

A publication of the Commonwealth of Massachusetts
Board of Library Commissioners

2015

Trusty Trustee Pocket Guide



Massachusetts **Libraries**

BOARD OF LIBRARY COMMISSIONERS

Introduction

Thank you for serving your community as a public library trustee! It is a great honor and responsibility to serve on the board of a public library. Public libraries are a cornerstone of our democracy. Your guidance, participation and advocacy support the library's efforts to serve the needs and interests of the community.

This handy pocket guide is designed to give library trustees quick access to major issues and laws that impact public libraries in Massachusetts. Read it, take it with you to board meetings, use it well to become a more effective board member for the library you support and value.

Adapted from the Massachusetts Public Library Trustees Handbook
https://mblc.state.ma.us/advisory/trustees/2012_handbook.pdf

Trusty Trustee Pocket Guide

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NEW TRUSTEE CHECKLIST

Ten important things you should have:

- Board's bylaws and schedule of board meetings
- Packets from three previous meetings
- Current library budget, recent annual report and monthly reports
- Copies of Open Meeting and Ethics Laws
- Contact sheet for board members and director
- Library's mission, goals and strategic plan
- Library's policies and procedures
- List of staff names and positions
- Tour of library and introduction to staff
- Information about Friends of the Library and/or Library Foundation

Note: If you were not given these items up front, ask your Director or Board Chair for copies.

Three essential things you should know:

- What is your role/relationship to the library as an organization?
- What is your role as an elected or appointed official in your town or city?
- What state laws and community policies affect the library?



TYPES OF LIBRARIES IN MASSACHUSETTS

Most public libraries have a governing board of trustees whose selection is determined by state law, municipal articles of incorporation or regulations. Corporation and association libraries are the exceptions.

There are three types of governance existing in Massachusetts public libraries:

Association/Corporation Libraries are established as nonprofit corporations, often in connection with a will, deed, or bequest, to provide free library services to the public.

City Libraries may be formed by a city on its own initiative.

Town Libraries may be established by resolution of the town governing body.

TYPES OF BOARDS IN MASSACHUSETTS

Public library trustees are selected to library boards by one of the following methods:

-
- **Appointed trustees** are selected by a public official or group of municipal officials.
-
- **Elected trustees** are selected by the registered voters of the municipality. Approximately half of all public library trustees in Massachusetts are elected.
-
- **Ex officio trustees** are selected by virtue of holding a specified public office or a specified political, committee, social or religious affiliation in the municipality.
-
- **Self-perpetuating trustees** are selected by the members of the library corporation or association.
-

DUTIES AND RESPONSIBILITIES

Trustee boards make general operating and administrative policies. The library director supervises the internal management, daily operation and procedures of the library. The board acts as an agent of public trust governing the library. The library director exercises professional judgment under the direction and the review of the board to implement the goals, objectives and policies set by the board. A trustee board and the library director work together as partners.

Trustees' responsibilities are generally divided into six major categories:

1. Legal
2. Governance and Policy Making
3. Financial
4. Strategic Planning
5. Human Resources
6. Continuing Education

A governing board is legally responsible for administrative policy making in areas such as budget, personnel and contracts, as is specified by state law and local ordinances.

Trustees, library personnel and government officials must clearly understand the role and duties of the board. Trustees and library staff will face conflict and ineffectiveness if that role is perceived differently by the various groups involved.

WHO DOES WHAT?

Cooperation is the key! Understanding the different responsibilities of the trustee board and the library director is essential to avoid confusion and potential problems. The board and the director should review this list together.

LEGAL RESPONSIBILITIES

Trustee Board

- Works closely with municipal officials.
- Responsible for custody and management of the library (unless otherwise provided by municipal charter or special legislation).

Library Director

- Prepares all necessary reports.

Board and Director Together

- Seek municipal legal counsel when needed.
- Follow all local, state, and federal laws and regulations which affect public libraries.



GOVERNANCE AND POLICY MAKING RESPONSIBILITIES

Trustee Board

- Hires and evaluates the director unless otherwise dictated by state or local laws.
- Adopts library policies and plans, and board by-laws and procedures.
- Approves and supports budget.
- Reviews reports; stays informed; represents the community.
- Notifies appropriate authorities of board vacancies.

Library Director

- Is responsible for administration of library services, personnel and facilities.
- Prepares reports and other relevant documents.
- Keeps trustees informed of progress and problems.
- Researches and recommends policies.
- Provides assistance and direction to the board.
- Administers policies; interprets policies to staff and public.

Board and Director Together

- Develop and review priorities for the library.



FINANCIAL RESPONSIBILITIES

Trustee Board

- Reviews director's budget request; makes recommendations and officially adopts budget.
- Actively supports and advocates for budget.
- Reports annually to municipal officials on trustee controlled funds.
- Keeps informed of the financial status, funding sources, and needs of the library.

Library Director

- Prepares and develops the budget
- Maintains complete and accurate records of finances and inventory.
- Keeps board apprised of library's financial situation.

Board and Director Together

- Present and defend budget requests to municipal funding authorities.
- Attend all budget hearings.
- Seek additional sources of funding (grants, private, other).



STRATEGIC PLANNING RESPONSIBILITIES

Trustee Board

- Approves strategic plan.

Library Director

- Implements goals and objectives of approved plan.

Board and Director Together

- Actively participate in strategic planning.
- Involve community in the planning process.
- Conduct community analysis and survey of library services.
- Review and evaluate the plan.

HUMAN RESOURCES RESPONSIBILITIES

Trustee Board

- Hires and evaluates director unless otherwise dictated by state or local laws.
- Determines and advocates for optimal salary and benefits for employees.
- Adheres to personnel policies.
- Conducts annual review of board performance.

Library Director

- Hires, supervises and evaluates staff.
- Recommends optimal salary and working conditions.

Board and Director Together

- Observe all local, state, and federal laws that relate to current employment practices.
- Orient new trustees.

CONTINUING EDUCATION RESPONSIBILITIES

Trustee Board

- Creates and adopts a policy that demonstrates a commitment to the importance of continuing education for all staff and trustees.

Library Director

- Informs board and staff of continuing education needs and opportunities.

Board and Director Together

- Provide and encourage ongoing learning opportunities for staff and trustees.
- Encourage and financially support membership and active participation in professional organizations.

BLUEPRINTS FOR BOARD MEETINGS

Post notices of all meetings (including committee meetings) at least two business days in advance. Be aware of municipal requirements for meetings.

Set meeting dates, times and places six to twelve months in advance, in coordination with the library director who attends all board meetings.

Distribute the agenda and related materials several days in advance.

Adopt and follow a procedural guide, such as *Robert's Rules of Order*.

Be prepared and productive. Adhere to the agenda.

Distribute draft minutes to board members and director.

Keep and make available all final approved meeting minutes (per M.G.L. ch.66). Some towns require a copy at town clerk's office.

Rotate leadership for a stronger board.

It is vital that all trustees attend all board meetings. If you must miss one, inform the chairperson in advance.

KNOW YOUR STATE LAWS

MASSACHUSETTS GENERAL LAWS - CHAPTER 78 (M.G.L. ch.78)

(For full text of chapter 78, see <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter78>)

M.G.L. chapter 78 is the statutory authority for public libraries in Massachusetts. Trustees should be familiar with it, especially sections 7-13 & 33-34.

- Section 7 describes the requirements for **public record keeping**. It states, “That part of the records of a public library which reveals the identity and intellectual pursuits of a person using such library shall not be a public record...”
- Section 8 addresses **servicing non-residents**, and should be consulted if needed.
- Section 9 addresses return of **unwanted state publications**.
- Section 10 describes the **process by which trustees are selected**, when no overriding governance structure is in place.
- Section 11 states, “The board shall have the custody and management of the library and reading room and of all property owned by the town relating thereto.” This section is the only provision in the law which explicitly states the **trustees’ powers and duties**.
- Section 12 mandates an **annual report** to the town.
- Section 13 addresses **association libraries**.
- Section 33 states that each library must have a **written policy for the selection of library materials** and the use of materials and facilities.
- Section 34 addresses employment **contracts for library employees**.

OPEN MEETING LAW

M.G.L. chapter 30A, sections 18-25, covers open meetings of governmental bodies, executive sessions, and exceptions. This includes all board and board committee meetings. For detailed information, please visit: <http://www.mass.gov/ago/government-resources/open-meeting-law/> (The “AG’s OML Guide” is especially helpful.)

CONFLICT OF INTEREST LAW

M.G.L. chapter 268A covers the State’s Conflict of Interest Law, and is applicable to all elected and appointed trustees. The State Ethics Commission must provide you with a summary of the law, and a mandatory training is required every other year.

A Practical Guide to the Conflict of Interest Law for Municipal Employees and other important information is available from the State Ethics Commission, at mass.gov/ethics.



A SELECTIVE LIST OF MASSACHUSETTS LAWS PERTAINING TO LIBRARIES

- Charitable Corporations
(ch.180 §§1-11C, 26-26B)
- Confidentiality of Library Records
(ch.4 §7(26) and ch.66 §10)
- Destruction or Mutilation of Library Materials
(ch.266 §100)
- Theft of Library Materials
(ch.266 §99, 99A)
- Disturbance of Libraries
(ch.272 §41)
- Lost Materials: Use of Recovered Money
(ch.44 §53)
- Receipt of Funds
(ch.44 §53, 53A)
- Revolving Funds
(ch.44 §53E1/2)
- Trust Funds
(ch.44 §54, 55B)
- Handicapped Access to Public Buildings
(ch.22 §13A)
- Public Records
(ch.66 §§1-18)
- State Aid to Cities and Towns for Free Public Libraries
(ch.78 §19A,B)

Full text of these laws can be viewed here:

<https://malegislature.gov/Laws/GeneralLaws/Search>.



POLICIES

Elected and appointed boards should abide by all applicable policies of the municipality.

Self-perpetuating boards should have a Conflict of Interest policy.

All trustee boards should develop and abide by an ethics policy. A sample policy can be found at ***<http://www.ala.org/united/trustees/policies>***.

Per **M.G.L. ch.78 §33**, all public libraries are required to have a policy for the selection of library materials (collection development policy).

Trustees, with the library director, should review all library policies annually to keep them current and effective.

The Massachusetts Library System maintains a collection of sample policies for libraries: ***<http://guides.masslibsystem.org/mapolicycollection>***.



GOLDEN RULES FOR BOARD MEMBERS

Eight Essential Tips for Success:

- 1.** Be an active, informed, and responsible trustee.
- 2.** Understand roles and responsibilities.
The library director manages the library, the staff, and daily operations. The trustees support and evaluate the director.
- 3.** Include the library director in all board meetings and library related issues.
- 4.** When there is a majority vote by the board, accept it.
Do not criticize it publicly.
- 5.** Respect confidential information and keep it confidential.
- 6.** Be the library's eyes and ears. Listen to the people in your community, communicate with your town officials, and be an active advocate for the library.
- 7.** If a staff member or library user has a complaint, refer them to the library director. Do not try to handle problems on your own.
- 8.** Acknowledge successes of the staff and library director.
Be their champions.



SPEAK UP: YOU CAN MAKE A DIFFERENCE!

- Know the key issues, needs, facts, and statistics of your library.
- Keep the library in the loop of major town/city boards.
- Get to know your municipal officials and state legislators. Encourage them to use the library and invite them to library events.
- Establish an ongoing relationship with local media.
- Keep abreast of statewide initiatives and participate in advocacy efforts, such as Library Legislative Day.

Join the statewide trustee discussion email list.

Email: ***trustees@mbic.state.ma.us***

(Sign up here: ***<http://mbic.state.ma.us/sympa/info/trustees>***)



KNOW YOUR RESOURCES

Massachusetts Board of Library Commissioners

Website: <http://www.mass.gov/mblc>
98 North Washington Street, Suite 401, Boston, MA 02114
Tel: 617-725-1860 Toll Free: 800-952-7403 (in state)

Trustees and Friends Page

Website: <http://mblc.state.ma.us/advisory/trustees/index.php>

Trustee Resource Guide

Website: <http://guides.mblc.state.ma.us/trustees>

Trustee Discussion List

Email: trustees@mblc.state.ma.us

Massachusetts Library System

225 Cedar Hill Street, Suite 229, Marlborough, MA 01752
Western Massachusetts Office:
4 Sandy Lane, Whately, MA 01093
Tel: 508-357-2121 Toll Free: 866-627-7228
Website: <http://www.masslibsystem.org/>

MLS Policy Page

Website: <http://guides.masslibsystem.org/mapolicycollection>

Massachusetts Library Trustee Association

P.O. Box 1503, Wakefield, MA 01880

Massachusetts Library Association

Email: manager@masslib.org
Website: <http://www.masslib.org/>

United for Libraries: Association of Library Trustees, Advocates, Friends and Foundations

(a division of the American Library Association)
Website: <http://www.ala.org/united/>

**Massachusetts Board of
Library Commissioners**

98 N. Washington Street, Suite 401
Boston, MA 02114
P: 800-952-7403 (in state only)
617-725-1860

mass.gov/libraries

(consumer portal)

mass.gov/mblc

(agency site)



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