friends group with a charitable identity. The main advantage many friends' groups see for 501(c)3 status is the access to grants. However, 501(c)3 status does come with a few restrictions on expenditures and annual filing requirements.

To obtain 501(c)3 status, a friends' group must apply via the IRS. The forms for application can be confusing and it is a good idea for friends' groups to invest in legal assistance for this process. An attorney can make the process much simpler and efficient. The IRS can be very picky, and they will return applications that are not correctly completed.

Below are some additional resources on gaining 501(c)3 status. It is a good idea for friends' groups considering tax-exempt status to review the advantages and disadvantages to this process and how this status will benefit the organization before making a decision. Consulting your accountant, auditor, and/or attorney is also recommended.

501(c)3 Resources for Friends' Groups:

Michigan Non-Profit Corporation Requirements

https://www.michigan.gov/documents/lara/BCS_CD_269_08-15_527658_7.pdf

https://www.michigan.gov/lara/0,4601,7-154-61343_35413_35426---,00.html

Michigan Charitable Solicitation Requirements:

Administered by the Attorney General's office:

https://www.michigan.gov/ag/0,4534,7-359-82915_82919_80762---,00.html

Exemptions to registration:

https://www.michigan.gov/ag/0,4534,7-359-82915_82919_80762-424784--,00.html

IRS 501(c)3 Information

Applying for tax-exempt status with the IRS:

<https://www.irs.gov/charities-non-profits/applying-for-tax-exempt-status>

Information on requirements for staying exempt (filing requirements, expenditure restrictions, etc.):

<https://www.stayexempt.irs.gov/>

CHECKLIST FOR CHAPTER II

- Does your library have a Friends' Group?
 - If so, have board members attended meetings?
 - If not, have you considered trying to facilitate the forming of one?
 - If so, are they active and effective?
 - What could the Board do to help them be more effective?
- Does your board understand how a Friends group can help the library?
- Does the board understand how a Friends Group (and its duties /priorities) relate to, and intersect with, the Duties and Priorities of the Board? With the Director?

Quality Services Audit Checklist (QSAC) Measures

https://www.michigan.gov/documents/libraryofmichigan/LM_2016_QSAC_Measures_rev_547146_7.pdf

See the standards below within the appropriate level for your library to obtain additional information on best practices. For more information about QSAC, see [Appendix F](#) of this Handbook.

Enhanced Level – Elective Measure for Public Relations

See Also QSAC page www.michigan.gov/qsac (scroll to Appendices)



CHAPTER 12 CONTINUING EDUCATION, RESOURCES AND SUPPORT

A. Continuing Education

Libraries and the services they provide are changing so rapidly that a comprehensive continuing education (CE) plan for staff and trustees is essential for a thriving library.

Continuing education is the term typically used for a wide variety of training and professional development including membership and participation in professional organizations. CE programs do not have to be elaborate or expensive. Many organizations such as The American Library Association (ALA), The Library of Michigan (LM), Michigan Library Association (MLA), The Midwest Collaborative for Library Services (MCLS), and Michigan library cooperatives all offer an array of low cost and free sessions (online and in-person) on a variety of topics pertinent to staff and trustees of libraries.

Library board members are responsible for ensuring that library employees (including the library director), have CE opportunities to obtain and enhance knowledge, skills, and experience necessary to perform their duties and meet the expectations of the board. Trustees should ensure that the library budget incorporates a sufficient amount to cover staff CE expenses.

Continuing education for trustees is also important. While trustees are not expected to acquire the education necessary to be librarians, they need to understand how libraries work, and be able to monitor trends and advancements within the scope of library management and service. They also need to be able to communicate well with diverse groups of people (both in the library and in their communities) and recognize the needs and demands of their changing communities.

Trustees should participate in library organizations as well as in organizations formed specifically for trustees.

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

B. Resources and Support

Library of Michigan. The Library of Michigan (LM) is the official state library agency for Michigan and is part of the Michigan Department of Education. In part, LM's mission statement reads:

“The Michigan Legislature created the Library of Michigan to guarantee the people of this State and their government one perpetual institution to collect, preserve and provide access to the story of the State, and to support libraries in their role as essential community anchors.” — Library of Michigan Mission Statement

<https://www.michigan.gov/libraryofmichigan/0,9327,7-381-88857---,00.html>.

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

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

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

The Library of Michigan provides a variety of educational opportunities for trustees, including this manual. LM sponsors workshops to update trustees on the basics of trusteeship as well as latest developments in the field.

The Library of Michigan administers the Library Services Technology Act (LSTA) federal grants for library services. LM encourages the sharing of resources through library networking and automation and funds projects such as the Michigan eLibrary which includes access to electronic database resources for all Michigan residents and MeLCat, a state – wide resource sharing initiative which permits patrons to self-request materials from libraries across the state using their home library card.

For additional information and schedules of training, check LM’s Web site: www.michigan.gov/libraryce

This Web site links you to a calendar of all library continuing education events in the state.

You are also encouraged to contact LM Library Development directly. [Appendix B](#) at the end of this manual contains a listing of all LM staff names, their areas of expertise, and their phone numbers.

Public Library Cooperatives. At board meetings, you hear references to “the co-op.” The State Aid to Public Libraries Act, Public Act 189 of 1977, [MCL 397.551](#), et. seq. provides for the establishment and funding of public library cooperatives. There are currently 11 operating cooperatives whose boundaries cover the entire state. [Appendix C](#) shows these cooperatives and their boundaries.

Cooperative directors act as general consultants to the member libraries. Library cooperatives also offer various support services for member libraries. Services vary among the cooperatives, and can include:

- Professional mentoring.
- Technology assistance.
- Access to automation programs.
- Centralized processing, cataloging, & delivery services.
- Rotating collections.
- CE Training.
- Discounted access to digital content subscriptions.

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

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

Experienced library trustees may be asked to serve on the cooperative board. It’s a good way to learn more about regional and statewide library issues and serve your library in a unique way.

Friends of Michigan Libraries (FOML). FOML is an organization of public library friends group volunteers who work together to promote and assist friends groups in public libraries across the state. FOML works to promote public libraries and assist groups with information, resources, and training opportunities. Library Friends groups can join FOML and gain members only resources and benefits.

Friends of Michigan Libraries (FOML)

<http://foml.org/>

The Michigan Library Association (MLA). The Michigan Library Association (MLA) engages in activities to increase awareness of the benefits of good library service. MLA makes use of a registered lobbyist on behalf of libraries. The executive director serves as a spokesperson for MLA at legislative hearings and in meetings with state officials. This practice has been effective in garnering legislative action and attention to certain state legislative issues of importance to libraries.

MLA's advocacy work is a cornerstone of its efforts to promote Michigan libraries. A full description of their current legislative work can be found at: <https://www.milibraries.org/mla-advocacy>

The association provides a legislative update via e-mail to all institutional members. MLA's Advocacy Web site includes MLA's policy positions and links to legislative resources.

MLA also has a Trustee Work Group that works to plan and create programming, events, and resources to assist Trustees in their roles.

MLA also sponsors an annual conference for library staff and trustees. Every fall, this conference offers four days of learning opportunities for the trustees, directors, and staff of libraries of all sizes and types.

Information about conference programs for trustees can be viewed at the MLA website: <http://www.milibraries.org/>

Midwest Collaborative for Library Services. The Midwest Collaborative for Library Services (MCLS) is a non-profit membership organization comprised of all types of libraries in Michigan and Indiana.

MCLS is a convenient, single point of contact for training, support, and group purchasing of library products and services and helps member libraries save time and money.

MCLS is governed by a board comprised of librarians from all types of libraries: school, public, special, and academic. The Library of Michigan has a permanent seat on MCLS' board.

MCLS has taken a leadership role on statewide initiatives to provide expanded services to the citizens of Michigan. Thanks to a grant contract with the Library of Michigan, MCLS staff is involved with all facets of the Michigan Electronic Library (MeL) project, including training and support for MeL Databases, implementation, and support of MeLCat.

Information about MCLS, as well as a schedule of training classes is available on the MCLS website: <https://www.mcls.org/>

American Library Association and United for Libraries. The American Library Association (ALA) and United for Libraries both provide support and educational opportunities for trustees through conferences, newsletters, publications, and programs. You have seen numerous references to both within this guide. Each of these organizations have numerous publications and resources on their sites:

American Library Association — <http://www.ala.org> NOTE – Most of the resources on this site are accessible to the public. Some content is members only. Membership information is available at <http://www.ala.org/membership/joinala>

United for Libraries — UFL provides useful resources for Trustees at www.ala.org/united. (NOTE – See [Appendix A](#) for information to login and access members only resources. The Library of Michigan provides a statewide membership for all Michigan public libraries.) Trustees may also sign up for an email discussion forum here <http://www.ala.org/united/trustees/forum> to share best practices, ask questions, and seek feedback.

WebJunction is a resource supported by OCLC and LM. This free service provides library directors, staff, boards, and others connected to public libraries with courses and information on library trends, services, programs, and tools. All resources can be accessed from any internet-connected device. www.webjunction.org

Additional Resources for Library Board Continuing Education can come in the form of self-evaluation as well as in collaboration with outside professionals. It is a good idea for boards to continually assess themselves as well as the directors they manage. Depending on the library type, a board may want to self-assess every couple of years, or about half-way through the average board member's tenure.

Library Board's practical Guide for Self-Assessment – ALA

http://www.ala.org/united/sites/ala.org.united/files/content/training/trustee_academy/board-self-evaluation.pdf

Building a Better Board of Trustees

<https://americanlibrariesmagazine.org/2015/10/30/building-better-board-of-trustees/>

Library Consultants: A library's staff and board of trustees cannot include all the expertise and training the library will need to conduct its programs. At some time, a library may need the services of an outside consultant who can suggest correct procedures, prevent mistakes, introduce fresh ideas, and defuse controversy. Library consultants can be objective voices that can be very helpful in determining a course of action, or in improving a board's effectiveness.

Appropriate consultant services may include:

- **An Attorney.** The Library of Michigan maintains a list of Michigan attorneys who specialize in Library Law. For a copy, please contact Clare Membiela membielac@michigan.gov.
- **A Certified Public Accountant.** (CPA). In Michigan, a CPA must complete and file the library's annual audit.
- **A Building Consultant or Architect.** Ideally one that specializes in libraries – see consultant resources, below.
- **A Library Services Consultant.** See consultant resources, below.
- **A Technology consultant.** This could be a person kept "on retainer," like an attorney or CPA – that can be consulted as issues arise. It is also possible that a coop would be willing to assist with this type of assistance as well.
- **A Business, organizational or strategic-planning consultant;** and
- **A Fund-raising professional.**
- **A Library of Michigan Library Development Department Staff Consultant.** (multiple areas of expertise, see <https://www.michigan.gov/libraryofmichigan/0,9327,7-381--52099--,00.html> and [Appendix B](#).)
- **A Michigan Library Cooperative Director.** Can provide expertise in multiple areas – particularly Library Services. See [Appendix C](#).

The director should follow appropriate, board established procedures for contracting with consultants (often this would require the solicitation of bids and an RFP).

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

Helpful publications for finding good consultants include:

- **MLA's Michigan Library Resource Guide**, found at the web site: http://michiganlibraryresourceguide.com/Listing/Index/Services/Library_Consultants/7618/245

- Library Leadership and Management Association (LLAMA), a division of the ALA, is a group comprised of Library managers. LLAMA sponsors trainings and materials that often discuss issues involving library space and buildings, as well as general library leadership issues. <http://www.ala.org/llama/>
- The ALA fact sheet on Library consultants and services. This page contains links to multiple consultant lists as well as other useful resources on locating professionals in various building and professional areas. <http://www.ala.org/tools/libfactsheets/alalibraryfactsheet09>

CHECKLIST FOR CHAPTER 12

- Have you attended any continuing-education programs for library trustees?
- Have you signed up for the MichLib-L listserv?
https://www.michigan.gov/libraryofmichigan/0,9327,7-381-88855_89054-216894--,00.html
- What cooperative-provided services does your library currently use?
- Have you created your member account with United for Libraries that is provided by the Library of Michigan? (NOTE - See [Appendix A](#) for information to login and access members only resources. The Library of Michigan provides a statewide membership for all Michigan public libraries.)

Quality Services Audit Checklist (QSAC) Measures

https://www.michigan.gov/documents/libraryofmichigan/LM_2016_QSAC_Measures_rev_547146_7.pdf

See the standards below within the appropriate level for your library to obtain additional information on best practices. For more information about QSAC, see [Appendix F](#) of this Handbook.

Essential Level – Elective Measure for Human Resources

Enhanced Level – Elective Measure for Human Resources

Enhanced Level – Elective Measure for Governance/Administration

See Also QSAC page www.michigan.gov/qsac (scroll to Appendices)

CHAPTER 13 PUBLIC LIBRARY ESTABLISHMENT TYPES

There are six different types of public libraries in Michigan: city, village, township, district, county, and school district libraries. Your authority as a trustee depends on which type of library you serve. The next sub-sections detail the state statutes that give your board the legal right to govern your library. These statutes can be found in detail in the publication, *Library Laws Handbook*, published by the Library of Michigan. Copies are available online at the Library of Michigan website: http://www.michigan.gov/documents/libraryofmichigan/LM_2013_MI_Library_Laws_Han dbook_423082_7.pdf

Reading the section that pertains to your library will tell you if your responsibilities are governing or recommending. For example, a district library board has the final authority for your library. A county library board, however, makes recommendations to the county commissioners, which has final authority over the library's operations. There may be other circumstances, specific to your library, that determine your exact measure of authority. This manual can help boards understand the extent of their authority and learn of other laws that may affect the governance of their library.

City Library

Under the City, Village, & Township Libraries Act (1877 PA 164, [MCL 397.201 et. seq.](#)) city public library may be established in one of the following ways:

Public Act 164 of 1877, Section 1. (See [Michigan Compiled Laws \(MCL\) 397.201](#)). This provision permits a City Council to establish a public library, which they commonly would through one of three methods:

- Via Charter Provisions
- Via Ordinance
- Via Resolution

Public Act 164 of 1877, Section 10a. ([MCL 397.210a](#)). This provision permits a public library to be established in a city as a result of a citizen petition and ballot question establishing a millage to support the library (**NOTE:** This method may also be used to re – establish a city library formed under one of the other methods).

Special act of the legislature. This is uncommon, but it is possible. This method requires a proposed bill be submitted to the legislature and worked through the legislative process.

A city public library established under [MCL 397.201](#) (via Council resolution, charter or ordinance) has a five-member board appointed by the Mayor or City Council. A city public library established under [MCL 397.210a](#) (via ballot question) has a six-member elected

board. In some instances, a library established via ordinance or charter (especially older libraries) may have variances in their board set up. However, this is more the exception than the rule.

Libraries established under either Section 1 or Section 10a of Public Act 164 of 1877 have autonomous boards. Their authority is outlined in Section 5 of the Act. ([MCL 397.205](#)). City Libraries established via Charter or Ordinance under [MCL 397.201](#) may have differing authority written into the provisions that established them.

Village Library

Village public libraries are established by vote of the electorate pursuant to Section 10 of Public Act 164 of 1877 ([MCL 397.210](#)). Village libraries established under Section 10 have six-member elected boards. ([MCL 397.211](#)) This board has powers enumerated in Section 5 of the Act. ([MCL 397.205](#)).

Township Library

Township public libraries are established by vote of the electorate under Section 10 of Public Act 164 of 1877 (MCL 397.210). A township library established pursuant to Section 10 of the Act has a six-member elected library board. (MCL 397.211). Their powers are enumerated in Section 5 of the Act. (MCL 397.205).

Under 1947 PA 359, MCL 42.13a, The Charter Township Act, Charter Townships with a population of 750,000 but less than 2,000,000, and that have not been located within the service area of an established free public library for the previous 3 years can establish a library and the Township Board acts as the library board.

Township public libraries that do not have six-member elected boards and that were not established pursuant to Public Act 164 of 1877 (MCL 397.201, et. seq.) may have been established pursuant to a former law, Public Act 269 of 1955, which was repealed several years ago. Under that repealed statute, the township board acted as the library board.

If a township library was established under the repealed statute, there is no statutory method of funding the library, and the library should be re-established pursuant to Section 10, Public Act 164 of 1877 (MCL 397.210) to obtain stable millage funding. Re-establishment requires voter approval of an establishment/millage issue at a regular annual election. A PA 269 township library located in a charter township may also re-establish as a charter township library under MCL 42.13a (1) (b).

District Library

District libraries are authorized by Public Act 24 of 1989 (MCL 397.171, et seq.). Section 6 of that act (MCL 397.176) grandfathered into operation all district libraries established under the previous statute, Public Act 164 of 1955.

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

District libraries are different from other establishment types in that they are separate taxing authorities under the law and are not under the auspices of any one municipality. District libraries are completely self-governing.

For further information on district libraries, consult the Library of Michigan 's District Library Law document: http://www.michigan.gov/documents/mde/LM_Michigan_District_Library_Law_329703_7.pdf

County Library

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

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

School District Library

Prior to March 1994, school district public libraries were established pursuant to Section 1451 of the School Code of 1976. (MCL 380.1451). The governing board of a school district public library is the school board.

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

CHECKLIST CHAPTER 13

- Do you know how your library was established?
- Does your library have copies of its original establishment documents?
- Does the Library of Michigan have copies of your establishment documents?
- Does the board understand their powers as provided by their establishment act?
- Does the board understand the relationship of the library to the municipality it is connected to?
- Has the board ever considered becoming a district library?

Quality Services Audit Checklist (QSAC) Measures for Trustees

https://www.michigan.gov/documents/libraryofmichigan/LM_2016_QSAC_Measures_rev_547146_7.pdf

See the standards below within the appropriate level for your library to obtain additional information on best practices. For more information about QSAC, see [Appendix F](#) of this Handbook.

Essential CORE Quality Measures – Governance/Administration

Essential ELECTIVE Quality Measures – Governance/Administration

See Also QSAC page www.michigan.gov/qsac (scroll to Appendices)



CHAPTER 14 LIBRARIES AND THE LAW

- The Open Meetings Act (OMA)
- Freedom of Information Act (FOIA)
- Library Privacy Act
- USA Patriot Act
- Children’s Internet Protection Act (CIPA)
- Personal Property Tax Reimbursement (PPT)
- TIFA and DDA exemption

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

NOTE: The laws in this section are cited using the Michigan Public Act number (in the format [Year PA Act Number]), followed by the Act’s citation in the Michigan Compiled Laws (which is the official compilation of the updated statutes, available on the Internet at [http://www.legislature.mi.gov/\(S\(fmnf2jxpw1c5blyb5343wzk\)\)/mileg.aspx?page=MCLBasicSearch](http://www.legislature.mi.gov/(S(fmnf2jxpw1c5blyb5343wzk))/mileg.aspx?page=MCLBasicSearch)), Note that the MCL version of the acts will generally be more current and include any amendments that have occurred since the original act was passed. Where possible, the statutory act sections are linked to the online versions.

The Establishment Act governing your library

Every legally established public library in Michigan is established under the authority of an act of the legislature. Michigan has approximately nine public library establishment types (see Ch. 13 for descriptions of the individual types). These acts bestow the public libraries established under them with a legal identity. The authority for a public library to hold and spend public funds, hire staff, enter into contracts, et., all arise from the powers vested in the library (through the board or municipality) by the legislature through the establishment act. The establishment acts also inform the library board of their authority to act, as well as board member qualifications, board structure, and board election/appointment. Every board member and every library director should have a very good understanding of the establishment act that governs their library.

Michigan Open Meetings Act (76 PA 267, MCL 15.261 et. seq.)

<http://legislature.mi.gov/doc.aspx?mcl-Act-267-of-1976>

The OMA applies to all board meetings, regardless of type of library and board. Board members who come with experience from other non-profit boards may not realize that library boards are held to a different standard when it comes to conducting open meetings.

Library boards, whether of the governing type or the advisory type, are considered public bodies and are subject to the Open Meetings Act. Language of the complete act can also be found in these resources:

Library Laws Handbook: www.michigan.gov/librarymanuals

Attorney General’s website: http://www.michigan.gov/ag/0,4534,7-164-20988_18160---,00.html

An **Open Meetings Act Handbook** is also available on the Attorney General site:

https://www.michigan.gov/documents/ag/OMA_handbook_287134_7.pdf

Failure to comply with the requirements of OMA can result in criminal and civil action being taken against the board. Equally as serious, such disregard for law can cause the public to lose trust in the library and its board.

OMA supersedes all local resolutions. For example, rules concerning requirements for meetings must be open to the public. OMA also covers meeting minutes, notices, and postings. Meetings are defined as a gathering of board members in which a quorum is present. Closed sessions are meetings or parts of meetings that are closed to the public. Closed meetings are only permitted in certain circumstances.

Board members need to keep in mind the *Five Rules of the Open Meetings Act*:

1. All meetings of a public body are open to the public and held at a place available to the general public unless specifically exempted by a provision of the act. The best place to hold your board meetings is at the library.
2. Decisions can only be made at meetings open to the public.
3. Whenever a quorum of its members is present (including online, on the phone, or via e – mail), the gathering becomes a meeting open to the public. (Unless the subject matter or reason for the meeting complies with one of the exemptions listed within the act).
4. Any members of the public that wish to attend may do so. They need not supply their names or any other information as a condition for their attendance at the meeting. Meetings can be recorded and photographed by the public as desired.
5. Members of the public have the right to address the public body. However, the library board may establish rules governing the public’s right to speak, as long as the rules are recorded in the board’s bylaws. Rules regulating the right of public address may include:
 - i. Setting the length of time any one person may be permitted to speak.
 - ii. Determining when in the agenda public can speak.
 - iii. Establishing a requirement that persons wishing to address the board identify themselves.
 - iv. Requiring large groups planning to attend or speak, to make that desire known to the body in advance to facilitate planning time allotments and room size.

Meeting Notices. Library boards are required to post notices of all their meetings. OMA dictates the contents of the notice, the locations where it is to be posted and the timing of the postings. The board must formally designate by resolution a person (can be a library staff person) to carry out the posting of the required public notices.

Closed Sessions. There are only five valid reasons for a library board to close a meeting. Procedures for closing a meeting are found in the Open Meetings Act Handbook, prepared by the Attorney General of Michigan. This guide is available for free electronically: https://www.michigan.gov/documents/ag/OMA_handbook_287134_7.pdf

The five valid reasons to conduct a closed meeting are:

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

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

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

Timing of corrections to the minutes, their location and their availability are also part of the act. The posting schedule dictated by OMA can be found in [Appendix D](#) of this document.

OMA does not apply to:

- A board committee that adopts or discusses an advisory (non-legislative or non – governing) resolution. This would be a group that is working only on a proposal to the board. However, a good rule of thumb is to treat even committee meetings as if they were governed by the OMA.
- Social or team-building gatherings, such as board picnics or retreats, chance gatherings or conferences such as MLA’s annual conference, are exempt from the Open Meetings Act – as long as discussions among gathered board members is not intended to formulate decisions or subvert the OMA.

The Freedom of Information Act (FOIA)

The Federal Freedom of Information Act (FOIA) protects the public’s right to know what their governmental agencies are doing. A member of the public may request, at any time, copies of library records, except personnel and circulation records. The most common requests are for board meeting minutes. Many libraries post and keep a year or two’s worth of minutes on their web page. The remaining years of minutes required to be retained are kept in an accessible place in the library.

The board must appoint a FOIA coordinator. For convenience’ sake, this person is usually the director. FOIA requests must be made in writing. If the library has a posted FOIA policy, the library may charge a fee for large requests, such as copying an entire year of board minutes. For more details concerning the law, consult the text of the law, the FOIA FAQs and the FOIA pamphlet, all available for free online from the Michigan’s Attorney General’s office at http://www.michigan.gov/ag/0,4534,7-164-20988_18160---,00.html

Michigan Library Privacy Act (Public Act 455 of 1982, (MCL 397.60, et. seq.))

<http://legislature.mi.gov/doc.aspx?mcl-Act-455-of-1982>

Michigan’s Library Privacy Act is legislation that protects the identity of library patrons and prevents disclosure of a patron’s borrowing history and the nature of their library use. The language act provides for the protection of library records, an exemption to FOIA. A library may not disclose library records to any person without the written consent of the person liable for payment for or return of the materials identified in that library record.

A library record is defined in the act as “... *a document, record or other method of storing information retained by a library that contains information that personally identifies a library patron, including the patron’s name, address or telephone number, or that identifies a person as having requested or obtained specific materials from a library.*” (MCL 397.602). Your library needs to have policies in place that reflect compliance with this language. Staff members, particularly those who work in circulation, need specific training to understand what activities may violate the act.

If internet access is provided, the act requires the adoption and enforcement of a filtering system or method designed to prevent minors from viewing obscene or sexually explicit matter harmful to them. Consult your director, your cooperative director, or the Library of Michigan for more information. If your library participates in the E-Rate program, chances are you are already compliant with this portion of the Library Privacy Act.

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

The USA Patriot Act, passed in the wake of the events of 9/11 stipulate that a library (including board members and library staff) can be served with a federal search warrant or court order. The order is a formal request for tangibles such books, records, papers, and other documents that, generally, would provide information on the library habits and usage of a patron. Patriot Act warrants and orders preempt the Michigan Library Privacy Act and can place a library board in an uncomfortable position.

Fortunately, the Patriot Act is not invoked often. However, it is still a good idea for boards to familiarize themselves with the law, and with strategies to employ if the library is served with a Patriot Act order.

Excellent information on Patriot Act warrants and orders can be found on the ALA website at:

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

The text of the Library materials language, [50 USC 1861](#) can be found: <http://uscode.house.gov/> (enter the title (50) and the part (1861) to retrieve the language.)

Children's Internet Protection Act (CIPA)

On June 23, 2003, the United States Supreme Court overturned the United States District Court for the Eastern District of Pennsylvania and reinstated the filtering mandate for public libraries found in the Children's Internet Protection Act (CIPA) (20 USC 7131, et. seq). In short, the High Court ruled that public libraries that receive funds through the Library Services and Technology Act (LSTA) or E-rate programs for Internet access must install software to block obscene or pornographic images to prevent minors from accessing materials harmful to them, as well as adopt an Internet safety policy.

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

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

Additional information on CIPA can be found on the Federal Communication Commission's (FCC) site:

<https://www.fcc.gov/consumers/guides/childrens-internet-protection-act>

Information on CIPA as it relates to the E-Rate program can be found:

<http://www.usac.org/sl/applicants/step05/cipa.aspx>

Local Community Stabilization Authority (LCSA) Act, 2014 Public Act 86, (MCL 123.1341 to 123.1362) (Personal Property Tax – PPT – Reimbursement).

In 2014, the Michigan legislature abolished the Personal Property Tax for businesses. However, when this occurred, many municipal entities (such as schools, libraries, and emergency services) which received revenues from this tax were left with a (significant in some instances) shortfall in their budgets. To mitigate this bar, the legislature passed legislation permitting these entities to be reimbursed an amount of money for each of the years since 2012 in which an entity levied a millage. The amount is calculated at the state level using a number submitted by the local municipalities that represents the former taxed businesses multiplies by the lowest millage levied between approximately 4 years ago to the preceding year. For example. 2016's reimbursement covered 2012 – 2015. 2017's reimbursement covered 2013 – 2016.

In 2017, and 2018, the legislature significantly amended this act in a attempt to make the process less complex and allocate reimbursement funds in such a way that the amounts better benefit first-responders and in some ways, schools. See MCL 123.1341, et. seq. <http://legislature.mi.gov/doc.aspx?mcl-Act-86-of-2014>

This remains a complex act. Additional information can be found on the Michigan Treasury site: https://www.michigan.gov/taxes/0,4676,7-238-43535_72736_81317---,00.html

For questions regarding the calculation of the personal property tax reimbursements, contact the Revenue Sharing and Grants Division, Michigan Department of Treasury at: 517-335-7484 or email: TreasORTAPPT@michigan.gov

For questions regarding the status of personal property tax reimbursement payment, contact the Local Community Stabilization Authority at: phone: 734-726-4113, email: contact@lcsami.gov or visit <https://www.localcommunitystabilizationauthoritymi.gov/>

Tax Increment Financing Legislation

In 2016, the legislature passed several pieces of legislation that enables public libraries to opt out of certain tax captures by entities such as Downtown Development Authorities (DDA) or Tax Increment Financing Authorities (TIFA). The legislation provides for the automatic exemption of library millages from capture for authorities created or amended after 2016. Tax captures prior to 2016 may be “opted out” of by a library if the capture is not part of a debt repayment. Libraries may also opt out of existing captures if the project or authority is amended or if the boundaries are adjusted.

These acts were further amended in 2018 to form The Recodified Tax Increment Financing Act, 2018 PA 57, (MCL 125.4101 – MCL 125.4915). This act amended the 2016 acts to clarify language and combine them into one act. The current act retains all of the voluntary and automatic tax capture exemptions.

The Michigan Library Association was instrumental in obtaining the library exemption in this legislation. Their website contains an excellent explanation of the legislation and of the opt out process. https://www.milibraries.org/index.php?option=com_content&view=article&id=159:mla-advocacy---may-25--2017&catid=44:news-advocacy-update&Itemid=223

Additional information and resources concerning TIFA exemption and opt-out can be found in the “Funding” chapter of this manual.



CHECKLIST FOR CHAPTER 14

- Do you understand the difference between open and closed meetings?
- Does your board respect the public's rights of attendance and participation at board meetings?
- Does your library have a posted Freedom of Information policy and designated officer?
- Do your circulation and Internet policies comply with the Library Privacy Act?
- Does library staff understand what situations violate the Library Privacy Act?
- If your library receives E-Rate funds, does it comply with CIPA?
- Does your Library receive PPT/LCSA reimbursement?
- Do you understand the reimbursement process?
- Has the board reviewed the PPT/LCSA legislation and determined if the library has any tax captures, and if so whether any would be eligible for automatic opt out or for purposely opting out?

Quality Services Audit Checklist (QSAC) Measures for Trustees

https://www.michigan.gov/documents/libraryofmichigan/LM_2016_QSAC_Measures_rev_547146_7.pdf

See the standards below within the appropriate level for your library to obtain additional information on best practices. For more information about QSAC, see [Appendix F](#) of this Handbook.

Essential Level – Core Measure for Governance/Administration

Enhanced Level – Core Measure for Governance/Administration

See Also QSAC page www.michigan.gov/qsac (scroll to Appendices)



APPENDIX

- A. United For Libraries
- B. Library of Michigan Library Development Department
- C. Michigan Library Cooperatives
- D. Open Meetings Act (OMA) Public Notice Schedules
- E. Public Library Trustee Ethics Statement
- F. Quality Services Audit Checklist (QSAC)
- G. Hiring, Evaluating, Dismissing a Library Director
- H. Parliamentary Procedure Resources
- I. Tax Exempt and 501(c)3 Resources
- J. State Aid to Libraries and Penal Fine Facts
- K. Glossary

APPENDIX A

United For Libraries

United for Libraries is a division of the American Library Association (ALA) and is a descendant of the former “Friends of Libraries USA,” and the “Association for Library Trustees and Advocates” (ALTA) organizations.

United for Libraries is a group focused on the advocacy of public libraries through the support and continuing education of Library Trustees and Friends groups.

The United for Libraries website contains a wealth of useful information for library trustees and friends as well as library directors:

- Videos
- Webinars
- Tip Sheets
- Toolkits
- Organizational tools (such as sample policies, forms and procedures).

The bulk of the website is available only to members of the United for Libraries division. However, the Library of Michigan has purchased a statewide membership for all Michigan public libraries. This membership includes access to members-only content. All Michigan Public Library trustees and staff are invited to explore the United for Libraries site at: <http://www.ala.org/united/> and sign up for their own account as a member of the Michigan library community.

To access the resources visit www.ala.org/united

- Click on the **STATEWIDE ACCESS – FIND YOUR STATE** blue bar
- Scroll down to **MICHIGAN**
- **REGISTER** to use the resources
- For future access simply login to your account under **MICHIGAN**

Please contact the Library of Michigan, 517-335-1516 or your cooperative director if you have questions about United for Libraries.

APPENDIX B

Library of Michigan Library Development Department Directory

- **Continuing Education** — developing workshops and training opportunities for library staff, including the Rural Libraries, Beginning Workshop, New Directors, online training and programs.
- **Certification of Library Staff** — reviewing applications and documentation for library staff certification and determining eligibility.
- **E-rate** — disseminating information on the federal Universal Service Fund program, contracting for annual E-rate training and support and connectivity such as broadband.
- **Library Law** — consulting on legal issues, library establishment and other concerns.
- **Library Statistics/Data Collection** — coordinating the collection, analysis and reporting of library statistics for Michigan libraries.
- **Library Services and Technology Act (LSTA) grant program** — administering the grant program as well as funding statewide projects and continuing education.
- **Michigan eLibrary (MeL.org)** — creating and maintaining the MeL.org website, arranging for statewide licensed databases, the MeLCat system, Michigana, and promotion of databases and recommended websites on the MeL site.
- **Ploud – michlibrary.org** — (previously known as Plinkit) provides public libraries with a tool to deliver Web resources and services.
- **Special Grants & Programs** — developing new grant programs and coordinating projects that will benefit libraries statewide.
- **State Aid to Public Libraries** — State aid grants to libraries are per capita grants awarded annually to public libraries, according to statute.
- **SL21 and QSAC** — benchmark measurement tools to help measure quality of school library programs and public library services.
- **Youth & Teen Services** — coordinating and assisting in statewide youth services programs including the summer reading program, Michigan Reads, Mahoney workshops, and providing consultation and training to library staff that serve children and young adults.

For more information about any of these areas, please contact a staff member shown on the next page or the LM Administrative Office at 517-335-1516.

Area	Name	517 Area Code	Email @ michigan.gov
Library Development Manager	Shannon White	335-1507	WhiteS29
Certification/Library Data	Joe Hamlin	335-1501	HamlinJ2
Continuing Education	Evette Atkin	335-1495	AtkinE
Data Analysis/MeL	vacant	335-1516	vacant
E-Rate	Sonya Schryer Norris	335-1498	NorrisS2
Library Law	Clare Membiela	335-8132	MembielaC
Library State Aid/Penal Fines	Kathy Webb	335-1514	WebbKI
LSTA and other Library Grants	Karren Reish	241-0021	ReishK
MeL & LM Website, Michlib-L	Sonya Schryer Norris	335-1498	NorrisS2
MeL	Liz Breed	335-1497	BreedL
Ploud	Sonya Schryer Norris	335-1498	NorrisS2
QSAC	Evette Atkin	335-1495	AtkinE
School Libraries, SL21	Karren Reish	241-0021	ReishK
State Librarian	Randy Riley	335-1517	RileyRI
Training & Event Support	Becky Wartella	335-4038	WartellaR
Youth & Teen Services	Cathy Lancaster	335-8129	LancasterC5

APPENDIX C

Michigan Library Cooperatives

Michigan library cooperatives as we know them today, were established by the State Aid to Libraries Act, 1977 PA 89, MCL 397.551, et seq. The mission of library cooperatives is to assist their member public libraries by providing services and resources that may otherwise be difficult for a single library to obtain. Services such as professional training, online databases, automation programs and software, and mentoring. Much of the concept lies in the theory that products and services a single small to medium library can obtain can be expanded and more economical if the purchase is spread across multiple members. Cooperatives allow smaller and medium libraries to benefit from pricing and service often enjoyed by larger library systems, which leverage their scale in order to negotiate with vendors. Cooperatives also provide a source of assistance to directors who need some collaborative assistance and mentoring.

Library cooperatives are funded through the State Aid monies that are given to qualifying public libraries each year. The populations served by each cooperative determine the amount of the funding. In addition, Public Library members often pay fees to join cooperatives and to obtain access to various purchasing deals offered by each cooperative, for online products, automation software, etc. You can find details on the legislation about the creation of public library cooperatives as well as links to reports on the state funding received by cooperatives here https://www.michigan.gov/libraryofmichigan/0,9327,7-381-88855_89735_94327---,00.html on the LM site.

Each cooperative primarily serves a particular geographic area of the state. However, any public library can join any cooperative. Each cooperative offers a slightly different array of services to their members. The cost of membership can vary according to the cooperative's size, the services offered, etc.

A listing of the Michigan Library Cooperatives is below. For information on Michigan's library cooperatives, as well as a map showing membership across the state, please visit the Cooperative Director's Association website: <https://micoops.info/>

Michigan Library Cooperatives

Detroit Library Cooperative

<http://www.detroit.lib.mi.us/>

Detroit Public Library
5201 Woodward Ave.
Detroit, MI 48201
(313)481-1302

Cooperative Director:

Jo Anne Mondowney
jmondowney@detroitpubliclibrary.org

Lakeland Library Cooperative

<http://www.llcoop.org/>

4138 3-Mile Road NW
Grand Rapids, MI 49534
Phone: 616-559-5253
Fax: 616-559-4329

Cooperative Director:

Carol Dawe
carol@llcoop.org

The Library Network

<http://tln.lib.mi.us/default.aspx>

41365 Vincent Court
Novi, MI 48375
Phone: 248-536-3100

Cooperative Director

Steven Bowers
sbowers@tln.lib.mi.us

Midwestern Michigan Library Cooperative

<http://www.mmlc.info/>

503 S. Saginaw Street, Suite 711
Flint, MI 48502
Phone: 810-232-7119
Toll Free: 800-641-6639

Cooperative Director

Eric Palmer
epalmer@mmlc.info

Mid-Michigan Library League

<http://www.mml.org/>

201 N. Mitchell, Suite 302
Cadillac, MI 49601
Phone: 231-775-3037

Cooperative Director

Sheryl Mase
smase@mml.org

Northland Library Cooperative

<http://www.nlc.lib.mi.us/>

220 W. Clinton St.
Charlevoix, MI 49720
Phone: 231-855-2206

Cooperative Director

Linda Adams
ladams@northland.lib.mi.us

Southwest Michigan Library Cooperative

<https://smlccooperative.com/>

Paw Paw District Library
609 West Michigan Ave
Paw Paw, MI 49079
Phone: 269-657-3800

Cooperative Director

Andrea Estelle
aestelle@otsegolibrary.org

Suburban Library Cooperative

<https://www.libcoop.net/wordpress>

44750 Delco Blvd.
Sterling Heights, MI 48313
Phone: 586-685-5750

Cooperative Director

Tammy Turgeon
turgeont@libcoop.net

Superiorland Library Cooperative

<http://joomla.uproc.lib.mi.us/SLC/>

1615 Presque Isle Ave.
Marquette, MI 49855
Phone: 906-228-7697
Fax: 906-228-5627

Cooperative Director

Shawn Andry
sandary@uproc.lib.mi.us

White Pine Library Cooperative

<https://wplc.org/>

3210 Davenport Ave.
Saginaw, MI 48602-3495
Phone: 989-793-7126

Cooperative Director

Kate Van Auken
kvanauken@wplc.org

Woodlands Library Cooperative

<https://woodlands.lib.mi.us/>

PO Box 1048
Albion, MI 49224
Phone: 517-629-9469

Cooperative Director

Kate Pohjola Andrade
kate@woodlands.lib.mi.us

APPENDIX D

Open Meetings Act Public Notice Schedule

- a) **Regular Meetings – Yearly Schedule:** Ten (10) days after the first meeting in a calendar or fiscal year, the public body must give notice (described above) of the schedule for regular meetings for the remainder of the year.
- b) **Regular Meetings – Change of Schedule:** Within three (3) days after a meeting at which the schedule for regular meetings is changed, notice must be given of the new regular meeting dates, times, and places.
- c) **Rescheduled Regular Meetings:** At least 18 hours prior to a rescheduled public meeting, notice must be given of that rescheduled meeting.
- d) **Special Meetings:** At least 18 hours prior to a special meeting, notice must be given. The 18-hour notice does not apply to special meetings of sub-committees.
- e) **Reconvened Meetings:** If a meeting is recessed for more than 36 hours, then the notice shall be given 18 hours prior to reconvening the meeting.
- f) **Emergency Meetings:** In the event of severe and imminent threat to the health, safety or welfare of the public, a public body does not have to comply with the 18 – hour requirement if two-thirds of the members serving on the public body decide that delay would be detrimental to efforts to respond to the threat. Paper copies of a notice with an explanation of why the Board feels it cannot comply with the 18-hour requirement must be available at the emergency meeting. This must be followed up with notice to the Board of County Commissioners of the County where the Board is located in accordance with the provisions of [MCL 15.265\(5\)](#).
- g) **Meetings in Residential Dwellings:** A meeting may only take place in a residential dwelling if a nonresidential building within the boundary of the local governmental or school district is not available without cost to the public body. Notice must be published not less than two days before the date of the meeting in a newspaper of general circulation in the city or township where the meeting will be held.
 - I. The notice must be published as a display advertisement, and must conspicuously set off the following language: “This meeting is open to all members of the public under Michigan’s Open Meetings Act.”
- h) **Additional Recipients of Notice:**
 - I. **Public At Large:** The public body shall send a copy of the notice to any individual, firm, organization or corporation that submits a written request. Said notices are to be sent by first-class mail at the times designated above. For this service, the requesting party shall pay a yearly fee which reflects the reasonable estimated cost of printing and postage of such notices.
 - II. **Media:** Upon written request to the public body, any newspaper published in the state or any radio or television station located in the state shall receive copies of all notices from that public body at the time said notices are to be posted. There shall be no fee for this service.

(See [MCL 15.261. et. seq.](#))

Information from the *Michigan Attorney General Open Meetings Act Handbook* available https://www.michigan.gov/documents/ag/OMA_handbook_287134_7.pdf

APPENDIX E

Public Library Trustee Ethics Statement

(Ethics Statement from United for Libraries)

<http://www.ala.org/united/sites/ala.org.united/files/content/trustees/orgtools/Ethics%20Statement.pdf>

Public library Trustees are accountable for the resources of the library as well as to see that the library provides the best possible service to its community.

Every Trustee makes a personal commitment to contribute the time and energy to faithfully carry out his/her duties and responsibilities effectively and with absolute truth, honor and integrity:

- Trustees shall respect the opinions of their colleagues and not be critical or disrespectful when they disagree or oppose a viewpoint different than their own.
- Trustees shall comply with all the laws, rules and regulations that apply to them and to their library.
- Trustees, in fulfilling their responsibilities, shall not be swayed by partisan interests, public pressure or fear of criticism.
- Trustees shall not engage in discrimination of any kind and shall uphold library patrons' rights to privacy in the use of library resources.
- Trustees must distinguish clearly in their actions and statements between their personal philosophies and attitudes and those of the library, acknowledging and supporting the formal position of the Board even if they disagree.
- Trustees must respect the confidential nature of library business and not disclose such information to anyone.
- Trustees must also be aware of and in compliance with Freedom of Information laws.
- Trustees must avoid situations in which personal interests might be served or financial benefits gained as a result of their position or access to privileged library information, for either themselves or others.
- A Trustee shall immediately disqualify themselves whenever the appearance of or a conflict of interest exists.
- Trustees shall not use their position to gain unwarranted privileges or advantages for themselves or others from the library or from those who do business with the library.
- Trustees shall not interfere with the management responsibilities of the director or the supervision of library staff.
- Trustees shall support the efforts of librarians in resisting censorship of library materials by groups or individuals.

APPENDIX F

Quality Services Audit Checklist (QSAC) for Trustees

QSAC is a voluntary management standards program that assists public libraries by setting benchmarks for Governance & Administration, Human Resources, Services, Collection Development, Technology, Facilities & Equipment and Public Relations. The Library of Michigan recognizes public libraries as they achieve each level. Libraries can be certified at the Essential, Enhanced and Excellent levels: www.michigan.gov/qsac

For additional information on how your library and/or Trustee group can participate and adopt QSAC, contact The Library of Michigan at 517-335-1516.

Complete information, standards and instructions for participating can be found at www.michigan.gov/qsac

Information on standards applicable to each topic within this handbook is available at the end of each chapter.

APPENDIX G

Hiring, Evaluating and Dismissing a Library Director

A. Hiring a Library Director

If the board's job is to manage the overall health and welfare of the library, the director's is to manage the day to day activities. In other words, although these roles occasionally overlap and cross, the board essentially has the big picture view and the director essentially has the detailed view.

The director facilitates implementation of the board's policies and plans for the library and communicates to the board the needs and desires of the library's patrons and staff. A library's success depends on the ability of the board and the director to work together. Like with a well-designed machine, all parts must collaborate smoothly or the entire system breaks down and ceases to function.

Initial Preparation

A board should approach the hiring of a library director with careful planning, a well – prepared job description, and a thorough interview process.

The first step is for the board to determine what the job of the director in their library should look like:

- What responsibility should the director have?
- What (and how much) authority?
- What should the director's role be in shaping the culture of the Library?
- What type of reporting should the director manage?
- What type of budget is available for a director salary (this can determine the answers to many of the other questions in this list)?
- What level of education and/or experience should the director have?
- What certifications for purposes of state aid should the director have? (Library boards are encouraged to contact the Library of Michigan at 517-335-1516 to learn the state aid certification requirements (educational status) for their library). *Failure to meet minimum requirements will result in the library losing state aid funds.*
- Are there any special skills or experience the board wants to look for (are there any large programs or aspects of the library that might dictate a director specialized in, say children's programming, or genealogy)?

The preliminary stages of a director search is, in many ways, a self-evaluation for the board.

The next step is that the board should review exactly what a new director will need to be successful in the manner in which THAT board defines success (ie what does the board WANT to see in a director, AND what authority or responsibilities does the board need to delegate to the position in order to permit the new director to become successful?). In other words, the board not only needs to figure out the personal and professional qualities they think would make a good director for their library, they also need to figure out how to make sure that the director has the tools needed in the job to be successful.

Here are some links to resources that may assist a board with their discussions:

A Library Board's Practical Guide to Finding the Right Library Director — by United for Libraries <http://www.ala.org/united/trusteezone/practical-guides> (See [Appendix A](#) for login information to UFL.)

Trustee Toolkit: Hiring a New Library Director — by Chief Officers of State Library Agencies (COSLA)
http://www.cosla.org/content.cfm/id/trustee_toolkit_hiring_a_new_library_director

Public Librarianship information (including salary surveys) — From the American Library Association:
<http://www.ala.org/pla/resources/tools/careers>

The Job Description

The job description indicates the minimum requirements for education and work experience. A job description is not a dictate for a board but should be an accurate itemization of the realistic position duties, requirements, and expectations. The more honest and realistic the job description, the higher the chance that the eventual hire will be a good fit.

The job description should include preferred characteristics, such as specific job experience or other work-related qualifications. A well-designed job description should include:

- Clear, objective descriptions of job duties and responsibilities.
- Clear, objective descriptions of candidate minimum education and experience requirements.
- Objective listing of any physical requirements (ie “ability to lift 50 lbs.” etc.).
- Equality or other statements as required or used by the municipality or institution.
- Straightforward, clear language.

A well-designed job description does **NOT** include:

- Criteria involving race, religion, health, weight, gender, or sexual identification (including the use of terms such as “healthy,” “able-bodied,” or “good hearing and/or vision.”).
- Political views or preferences.
- Criteria or language involving family or marital status.

Good examples of job descriptions can be found:

- Cooperative website postings of open position: <https://micoops.info/>
- Michigan Library Association: <http://jobs.milibraries.org/>
- Chief officers of State Library Agencies (COSLA) Trustee Toolkit: Hiring a New Library Director (includes sample job descriptions): https://www.cosla.org/content.cfm/id/trustee_toolkit_hiring_a_new_library_director

To select candidates for an interview, check applicants for eligibility against the requirement criteria. Do not forget to solicit the opinions of any existing library staff. It is important to involve the staff in the hiring process.

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

1. Open Meetings Act Requirements

When hiring a new director, the library board must carefully follow the requirements of the Open Meetings Act (see Chapter 14, Libraries and the Law, as well as the Michigan Attorney General’s Open Meetings Handbook at: https://www.michigan.gov/documents/ag/OMA_handbook_287134_7.pdf). The act requires boards to conduct their business in an open manner that permits public scrutiny.

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

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

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

2. *Federal & State Employment Law Restrictions*

There are certain topics and types of information that Federal and State laws prevent employers from obtaining and considering as part of the employment process. The most common are:

- Marital status.
- Nationality or religion.
- Age (Although a candidate may be asked to confirm they are over 18 years of age).
- Race.
- Height or weight.
- Specific handicaps, health, and diseases (except for “Do you have any physical or mental disability which would prevent you from performing the job”).
- Immigration Status. Potential employers may require that applicants be able to comply with Federal I9 requirements and may discuss those requirements with the applicant.
- Criminal history (You may ask whether a person has been convicted of any crime and about the nature of the crime) or whether the person has been arrested for a Felony offense. You may not, however, ask about non-felony arrests that did not result in conviction).
- Sex/Gender – No questions about reproductive plans, opinions regarding birth control, or gender preferences/appearances (including addressing the applicant by Mr. Ms. Miss, Mrs., etc.).
- Sexual Orientation – The EEOC (Equal Employment Opportunity Commission) currently recognizes sexual orientation as protected under Title VII of the Civil Rights Act. Certain states and local municipalities have also passed laws protecting LGBTQ applicants from employment-based discrimination. Currently it is generally considered prudent for an employer to refrain from discussing sexual orientation with an applicant.

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

Library boards are encouraged to attend workshops on interviewing and hiring, as well as consult sites such as the ones listed below for tips and information on appropriate practices. Some boards hire professional consultants to help them hire a new director. A cooperative director and the Library Law Consultant at the Library of Michigan are also good resources.

NOTE – These topics are listed for informational purposes. As always, a board should consult with their attorney for advice on legal issues relating to the hiring process.

B. Evaluating a Library Director

As discussed above, the best-functioning libraries have a board and director that work together. A big part of working together is COMMUNICATION and feedback. It is important for the board to provide a director with objective, consistent feedback on performance, as well as an annual analysis of how well the director is meeting the challenges of their position.

The board's evaluation of the director should ideally be a culmination of feedback provided throughout the previous year, as well as an analysis of how well the director has accomplished the goals and requirements of their job description and implemented the stated vision of the board.

In other words:

- It should be common for a board to discuss successes and challenges with a director as those events occur and use the annual evaluation process as a benchmarking time to formally assess and review the sum of those successes and challenges as they relate to the job requirements of the director and the implementation of the board's vision for the library.
- The contents of an evaluation (positive and negative) should never come as a surprise to a director. Keeping the evaluation process objective, professional and ongoing can provide a board with ample opportunities for input, and a director with opportunities to improve, grow in the profession, and sync to the board's vision for the library.
- Constant feedback provides the director with the ability to inform the board of obstacles and issues that may be preventing the implementation of board policies. The director can better inform the board of contextual information that may affect the board's impression of activity in the library. A board gains more — and better — information about how a library is functioning if that information is gathered throughout the year, than in a flurry of surveys during a few weeks each year. Annual surveys can then be used to highlight continuing issues and to identify positive and negative patterns in performance.
- Ongoing feedback encourages the board to more easily identify and confront any serious performance issues. The board is also able to document efforts to correct such behaviors and provide the director with resources and timeline for improvement.
- Ongoing communication partially disconnects the board's evaluative and "coaching" efforts with a director from the pressure of a raise in salary. Studies show that when feedback on job performance is separated from the stress of compensation increases, the employee better retains the feedback. In other words, when substantive feedback is also communicated at times other than the annual evaluation process, employees are able to pay closer attention and better implement changes because they are not nervous about raises.

In sum, if a board has been providing continuing constructive feedback all year, then the process of an annual evaluation — even with salary discussions — becomes a much more productive and much less of a stressful exercise for all involved.

The annual evaluation would be performed during a board meeting conducted pursuant to the Open Meetings Act. However, the director has the option of having the evaluation conducted in a "closed session" (see Chapter 4).

Resources for conducting productive Director evaluation & feedback:

Reed, Sally, *United for Libraries: A Library Board's Practical Guide to Evaluating the Director* (2016):

<http://www.ala.org/united/sites/ala.org.united/files/content/trusteezone/practical-guides/evaluating-library-director.pdf>

(See [Appendix A](#) for login information to UFL.)

United for Libraries, *Organizational Tools, Sample Library Director Evaluations*:

<http://www.ala.org/united/trustees/orgtools> (See [Appendix A](#) for login information to UFL.)

Chief Officers of State Library Administrators (COSLA), *Public Library Trustee Manual*, pp 49-51:

https://www.cosla.org/Portals/0/Documents/Public_Library_Trustee_Manual_%20A_Template-FINAL.pdf?ver=2019-01-14-152820-117

Information concerning evaluations and feedback in general:

[http://www.npr.org/2016/09/28/495795876/yay-its-time-for-my-performance-review – said-no-one-ever](http://www.npr.org/2016/09/28/495795876/yay-its-time-for-my-performance-review-said-no-one-ever)

<https://www.cebglobal.com/blogs/?s=performance+review&submit=Search>

https://www.cebglobal.com/blogs/a-brief-history-of-why-performance-management-fails-to-improve-performance/?business_line=human-resources

C. Dismissing a Library Director

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

If, after instances of feedback and attempts to correct performance issues, the library director is unwilling or unable to change his or her performance to meet the demands of the library board, dismissal of the library director may be necessary.

The library board should already have robust personnel policies and procedures in place that would govern the process and documentation required to initiate the termination of the director.

The following seven factors should be considered prior to making a final decision to dismiss a library director:

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

Additional considerations when looking at termination:

- Determine whether your board is the proper body to do the firing. For example, the library boards of city, village and township libraries established pursuant to Public Act 164 of 1877 are authorized by statute to fire employees. Other types of city or township libraries may or may not have that authority.
- Is the director hired “at will” (which generally means that the board included an “at will” statement within the employment contract, or required a signature from the director on an “at will” statement when the director was hired? “At will” status provides an employer with more flexibility in the actual firing process.
- Is there a legal basis for the firing? (firing someone because they attempted to organize a union, for example, would not be legal). If there are any questions concerning the legality of a termination, the library board should always consult legal counsel prior to moving forward with termination.
- Does the director have a contract? Does the library director’s contract indicate that they may be terminated only for “just cause”? If so, the reason for dismissal must be reasonably related to the job. For example, being drunk on the job, poor attendance, or illegal activities at work are all reasons for dismissal that would satisfy the “just cause” requirement.
- The toll a termination takes on a library director, a library board, a library staff, and a library’s community all emphasize the importance of the library board hiring a good library director in the first place.

APPENDIX H

Parliamentary Procedure Resources

<https://www.britannica.com/topic/parliamentary-procedure> (Good general overview and history by Britannica)

<http://www.parliamentarians.org/about/parliamentary-basics/> (National Association of Parliamentarians)

<http://www.jimslaughter.com/Sturgis-Parliamentary-Procedure-Motions-Chart.cfm> (Sturgis/Standard)

<http://www.rulesonline.com/>

<http://octsa.ua.edu/uploads/1/6/6/9/16699238/basics-of-parliamentary-procedures.pdf>

http://msue.anr.msu.edu/resources/parliamentary_procedure_resources

<http://connect.ala.org/node/227005> Parliamentary procedure at a glance (Sturgis/Standard)

<http://www.dummies.com/careers/business-skills/roberts-rules-for-dummies-cheat-sheet/>

APPENDIX I

Tax-Exempt & 501(c)3 Resources

It is recommended that libraries consult their legal counsel when considering 501(c)3 status.

Below, please find information on what tax-exempt options libraries have, and why a library might consider filing for 501(c)3 status.

For purposes of convenience an explanation of abbreviations:

- IRC = Internal Revenue Code
- RR = Revenue Ruling
- GCM – General Counsel Memo
- CFR = Code of Federal Regulations

An IRS publication by the Tax exempt & Government entities section from 1996: From:

<https://www.irs.gov/pub/irs-tege/eotopicf96.pdf>

“A fire department, public library, hospital district, state college, or port authority are examples of state institutions that may be created, controlled by, or closely affiliated with government. And their income may be exempt from federal income tax pursuant to IRC 115(a), (see Appendix), except for unrelated business income tax for certain state colleges and universities under IRC 511(a)(2)(B). Nevertheless, each may also qualify for exemption as a clear counterpart of an organization described in IRC 501(c)(3), if it is not an integral part of a state or a political subdivision, and it otherwise satisfies the organizational and operational tests. The term “instrumentality” has been applied to this type of organization as a kind of shorthand. Technically the term “instrumentality” only has application under the FICA and FUTA (social security tax) provisions. However, for convenience, this article will also refer to these organizations affiliated with governments as instrumentalities.”

An older version of this publication provided a useful overall explanation: <https://www.irs.gov/pub/irs-tege/eotopicl84.pdf>

“in Rev. Rul. 60-384, 1960-2 C.B. 172, which in pertinent part is excerpted below.....Thus, such an organization may be exempt under section 501(c)(3) of the Code if it is organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or for the prevention of cruelty to children or animals. A state or municipality itself, however, would not qualify as an organization described in section 501(c)(3) since its purposes are clearly not exclusively those described in section 501(c)(3) of the Code. See for example, Estate of John C. F. Slayton v. Commissioner, 3 B.T.A. 1343. It follows, therefore, that where the particular branch or department under whose jurisdiction the activity in question is being conducted is an integral part of a state or municipal government the provisions of section 501(c)(3) would not be applicable. For example, where a public school, college, university or hospital is an integral part of a local government, it could not meet the requirements for exemption under section 501(c)(3) of the Code. On the other hand a wholly – owned state or municipal instrumentality which is a counterpart of an organization described in section 501(c)(3) of the Code such as a separately organized school, college, university, or hospital may qualify for exemption under section 501(c)(3) of the Code. If the organization conducting the activity, although a separate entity, is clothed with powers other than those described in section 501(c)(3) it would not be a clear counterpart of a section 501(c)(3) organization. For example, where a wholly-owned state or municipal instrumentality exercises enforcement or regulatory powers in the public interest such as health, welfare, or safety, it would not be a clear counterpart of an organization described in section 501(c)(3) of the Code even though separately organized since it has purposes or powers which are beyond those described in section 501(c)(3). In order for a wholly-owned instrumentality to establish an exemption under section 501(c)(3) of the Code, it is necessary to file an application on Form 1023, Application for Exemption, with the District Director of Internal Revenue for the internal revenue district in which is located the principal place of business or principal office of the organization. See section 1.501(a)-1 of the Income Tax Regulations. Revenue Ruling 55-319, C.B. 1955-1, 119, is hereby amplified.

Therefore, if an unincorporated nonprofit instrumentality possesses at least four of the six corporate characteristics, it will be an association for federal tax purposes and, therefore, may be considered to be an organization distinct from its creator and constitutes a separate entity for purposes of IRC 501(c)(3), and more specifically Rev. Rul. 60-384.”

A 1990 version of this publication also exists:

<https://www.irs.gov/pub/irs-tege/eotopice90.pdf>

As does an index of other, similar publications:

<https://www.irs.gov/pub/irs-tege/cpeindexbytopic.pdf> (look under “instrumentalities”)

Contact info for the IRS Tax exempt & Government entities section:

<https://www.irs.gov/charities-non-profits/how-to-contact-the-tax-exempt-and-government-entities-division>

In addition to the Tax Exempt and government entities section, there are other IRS authoritative materials that seem to indicate the possibility of 501(c)3 status for public libraries:

IRS Revenue Ruling

Rev. Rul. 74-15 (IRS RRU), 1974-1 C.B. 126, (see pg 126).

“26 CFR 1.501(c)(3)-1: Organizations organized and operated for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or for the prevention of cruelty to children or animals.

***I Public library.** A public library organized as a separate entity under a State statute, without power to impose taxes for its operation but whose funds are obtained by certification of a tax rate needed for its operation to the rate-making authority, qualifies for exemption under section 501(c)(3) of the Code.

Advice has been requested whether the nonprofit county library described below is exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code of 1954.

A corporation was separately organized under a State statute to maintain a public library for the people of a particular county. The statute confers upon the library board, its governing body, a limited power to determine the tax rate necessary to support its operations within specified maximum and minimum rates. The effect of the statute is not to grant the library board the power to impose or levy taxes. Instead, the board submits the tax rate so determined to the county auditor who certifies the tax rate to the county adjustment board in the same manner as other tax rates are certified. All of these taxes are collected by the county treasurer who transmits to the library its share of revenue.

Section 501(c)(3) of the Code provides for the exemption from Federal income tax of organizations organized and operated exclusively for charitable and educational purposes. Rev. Rul. 55-319, 1955-1 C.B. 119, holds that a wholly-owned State instrumentality may, under certain circumstances, qualify for exemption from Federal income tax under section 501(c)(3) of the Code. This position is amplified in Rev. Rul. 60-384, 1960-2 C.B. 172, which holds that a wholly-owned instrumentality must be organized and operated exclusively for section 501(c)(3) purposes in order to qualify for exemption under section 501(c)(3). Thus, an organization clothed with regulatory or enforcement powers, or other powers beyond those of an organization described in section 501(c)(3), would not be a clear counterpart of an organization described in section 501(c)(3).

Although the library is wholly-owned by a political subdivision of a State, it is a separate entity and is otherwise a counterpart of an organization exempt from Federal income tax under section 501(c)(3) of the Code. The power regarding the tax rate described above is not a regulatory or enforcement power within the meaning of Rev. Rul. 60-384, since it merely involves the determination, subject to specified limits, of a tax rate necessary to support the library’s operation. Therefore, this organization is not considered to be clothed with a power beyond those of an organization described in section 501(c)(3). See Rev. Rul. 67-290, 1967-2 C.B.183. Compare with Rev. Rul. 74-14, page 125, this Bulletin which holds that the power to issue subpoenas and take proof under oath are regulatory or enforcement powers of the type considered in Rev. Rul. 60-384.

*2 Accordingly, the organization qualifies for exemption from Federal income tax under section 501(c)(3) of the Code.

Even though an organization considers itself within the scope of this Revenue Ruling, it must file an application on Form 1023, Application for Recognition of Exemption, in order to be recognized by the Service as exempt under section 501(c)(3) of the Code. The application should be filed with the District Director of Internal Revenue for the district in which is located the principal place of business or principal office of the organization. See section 1.501(a)-1 of the Income Tax Regulations.”

Internal Revenue Manual

Part 7 – Rulings and Agreements

Chapter 7.25 – Exempt Organizations Determinations Manual

7.25.3.12.2 (02-23-1999)

Powers Other Than Those Described in IRC 501(c)(3)

“Compare Rev. Rul. 74–15, 1974–1 C.B. 126, in which a public library organized as a separate entity under a State statute has the authority to certify the tax rate needed for its operation to the rate-making authority. The library was held to qualify for exemption under IRC 501(c)(3). Since the State statute conferred only a limited power upon the public library to determine the tax rate necessary to support its operations, the power regarding the tax rate was not a regulatory or enforcement power within the meaning of Rev. Rul. 60–384.”

IRS Publication on 501(c)3 entities:

https://www.irs.gov/publications/p557/ch03.html#en_US_201602_publink1000200025

Other sources:

News article about Kent District library obtaining 501(c)3 status:

<https://grbj.com/news/irs-approves-nonprofit-status-for-kent-district-library>

IRS information on becoming a 501(c)3:

<https://www.irs.gov/charities-non-profits/before-applying-for-tax-exempt-status>

<https://www.irs.gov/charities-non-profits/applying-for-tax-exempt-status>

<https://www.irs.gov/pub/irs-pdf/p4220.pdf>

Nolo press information (Nolo is a publisher of high-quality do-it-yourself legal information):

<http://www.nolo.com/legal-encyclopedia/forming-nonprofit-corporation-michigan-36070.html>

<http://www.nolo.com/legal-encyclopedia/form-nonprofit-eight-steps-29484.html>

State of Michigan information:

http://www.michigan.gov/lara/0,4601,7-154-61343_35413_35426-120068--,00.html

<http://staff.lib.msu.edu/harris23/grants/znpbib.htm> (This is a research guide on forming a Michigan Non-profit created by the librarians at MSU)

APPENDIX J

State Aid & Penal Fine Facts

State Aid:

- “State Aid” refers to a State of Michigan program whereby the State Legislature appropriates a set amount of money to be distributed to qualifying Michigan public libraries and Michigan library cooperatives. Exact amounts received by each cooperative or library are determined by the populations served by each entity.
- State Aid to Libraries is governed by “The State Aid to Public Libraries Act.” 1977 PA 89, [MCL 397.551, et. seq.](#) <http://legislature.mi.gov/doc.aspx?mcl-Act-89-of-1977>
- Qualifications for State Aid are established by the State Library, under provisions of [MCL 397.567](#) <http://legislature.mi.gov/doc.aspx?mcl-397-567>
- Qualifications for State Aid include:
 - Maintain minimum local financial support of 3/10 of a mil on taxable value (in FY before Oct 1 of year prior to payment of State Aid). The 3/10 of a mil can be attained through millage alone, or through a combination of funding sources.
 - Compliance with Personnel Certification requirements established by the Library of Michigan, which correspond to a library’s service population. See: http://www.michigan.gov/documents/libraryofmichigan/State_Aid_to_Public_Libraries_Application_Process_544008_7.pdf
 - Filing an online application for State Aid each year, between the months of October and February. See the Library of Michigan website: www.michigan.gov/librarystateaid for additional information on applying for State Aid.
 - A complete explanation of the State Aid application process can be found on the Library of Michigan website: http://www.michigan.gov/documents/libraryofmichigan/State_Aid_to_Public_Libraries_Application_Process_544008_7.pdf
- A waiver process is documented in the State Aid to Public Libraries Application Process document.
- Changes in contracts and cooperative membership can affect State Aid.
- Libraries that are ineligible for State Aid to Public Libraries are not eligible to receive LSTA grant funding from the Library Michigan and can not be certified as an eligible entity for the federal E-Rate program.
- Need assistance? Have questions? Contact Kathy Webb, State Aid & Penal Fine Coordinator at the Library of Michigan, Webbkl@michigan.gov, 517-335-1514.

Penal Fines

- The Michigan Constitution Article VIII, Section 9 states “*All fines assessed and collected in the several counties, townships and cities for any breach of the penal laws shall be exclusively applied to the support of such public libraries, and county law libraries as provided by law.*” Thus began the State of Michigan program that pays penal fines paid for the infraction of, or judgments on the infraction of various criminal and traffic laws within counties, cities, townships and villages of Michigan.
- Although the language of the Constitution would suggest that all monies paid as fines go to public libraries, the reality is that while fines for the breach of **state** laws go to libraries, each **municipality** can impose fines for ordinance and municipal code infractions (and in some situations — like traffic citations — it is local laws that are often enforced rather than state laws). The municipalities can then allocate percentages of these fines for court costs and certain administrative costs. Therefore, depending on the type of law broken, and the formula for each municipality, libraries receive varying percentages of the total penal fines collected.

- The penal fine total can fluctuate from year to year. In addition to changes in allocation caused by local ordinances and formulas, the judiciary can affect change in the amount of available penal fines. Judges often have discretion to apply punishments other than fines for many infractions. Community service and other types of alternative sentencing can lower the amount of fines paid in a particular jurisdiction, thereby reducing the available penal fines.
- To be eligible for penal fines, a library must be legally established and open at least 10 hours per week.
- Public libraries do not have to apply for penal fines. They are automatic.
- Populations that are unserved (do not have library service either by their own library or by contract) receive penal fines that are maintained in an escrow account by the applicable county. Those penal fines can be used by the applicable municipality to contract for library service or to form their own library. A library that serves the municipality (via contract or establishment) can also obtain the penal fines (provided the library meets the eligibility requirements).
- The Library of Michigan monitors public library service areas and contracted areas, and using Census data provided by the Michigan Department of Treasury compiles the population figures used for the per-capita allotment of Penal Fines by each county. See: http://www.michigan.gov/documents/mde/lm_2010_PenalFinesandPublicLibrariesfinal_348778_7.pdf
- The population number used for Penal Fine calculations is the **served population existing for each public library AS OF JUNE 30 of a year**. This means, for example, that if a library contracts for service and the contract ends before June 30 of a given year, then the library providing the service receives NO penal fines for that served population – even if the population was served the previous July 1 – June 29. **The library serving the population ON June 30 gets the Penal Fines. Period.** See: www.michigan.gov/librariystateaid (this page contains links to useful information on Penal Fines and State Aid).
- By law, penal fines may be used **ONLY** for library purposes. The funds may not be used for any other municipal purpose.
- Need assistance? Have questions? **Contact Kathy Webb, State Aid & Penal Fine Coordinator at the Library of Michigan, Webbkl@michigan.gov, 517-335-1514.**

APPENDIX K

Glossary

TITLE	DESCRIPTION
Ad Hoc	For this; for this special purpose. Ad hoc board committees are established for a specific period; for example, a building committee would cease to exist upon the completion of a building project.
Administration	The staff of the library that has financial responsibility for the library. These administrators plan, organize, and control the activities of the library so that long-term objectives may be achieved.
Advisory Board	Advises a library director and local government on library concerns, promotes library service in the community and advocates for the library on a local, regional, and state level. This entity is the liaison for the service area, the local governmental authority, and the library. The responsibilities are outlined locally.
Bylaws	Standards and/or guidelines set by a governing corporate or organizational or governmental body that determine procedures to be followed when the body is conducting business, and, set certain ethical standards as well as checks and balances on the body's authority and behavior.
Children's Programming	Conducting or sponsoring special events, such as story times, book discussions, summer reading motivational activities and others to encourage children to read and use the library and its resources.
Circulation of Materials	The library checks items in and out of its collection on temporary loan to library users.
Community Need	A mixture of local interest, populations and age mix, and the availability of programming through a community's other social, cultural, and recreational organizations.
Contracted Area	A geographic area (often a municipality or school district) and its population which formally arrange for the receipt of library services from an already established public library in exchange for revenue. Revenue can be state aid and/or penal fines calculated for the contracting population; a millage paid by the municipality; as well as funds paid by the municipality or school district. The terms are established by the contracting parties.
Database	A file of digitized information (bibliographic references, abstracts, full-text documents, directory entries, images, statistics, etc.) consisting of records of uniform format organized for ease and speed of search and retrieval.
Digitize	To transcribe printed data into a digital format so it can be directly processed and accessed by a computer.
Delegation	The transfer of authority by one person or board to another; the entrusting of a general power to another to act for the good of those who appoint them.
Et Seq.	An abbreviation for "et sequences," meaning "and the following."
Friends of the Library	Volunteer community support group that can raise funds and support legislative advocacy for the library.
Governing Board	A board (established by Michigan law) that has legal, financial, policy-making, and planning responsibilities for all library operations. This board selects and evaluates the library director.

TITLE	DESCRIPTION
Integrated Library System (ILS)	A system that allows for circulation, computer catalog, acquisitions, cataloguing, inter library loan and database operations to be delivered online.
Interlibrary Loan	When a library identifies a user's requested item as not being in its collection, the library will canvass other libraries' catalogs to locate the item, and then borrow it on behalf of the user from the library which owns it.
Ipso Facto	By the fact itself, by the mere fact; by the mere effect of an act or a fact.
Legal Service Area	Geographical area and its residents for which a public library has been established to offer services and from which the library derives income.
Library Director	An employee of the library governing board, often with advanced education in library or information science, who manages the day-to – day operations of the library, including staffing, budget proposal, policy drafting, collection development and community relations.
Mission Statement	A concise statement of the library's purpose, it identifies the area served, how the library serves its customers and how the library is unique.
Operating Budget	Includes all expenditures except capital expenses and debt retirement.
Penal Fines	Monies obtained by state or municipal entities through the enforcement of certain criminal and civil infractions. Michigan's Constitution (Art. VIII, Sec. 9) allocates a portion of these monies to Public Libraries.
Per Capita	By the head, according to the number of individuals.
Personal Property Tax (PPT) Reimbursement	State of Michigan program whereby certain taxing authorities are reimbursed for revenues lost by the removal of the business personal property tax. Public libraries with millages may be eligible for reimbursement. See: http://www.michigan.gov/taxes/0,4676,7-238-43535_72736_81317---,00.html
QSAC	A voluntary quality standards program that assists public libraries in setting and achieving benchmarks for service in certain core areas. Libraries that adopt the program and succeed in implementing and maintain these standards are recognized by the Library of Michigan. www.michigan.gov/qsac
Reference Staff	Library employees available during a library's hours of operation to assist users in clarifying their information needs and then help them locate information resources to address those needs, including instruction to efficiently navigate the information resources.
Reciprocal Borrowing	A practice whereby two or more libraries agree to lending arrangements so that patrons from one of the participants can borrow materials from the others.
State Aid to Libraries	State of Michigan program, created by statute, that provides per-capita funds to eligible public libraries and library cooperatives.
Statutory	Relating to a statute; created or defined by a statute; required by a statute; conforming to a statute.



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