

NH
Library Trustees Association

MANUAL 2021

A Guide for Library Trustees

*This manual is dedicated to
the memory of*

Lillian Edelmann

*Emeritus Director, friend, mentor,
and champion library advocate*

NHLTA Mission

The New Hampshire Library Trustees Association assists Trustees to be knowledgeable and effective in order to serve, improve and promote New Hampshire public libraries.

Our Vision

The vision of the New Hampshire Library Trustees Association is to be the acknowledged resource for all public library trustees.

New Hampshire Library Trustees Association

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Libraries, An American Value

Libraries in America are cornerstones of the communities they serve. Free access to the books, ideas, resources, and information in America's libraries is imperative for education, employment, enjoyment and self-government. Libraries are a legacy to each generation, offering the heritage of the past and the promise of the future. To ensure that libraries flourish and have the freedom to promote and protect the public good in the 21st century, we believe certain principles must be guaranteed. To that end, we affirm this contract with the people we serve:

- We defend the constitutional rights of all individuals, including children and teenagers, to use the library's resources and services.
- We value our nation's diversity and strive to reflect that diversity by providing a full spectrum of resources and services to the communities we serve.
- We affirm the responsibility and the rights of all parents and guardians to guide their own children's use of the library and its resources and services.
- We connect people with ideas by helping each person select from and effectively use the library's resources.
- We protect each individual's privacy and confidentiality in the use of library resources and services.
- We protect the rights of individuals to express their opinions about library resources and services.
- We celebrate and preserve our democratic society by making available the widest possible range of viewpoints, opinions and ideas, so that all individuals have the opportunity to become lifelong learners, informed, literate, educated and culturally enriched.

Change is constant, but these principles transcend change and endure in a dynamic technological, social and political environment. By embracing these principles, libraries in the United States can contribute to a future that values and protects the freedom of speech in a world that celebrates both our similarities and our differences, respects individuals and their beliefs, and holds all persons truly equal and free.

As adopted by the Council of the American Library Association February 3, 1999

Introduction

This manual is for informational purposes only. It does not, and is not intended to, provide legal advice. If you require legal assistance, please consult an attorney. It is our policy to periodically review and update the information. Please use the CONTACT US button on the NHLTA website to send any questions, comments, corrections or additions.

This manual is a guide to help you in the general and specific areas of your responsibilities. It provides guidelines to enable trustees to fulfill their responsibilities and will lead you to resources and solutions. If you have questions about correct procedures, please contact NHLTA. Contact information can be found on our website.

Whether you are raising or spending money, determining how your library will be used, or defining staff responsibilities and benefits, the actions of all trustees and libraries are prescribed by local, state and federal laws. When establishing policies or exercising authority to take action, boards of trustees must ask themselves: Where does it say I can do this? A list of the RSAs concerning libraries can be found on the NHLTA website. New Hampshire statutes cited in this manual are also available online at: www.gencourt.state.nh.us.

Mindful that, as the Constitution declares, “knowledge and learning, generally diffused through a community” are “essential to the preservation of a free government” the New Hampshire legislature recognizes its duty to encourage the people of New Hampshire to extend their education during and beyond the years of formal education. To this end, it hereby declares that the public library is a valuable supplement to the formal system of free public education and as such deserves adequate financial support from government at all levels (RSA 202-A:1 Declaration of Policy).

For the very latest library information and the most updated version of the manual, please visit the NHLTA website at www.nhlta.org.

Revised July 2021

Library Trustees: The Other Board in Town

RSA 202-A:2 defines a board of Library Trustees as “the governing body of the library.” Trustees are vested with the entire custody and management of the library. They hire the library director, adopt policies to govern the library’s operation and advocate for adequate financial support of the library. Trustees have the power to expend all funds provided to the library, and to determine how they will be spent.

NH public libraries are not town departments, subject to jurisdiction and review by the town manager and/or select board. The NH Supreme Court affirmed in *Town of Littleton v. Kathryn Taylor* (April 1994) that **the library is a separate and distinct entity from the town. The court ruled that the board of trustees is the sole governing body of the library and that library employees are not town employees.** A copy of this court decision is available on the NHLTA website.

TRUSTEE SELECTION

There are several methods for the selection of library trustees in New Hampshire. In towns, trustees are elected unless a library deed provides for another method of election or appointment. In cities, trustees are elected or appointed as set forth in the city charter.

Although any resident may be a candidate, trustees should have a strong interest in the library and its welfare. Every potential trustee must understand that being a library trustee is an ongoing job; he or she should be willing to commit more than just a few hours a month at a meeting. **A trustee must be willing to learn about library service and fully participate in fulfilling the responsibilities of the position.** A board should represent the diversity of the community with members chosen for their professional and personal skills.

GOVERNING AND ADVISORY BOARDS

Knowledge of the authority under which the board operates is essential for an effective, functioning board. Check your city or town charter. All city charters, as well as trust instruments and other documents establishing certain libraries, must be consulted for specific power and duties, and election vs appointment of the board of library trustees (RSA 202-A:8).

If the board is a **governing board**, it is responsible for the entire custody and management of the library. If the board is an **advisory board**, its main function is to represent the thinking of the community regarding the use and policies of the library.

Governing Boards

RSA 202-A:6 states that a town having a public library shall, at a duly warned town meeting, elect a board of library trustees consisting of any odd number of persons. Such trustees shall serve staggered three-year terms or until their successors are elected and qualified. Vacancies on the board are filled by appointment by the town’s governing body until the next election (RSA 202-A:10). The board may and should recommend no more than three candidates to fill the vacancy. Once appointed, the new trustee may also run for the position in the next election.

Any change that alters the size of the board must be voted on by the town. (RSA 669:16 and RSA 669:75)

City Libraries

Trustees may be appointed, elected or selected according to the charter of each city. In most New Hampshire cities, trustees are appointed by the mayor and/or governing board. When a vacancy occurs on a city board, the governing body must appoint a replacement within two months of notice. (RSA 202-A:8)

Libraries Established by Trusts, Funds, or Gifts

Some towns have libraries that were provided by private donations or bequests. Many of these bequests stipulated the number of trustees and what positions or families in town they were to represent. If a town or city council votes to accept such a library (RSA 202-A:3) and the conditions do not provide for a representative of the public, a special library trustee shall be elected by the town or city council for a three-year term. (RSA 202-A:7 and RSA 202-A:8)

ALTERNATES TO THE BOARD

RSA 202-A:10 provides that every board of trustees may recommend to the appointing authority (select board, councilors, aldermen, mayor) the names of up to three people to serve as alternate members of the board when elected members are unable to attend a meeting. The alternates are appointed for a one-year term and have voting rights only when filling in for an absent trustee. As alternates only serve when a full board member is absent, they cannot be officers of the board because the full board may be present, in which case the alternate is not entitled to participate. Alternates are not required to attend every meeting, but it is good practice for them to attend all meetings so that they are familiar with the issues on which the board has been working.

TERM LIMITATIONS

No matter how dedicated and effective, no trustee should serve indefinitely. A good practice would be to voluntarily limit yourself to two or three consecutive terms of service. New members bring fresh ideas and new perspectives, and broaden the representation of the library in the community and the community in the library.

Note that it is not within the power of trustees to adopt a policy or bylaw defining term limits. The RSAs do not authorize a library board to limit the number of terms a trustee may serve. It is beyond the permissible scope of RSA 202-A:11, I, that allows the adoption of bylaws, rules, and regulations for the board's "own transaction of business" and "the government of the library."

There is no limitation on the number of times a person can run for election to the trustee board. If elected, they serve their term until their successor is elected and qualified. (RSA 202-A:6)

OATH OF OFFICE

After election or appointment, a trustee must take an oath of office before assuming any responsibility for the position. **No actions taken by trustees are legal and binding until the oath has been administered.** (RSA 42:1 and 42:2)

Board Responsibilities

CODE OF ETHICS

As elected or appointed public officials, trustees of New Hampshire public libraries have an obligation to meet the highest legal, moral and ethical standards in their conduct and decisions. The following principals should be used as a guide to achieve this goal:

- Provide equal access to a broad diversity of viewpoints, beliefs, information and media.
- Abide by all state and federal laws that apply to New Hampshire public libraries.
- Observe the provisions of the Right-to-Know Law (RSA 91-A) by ensuring that all meetings, whether held in person, by means of telephone or electronic communication, or in any other manner, shall be open to the public and that all participating members are able to communicate with each other contemporaneously.
- Avoid real or perceived conflict of interest when making decisions for or about the library that may involve issues of personal gain for self, family, or friends.
- Keep confidential information confidential.
- Function as a whole unit; individual trustees cannot assume sole authority for comment or actions unless delegated to do so by the board.
- Remain objective when dealing with staff or patrons and use board-established channels of communications to ensure consistent, rational resolution of library matters.
- Abide by board-established public information policies and refer requests to the library director when appropriate.
- Adhere to all board-established library policies, rules, and procedures.
- Promote a positive atmosphere of service and achievement throughout the library.
- Respect the director as the professional administrator of day-to-day operations and procedures; do not undermine the authority of the director's supervision of staff; administer regular performance reviews of the director according to library personnel policies.
- Protect the integrity and purpose of the library as a community institution; challenge proposals or actions that are illegal or contrary to the mission; challenge any board member whose actions betray the public trust, violate the law, jeopardize the integrity of the library or cause dissension within the library.
- Study all laws pertaining to libraries; adequately prepare for board and committee meetings; participate in training (NHLTA Orientations, Workshops, and Conferences) to maintain current knowledge in order to effectively serve the library.
- Attend meetings regularly or resign so that a more active member can be appointed.

JOB DESCRIPTION

Library trustees in town libraries and in some city libraries are the governing board of the library. (RSA 202:A-2) **The board of library trustees shall have the entire custody and management of the public library and all the property of the town relating thereto except trust funds held by the town.** (RSA 202-A:6) In towns and in some cities, the board of trustees has sole responsibility for hiring and firing employees of a public library (RSA 202-A:16, 17) and the securing of sufficient funds to provide and maintain adequate library service or to supplement funds otherwise provided. (RSA-A:4)

Each trustee of a town library is elected by the general population unless a municipal charter or deeded charter for the establishment of the library specifies otherwise.

QUALIFICATIONS

- Resident of the municipality the library serves (RSA 669:6) (RSA 655:2);
- New Hampshire registered voter (RSA 654:1) (RSA 654:7) (RSA 669:19);
- Eighteen (18) years of age or older on the day of the next election (RSA 654:7);
- United States citizen (RSA 654:1,I) (RSA 655:1) (RSA91.2);
- Ability to devote the time and effort required by the duties of trusteeship;
- Knowledge of the services provided by the library and commitment to the library's role in the community;
- Understanding of the community's social, educational and political structure;
- Ability to collaborate with others, listen effectively and plan for the future;
- Participate with local, state and national government and library leaders to improve library service at all levels.

ESSENTIAL RESPONSIBILITIES OF THE INDIVIDUAL TRUSTEE

- Advocates for the library and library service in the community, state and nation;
- Actively participates in and contributes to the meetings and work of the board;
- Seeks training opportunities for enhancing the performance of trustee duties and responsibilities;
- Acts as a member of a board and assumes individually only those duties delegated by the board;
- Utilizes the library trustee manual and acquires full knowledge or awareness of local, state and federal laws pertaining to the governance of a public library;
- Participates in state and national library organizations;
- Supports all decisions reached by the board.

ESSENTIAL RESPONSIBILITIES OF THE LIBRARY BOARD OF TRUSTEES

- Recruits, appoints, supervises and reviews performance of the library director;
- Appoints all other employees of the library and determines their duties and wages in consultation with the director;
- Develops and approves the mission statement for the library; contributes to and approves the development of short- and long-term goals for the library;
- Establishes, reviews and revises all policies, including but not limited to personnel, material selection/use and the use of the building;
- Adopts, reviews and revises bylaws, rules and regulations for the board's own transaction of business and for the governance of the library;
- Prepares the annual budget in consultation with the director;
- Reviews budget on a regular basis and approves expenditures for unforeseen circumstances;
- Maintains library revenue in a separate non-lapsing account from the operating budget; approves all expenditures of those funds;
- Has sole authority to determine budget lines for expenditures and move monies from one budget line to another;
- Presents and defends the budget to the municipal budgetary authority each year;
- Ensures adherence to all local, state and federal laws that pertain to the library, library employees and the accessibility of materials to the public;
- Acts through a quorum as any other public body, not as individuals.

ORIENTATION

Orientation is essential for a new trustee (including alternates) to perform effectively. This can range from an informal session with the chair of the board and the library director, a full meeting with the entire board and/or attendance at a NHLTA orientation workshop. New trustees should be given a complete tour of the library, an explanation of its services and an introduction to the staff. We strongly recommend that each trustee should have a notebook containing the following information (the notebook should be passed on to incoming trustees from outgoing trustees):

- List of library trustees, including their contact information and term expiration;
- The board of trustees' by-laws;
- The board's committees, assignments and duties;
- The charter/history of your library;
- Organizational chart of your library or list of library staff positions;
- Staff job descriptions;
- Library's mission statement;

- Library goals/objectives and strategic plan; board’s annual goals;
- Library policies and procedures; approved annual holidays;
- Board-approved budget for current year with back-up materials;
- Library board meeting agendas, minutes, monthly reports;
- Last annual report and current library statistics of use and holdings;
- NH state laws pertaining to libraries.

After the new trustee has had a chance to review the notebook, the chair and director should meet with that trustee before the next board meeting. The chair should review the board’s committee structure so the new trustee can express an interest in where he/she might best serve. The director should discuss what the staff is presently working on and what challenges he/she perceives for the future. This would be a good opportunity for the chair to review sections of the NHLTA Manual, especially the RSAs, duties and responsibilities and other pertinent sections.

It is essential that all new trustees be made to feel knowledgeable and welcome in order to find a place within the board to make their contribution to library service.

NHLTA presents a variety of workshops, including orientations, which are beneficial for new trustees. Board chairs should recommend that new trustees participate in these continuing education programs.

ADVOCACY: TAKING ACTION

As citizens/voters/library users, trustees carry the primary responsibility for obtaining the funds, qualified staff and diverse materials to provide the best service possible. It is a trustee’s job and responsibility to advocate for and champion the work of their library.

Libraries are the great equalizers in American society. Immigrants striving to learn a new language or read a newspaper turn to libraries; students have equal access to research materials; the penniless can read the same books as the wealthy at the library. The enhancement of public access to the information highway has been a wonderful extension of the marvelous resources available at our libraries.

Libraries are where we turn for help or just plain enjoyment. When internet information is incorrect, to whom do we turn? The librarian, of course! Libraries are an important part of the solution to the major social problems facing us today.

A massive grass-roots level of library advocacy is needed to transform the present-day image of libraries as non-essential sites of “Cultural Entertainment” to the full understanding that “Libraries Transform!” The need for library advocacy is more vital than ever because: information and the need for life-long learning are increasingly important for our global society; technology changes can be costly; and competition with municipal departments for limited funding grows annually.

The library community must speak out loudly and clearly. We must be aggressive about getting others to speak out on behalf of libraries. We must prove beyond doubt why our public libraries are an essential part of our community that must be vigilantly protected and supported.

As library champions, trustees must be informed about local, state, and national issues and innovations concerning library service. You must speak out, informally and formally,

about your services and programs; you must persuade voters and officials to meet your needs. You must get their understanding and support before you can ask for their money.

Speak Up!

- For the library's inclusion in the municipal master plan, historical society brochure, community planning sessions;
- For ways the library can complement and enhance the school curriculum;
- For materials and information the library can provide to municipal officials and employees to help them to carry out their responsibilities.

Speak Out!

- With letters to newspapers, state and national legislators about the importance of libraries as the portal to the world's cultural and scientific heritage;
- About library-related legislation; to your elected state and national representatives as one public official to another, both responsible for maintaining and sustaining public institutions and for prioritizing the allocation of funds.

Speak For!

- The library as the community's most important resource for people of all ages;
- Funding the State Library to provide better service to a fast-growing population;
- Technology to provide outreach and communication services for the 21st century;
- Good salaries to recruit and maintain a qualified and knowledgeable staff for collection development, authoritative resource identification, and customer service. A library is not a book store; it's a multi-faceted community resource.

Visit the Advocacy page on the NHLTA website for our Advocacy Guide and other related resources.

All About the Money

It is reassuring to note that the New Hampshire legislature, in RSA 202-A:1, declares that the public library is a valuable supplement to the formal system of free public education and as such deserves adequate financial support from government at all levels. It is the job of the trustees to define adequate.

Boards of Library Trustees have extraordinary fiduciary responsibilities and power:

- Only trustees approve and submit the proposed and final library budget;
- Only trustees make the decision of line allocations in the budget; only trustees make decisions regarding salaries and benefits, technology, and collection development;
- Only trustees can move money from one line to another;
- Trustees approve an Investment Policy for Trust Funds, bequests, and large donations made **to the library** (not to the town for the library).

The following definitions from RSA 32, the Municipal Budget Law, may help you as you deal with budget issues throughout the year.

APPROPRIATE: “. . . to set apart from the public revenue of a municipality a certain sum for a specified purpose and to authorize expenditure of that sum for that purpose . . .” (RSA 32:3, I) All appropriations lapse at the end of the fiscal year. (See also ENCUMBER)

PURPOSE: “. . . a goal or aim to be accomplished through the expenditure of public funds . . .” RSA 32:3, V. In addition, a particular line on the budget form, or an appropriation contained in a special warrant article, shall be considered a single “purpose.” (RSA 32:8 and 10, I. e)

BUDGET: “. . . a statement of recommended appropriations and anticipated revenues submitted to the . . . governing body.” (RSA 32:3, III)

SPECIAL WARRANT ARTICLE: “. . . any article in the warrant for an annual or special meeting which proposes an appropriation by the meeting . . .” (RSA 32:3, VI) The warrant article is submitted by petition or calls for the issuance of bonds or notes, may also call for an appropriation of a separate fund, including a capital reserve fund under RSA 35, or trust funds under RSA 31:19-a, or may be designated as a non-lapsing or non-transferable appropriation.

CAPITAL RESERVE FUND: For financing all or part of the cost of such things as construction or reconstruction, the acquisition of specific items or land, or the maintenance and operation of a specific public facility. Think of it as a savings account. (See RSA 34 for cities or RSA 35 for towns)

ENCUMBER: Anticipated expenditure or an uncompleted or undelivered portion of a purchase commitment.

Encumbered funds are a specific amount of money carried over to the next fiscal year to pay for a legally enforceable obligation or contract. For example, books on order or a contract for carpeting arranged in year one with the work to be done in year two.

– Glossary of Terms, New York State Society of CPAs

PREPARING THE ANNUAL BUDGET: RSA 32 & RSA 202-A:11

The board of trustees, with input and recommendations from the director, prepares the annual budget. This budget should meet the mission statement and service goals of the library. The preparation is really the most important part of the whole process. It takes months to do this properly! You must review the past two years, estimate the present end-of-year, and project the future year. You have the tools: the library’s long-range plan, actual expenditures and revenues of the past two years, and the estimated expenditures and revenues for the end of the current year compared to the approved budget.

PROJECTED EXPENSES FOR THE OPERATING BUDGET

Consider goals and needs for the upcoming year, salary and benefit adjustments, technology additions and replacements, building maintenance needs, furniture or equipment purchases or repairs, and collection development cost increases. A separate request shall be submitted for new construction or capital improvements.

Note: Generally speaking, the trustees cover the “inside” of the building; the municipality covers the “outside.” It’s really a matter of who makes the phone call to get it fixed. If the municipality charges the library for the services of a custodian, plowing or repairing the driveway, or septic system maintenance, those costs should be in the library’s budget on the appropriate line, and not in the town’s budget.

The task is much easier if you have completed a community survey, a personnel survey and upgrade plan, a technology replacement/addition plan, and a building maintenance/ expansion plan as part of your long-range plan. A separate budget request must be submitted for new construction or capital improvements. (See *The Other Money* on page 18).

Once you have projected those costs, based on past history and future plans and needs, you must project your anticipated revenues from new cards, fines and fees, grants and donations, interest and trust funds, etc., to determine the net amount to be requested from public funds.

PROJECTED REVENUES

All budgets must be prepared on a **gross basis**, which includes all proposed expenditures as well as **all anticipated revenues from all sources** with offsetting expenses in the appropriate lines. Remember, a **warrant article** authorizing the town to “raise and appropriate” money for the operation of the library does not authorize the raising of the total amount through taxation; it simply grants spending authority to the trustees to expend a maximum amount of money during the accounting period. It is important for the board to review funds available from all sources and decide how those funds will be allocated while drafting the budget to be submitted to the town.

The following income must be included:

- Overdue fines and payments for lost or damaged books (see below);
- The contracted support of a library in another city or town (see below);
- Trust funds or interest income;
- Grants, gifts, donations and bequests;
- Bond issues;
- Fees from non-resident cards;
- Income from income-generating equipment, i.e., photocopier and printer, which is to be used for general repairs and upgrading and for the purchase of books, supplies and income-generating equipment, must be held in a non-lapsing fund (RSA 202-A:11-a);
- AND . . . All monies received from fines and payments of lost or damaged books or for the support of a library in another city or town under contract which is to be used for general repairs and upgrading, and for the purchase of books, supplies and income-generating equipment, shall be held in a non-lapsing separate fund and shall be in addition to the appropriation. (RSA 202-A:11, III)

According to the Justice Department, Office of the Attorney General, **the appropriation shall not be lowered because trust income is available. Library trustees are required to follow donor intent in expending trust fund income.** The board should hold copies of all trust and will documents to ascertain their terms, and either should have financial knowledge of their management within their membership or should engage an appropriate professional. (RSA 202-A:22 and 23, RSA 31:25, and RSA 41:6) However, all income from trust funds that you anticipate spending must be included in the budget, with an offsetting expenditure.

PERMISSION TO ACCEPT/EXPEND

Make sure that your library, at some point in the past, has received authorization from the governing body (in cities) and/or legislative body (in towns) of your municipality to accept, retain, and expend certain funds and property. Make sure all warrants state that the “board of trustees has the authority to accept and expend.” **This permission only has to be given once and remains in effect unless specifically rescinded in the future.**

See the following statute citations for the exact wording of warrants:

RSA 202-A:4-c	Authority to accept and expend gifts
RSA 202-A:4-d	Authority to accept personal property
RSA 202-A:11-a, b	Authority to retain income generating money
RSA 202-A:23	Exceptions

See Appendix A, “Key to Funds Received by Libraries” for further information and clarification.

PRESENTING THE BUDGET

The board of trustees shall prepare the annual budget indicating what support and maintenance of the free public library will be required out of public funds for submission to the appropriate agency of the municipality. (RSA 202-A:11, III)

RSA 202-A:11, III adds that moneys be paid over by the town or city treasurer pursuant to a payment schedule as agreed to by the library trustees and the selectmen or city council. Be sure to establish that payment schedule request during your budget hearing so the governing/legislative body can adjust the municipality's anticipated revenue.

The "appropriate agency":

1. **CITY COUNCIL**; generally, but consult your municipal charter;
2. **BUDGET COMMITTEE**; they decide the bottom line only;
3. **SELECT BOARD or TOWN COUNCIL**; they decide the bottom line of the budget only.

Note: the Town Manager or Town Administrator has no authority whatsoever over the library budget. You might send a copy of the budget as a courtesy, but trustees deal directly with the "appropriate agency."

Choose the trustee who can best explain what is "adequate" for the library in the coming year to make the presentation with the director. The presentation requires homework and perhaps a rehearsal in front of the whole board for critique and polishing. There should be no surprises for the appropriating agency because you have laid the groundwork all year. (See the "Advocacy" and "Working with Local Government" sections.)

Trustees have the privilege of the entire custody and management of one of the community's most important resources. You have a terrific product to sell! Enlist the support of friends and patrons at public hearings, deliberative sessions, and town meetings to demonstrate the vital role your library plays in the life of the community.

Six Basic Rules for Effective Presentation

1. **Be specific.** Refer to community needs and particular library services. Instead of saying "The library needs . . ." say, "The people request . . ." or "The taxpayers need . . ."
2. **Be informative.** Give specific reasons why a request should be supported; provide opportunities for questions.
3. **Be brief.** State your business concisely and listen carefully to all questions in order to answer them precisely.
4. **Be appreciative.** Acknowledge past support.
5. **Be courteous.** Ask and explain in a positive manner.
6. **Be prepared.** Have printed data and visuals on hand.

And remember that this "agency" may move to reduce certain lines of the budget, but that is simply to arrive at a bottom line for the library. Make sure it is clear to both the agency and the taxpayers at town meeting exactly what the library is requesting from public revenues.

When the Board of Trustees receives the bottom line figure from the legislative body of the town, it may be necessary to readjust the individual line allocations. In town libraries, only trustees have control over individual lines in the library's budget.

THE OTHER MONEY

- A. **Capital Reserve:** Appropriating money to a capital reserve fund for a specific purpose is like putting it in a savings account. See RSA Chapter 34 (cities) and RSA Chapter 35 (towns) for purposes, procedures and methods of expending.
- B. **Capital Improvement:** The appropriation request must be over a certain amount of money and the item must have a life-use over five years. The municipal finance director, town manager, or Capital Improvement Program committee can help define this for you.
- C. **Gifts, Grants, Donations:** Sometimes unexpected money appears in the form of gifts and memorials; sometimes the library has applied for and received a grant. Grants applied for in anticipation of passage or contingent upon passage of particular warrant articles are considered anticipated funds and should be part of the annual budget.

Acceptance of unanticipated funds

Trustees must be sure the community has adopted the provisions of RSA 202-A:4-c, d for the authority to apply, accept and expend . . . unanticipated money which may become available. Read the entire law.

The public library trustees may establish the amount of unanticipated funds required for notice under this subparagraph, provided such amount is less than \$5,000. For unanticipated money in an amount less than \$5,000 the public library trustees shall post notice of the money in the agenda, and shall include notice in the minutes of the public library trustees meeting in which such money is discussed. The acceptance of unanticipated money under this subparagraph shall be made in public session of any regular public library trustee meeting. (RSA 202-A:4-c, III)

Acceptance of personal property other than money

It is recommended that the donor bear the cost of appraisals prior to the purchase of insurance by the Board.

All money in the amount of \$5,000 or more received from these sources must be formally accepted or rejected at a public board meeting by a recorded motion and vote. Notice of the time, place, and subject of this hearing must be published in a newspaper at least seven days before the meeting is held. (RSA 202-A:4-d, II)

The charts on the following pages illustrate the methods of acceptance of funds given to the library.

ACCEPTANCE OF GIFTS, BEQUESTS AND DEVISES BY MUNICIPALITIES MODEL

Gifts, Donation or Bequest RSA 31:19

Warrant Article – acceptance in the name of the town all gifts, bequests, and devises by voters at annual town meeting. The voters may also accept gifts, devises, and bequests at a special town meeting.



Town meeting adopts, by warrant article, **RSA 31:95-b**, which permits the select board to accept *all* gifts, bequests and devises in the name of the town.



Town meeting adopts, by warrant article, (1) **RSA 202-A:4-c** which permits library trustees to accept gifts, bequests and and devises made to the library specifically; pertains to cash, stocks, bonds, etc. and not to personal property.

(2) **RSA 202-A:4-d** which permits library trustees to accept gifts of personal property, other than money.

RSA 31:19 grants the authority for accepting gifts, bequests, and devises to the legislative body (voters) of a town. Voters may delegate this authority to the select board under **RSA 31-95-b**. The select board then has the authority to accept gifts, bequests, and devises in the name of the town for all purposes. The voters may delegate the authority to accept cash and personal property for the library to the library trustees under **RSA 202-A:4-c** and **4-d**.

See next two pages for specific requirements of these laws.

Acceptance of Gifts, Bequests, Devises and Personal Property by Library Trustees

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

Have the voters adopted a warrant article adopting the provisions of RSA 202-A:4-c?



NO. Have article placed in the next town warrant.



Is a public hearing required to accept a gift, bequest, or devise?



YES



Is a publication of a notice of hearing required?



YES. RSA 91-A

For amounts of \$5,000 or more, notice of the time, place, and subject of this hearing must be published in a newspaper at least 7 days before the hearing is held.

If below \$5,000, it is noted as an agenda item at a regular trustees' meeting and recorded in the minutes.



Can the library spend the money without including it in the budget?



YES. As long as the money is expended in the same year it is received. If any money is not expended in that year it must be carried over and included in the budgeting process before it can be expended.

Acceptance of Gifts, Bequests, Devises and Personal Property by Library Trustees

RSA: 202-A:4-d Trustees Authority to Accept Personal Property

Have the voters adopted a warrant article placed in adopting the provisions of 202-A:4-d? → **NO.** Have warrant article placed on next town warrant.

YES



Is a public hearing required to accept personal property? → **YES** (\$5,000 or more)



→ **NO** (under \$5,000)

Does original warrant article include language regarding personal property valued at over \$5,000? → **YES**



Is publication of a notice of hearing required? → **YES**



Does the public hearing notice follow the provisions of RSA 91-A? → **YES**



Is original warrant article silent as to value of personal property to be donated? → **YES**



Is a public hearing required? → **NO**

No acceptance of any personal property under the authority of this section shall be deemed to bind the town or library trustees to raise, appropriate, or expend any public funds for operation, maintenance, repair, or replacement of such personal property.
(RSA 202-A:4-d, III)

FUNDRAISING

The most secure funding for libraries is based on taxation, which places on trustees the role of influencing local decisions, raising public funds, and lobbying at local and state levels.

Faced with budgets that do not adequately cover the library's increasing costs of services and technology, trustees need to consider additional sources of funding. These sources are varied: the friends of the library organizations, library foundations and specific grants; legacies and endowments; memorials and gifts; civic organizations and service clubs; fundraising events. (Note: specific laws outside of the purview of trustee authority govern raffles and games of chance.)

Tap your community resources for anyone with specialized knowledge in fundraising or grant writing. Seek legal assistance in establishing a library foundation or implementing an endowment campaign.

EXPENDING THE MONEY: RSA 202-A:11, III AND IV

Not all libraries have appropriations paid over to them; some reach an agreement with the town for the town to manage the public funds, as directed by the library director and the trustee treasurer (that is, either the director or trustees signs off on all expenditures to be paid). Non-public funds are managed directly by the trustees. Whether this benefits your library depends on the circumstances in your town and your relationship with town officials. Once the money has been appropriated to the library, it cannot be withheld from the trustees. Arrange a payment schedule with the selectmen or city/town council to receive the library's money. It may be an uneven distribution throughout the year because of high-cost payments at certain times, such as for database licenses or insurances or utilities (fuel and electric) due dates. (RSA 202-A:11, III)

The board tracks the expenditures through monthly financial reports under the guidance of the director, board treasurer and all the trustees. A more complete report about three-quarters of the way into the year is necessary so the board can project end-of-year costs (with help and advice from the director) and make any necessary adjustments in the budget lines.

BANK ACCOUNTS

Except for a possible petty cash account that the director might manage and sign checks for, board-designated trustees are the only persons who should sign the library's checks. Under no circumstances should the director sign any checks except for a possible petty cash account; this is for the director's protection.

The library must track operating money and revenue separately, using one tracking method for operating money and another for fines, lost or damaged books, and financial support for another library, as required by law (RSA 202-A:11-a). Trustees should review reports on BOTH accounts at every meeting.

All trustees and alternates must be bonded, especially if the board has money that it invests. (RSA 41:6)

All boards that invest funds must also have an investment policy that is approved annually. (RSA 31:25)

PAYING THE BILLS

Accurate, readily accessible accounting for every transaction of the library budget is of paramount importance to ensure the board of trustees' accountability for expending public money. **Taxpayer/public funds must be separate and distinct from any private funds held by the library.** Transactions and budget lines must be clearly delineated for all uses of trust funds; donations and grants, fines, and income-generating equipment. State or federal reports may be required. AND unexpended public funds may lapse to the town's general fund at the end of the year. **It is extremely important NOT to include the library's private funds in the total funds lapsed!**

NHLTA strongly recommends that the library trustees maintain control of all finances through the board treasurer, or the board treasurer and an employed bookkeeper, or a public accountant, or a private service. Some libraries enlist the aid of the town or a private service to do the payroll and benefits management because of extensive federal and state requirements regarding taxes and administration. In those cases, the library bookkeeper or director submits information to the service.

As the chief administrative officer of the library charged with managing the budget, the director should check and approve all invoices and verify line account numbers. The board should make provisions for the director to respond to unexpected circumstances, such as purchasing emergency supplies. That's where the petty cash account might come in handy.

Many libraries make use of debit and/or credit cards. It is recommended that trustees adopt a policy that covers use and limitations.

No public official may over-expend the appropriation. It is the responsibility of the treasurer to oversee that the board stays within the bottom line of the library's budget. Funds remaining at the end of the year may be encumbered. See Appendix A. Key to Funds Received by Libraries.

Managing The Library

BOARD OF TRUSTEES BYLAWS

Except in those cities where other provision has been made . . . the library trustees of every public library in the state shall adopt bylaws, rules and regulations for its own transaction of business and for the government of the library (RSA 202-A:11, I).

Bylaws are the internal rules that establish board structure, organization and operational procedures. Typical bylaws include:

- The election and terms of board officers and their duties, established committees and their appointment procedures, number of designated signatories and their appointment, trustee/director responsibilities;
- Regular meetings open to the public, method for calling special meetings, what constitutes a quorum, procedures for conducting the meeting;
- Designation of responsibilities, limitations of authority;
- Provision for making amendments and any other area the board feels should be included.

These bylaws should be available to the public and should be reviewed on a regular basis to keep current with changing needs and environment. Bylaws cannot override or contradict existing laws. **NHLTA recommends that bylaws be reviewed by an attorney to ensure compliance with existing laws.** Samples of library bylaws can be found on the NHLTA website under Resources.

LIBRARY POLICIES

All policies, procedures or rules must be written down and available to the public.

One of the primary responsibilities for all boards of trustees is to establish policies which cover all facets of library service and operation. These include hours, fines and fees, use of the building and all materials and equipment, collection development, personnel management, protection of staff and patrons, and library financial management. All policies should be reviewed and updated on a regular basis to ensure that they cover changes in technology and laws and regulations. Social environments also change and you may need to formulate policies for new situations. For example, one library had to establish a policy on unattended children; another had to establish a policy on the use of credit cards.

Policies encompass the biggest part of an issue; they derive from your objectives. They are based upon management decisions, unlike procedures which are steps to be taken, and rules which require specific actions in specific situations.

Policies must be equitable, non-discriminatory, clear, and consistent with other library policies regarding the same subject. Some questions you might consider when developing a policy are:

- What is the desired behavior/result? (Goal)
- Have we protected the staff and the library?
- Can we sustain it?
- Does it treat everyone fairly and equally?
- Does it serve the mission of the library?
- **Is it legal?** Policies should be reviewed by an attorney to ensure compliance with existing laws.

Four tests of a legally enforceable policy are:

- It must comply with current statutes and court cases.
- It must be reasonable; all penalties must be reasonable.
- It must be clear and consistent with other policies in the library.
- It must be applied without discrimination.

The NHLTA website and the NH State Library website at www.nh.gov.nhsl have samples of policies that can be customized for use.

PERSONNEL POLICIES

Every library should have **library-specific** personnel policies that are available to the public and include position classifications, conditions of work, benefits (including all leave and vacation policies), employment practices, and personnel actions (including check distribution, discipline and grievance procedures).

If a **Governing Board** of trustees (see page 8) votes to accept the municipality's policies, the board should review them carefully to make sure they meet the service needs of the library. To avoid confusion, NHLTA strongly recommends that the board rewrite the town policies without any reference to the municipality or to the municipality's policies. For example, wherever the town policy references "Select Board," replace that body with the "Board of Trustees." **Accepting the town's personnel policies and benefits does not make library employees town employees.**

In the case of a municipality such as a city, where the library is required to follow the municipality's policies, then the **Advisory Board** of trustees should review the municipality's policies to make sure they meet the needs of the library. The board should make recommendations to the governing authority for revised and/or additional policies that are library-specific.

Specific details of health benefits offered to library employees are best explained to staff by the director or the insurance provider, rather than being included in the personnel policies. Personnel policies should be reviewed on a regular basis to meet changing needs. **NHLTA recommends that all personnel policies be reviewed by an attorney to ensure compliance with state and federal employment laws.**

Both the NHLTA website and the NH State Library website at www.nh.gov.nhsl have samples of policies that can be customized for use. For a list of suggested personnel policies, see Appendix F.

LIBRARY STAFF

In towns and in most cities, the board of trustees recruits, hires and supervises the library director (RSA 202-A:11, V and A:15). The board appoints all other employees upon the recommendation of the library director (RSA 202-A:11, V; A:16, II), and determines all compensation and terms of employment, including job descriptions, for every position (RSA 202-A:11, V).

Hiring a Director

The librarian shall be appointed by the board of library trustees for a term of office agreed to at the time of employment and until a successor is appointed and qualified. (RSA 202-A:15)

There are eight basic steps to the hiring process:

1. Update the director's job description;
2. Appoint a search committee;
3. Determine the required and preferred qualifications for the position;
4. Write and post the job advertisement;
5. Screen applicants and select those for initial interviews;
6. Interview candidates;
7. Select finalists for consideration by the full board;
8. Check references, offer the position and get ready for the new leadership.

NH law requires that the board of trustees appoint the director to a term of office at the time of hire. The term should be negotiated with the candidate at the time the position is offered, and the appointment should be made in writing along with other conditions of employment, such as work hours, initial salary and benefits. At the end of the initial term, the board may elect to renew the appointment or may vote not to renew. In the latter situation, the director's employment ends at the termination of the appointment period, and the director does not have the right to request a public hearing as stipulated in RSA 202-A:17. If at the end of the appointment period, the appointment is not renewed but the director's employment is extended, then the director can only be terminated for the reasons outlined in the law and may request a public hearing prior to dismissal. A one-year contract may be extended annually by mutual agreement. NHLTA strongly advises trustees to seek the advice of an attorney when developing an employment agreement.

This is one of the most important duties and activities in which a trustee participates. For both governing and advisory boards, a change in management offers an exciting opportunity to consider basic questions about the library and perhaps redefine its operation. For example:

- What is and what should be the role of the library in the community?
- Has the community changed and does the library reflect that change?
- Do we like what we've done in the past? What's changed?
- What will our community be in five years? Ten years?
- What type of library director do we need to move us forward and fulfill our goals?

All boards, autonomously or in collaboration with the personnel department of the municipality, prepare the job description of the director or revise a former description that answers the question, “What type of library director do we need?” (See *Working with the Library Director*, page 35, for ideas on specifics in the job description.) Elements of the job description and goals for the library should be used for the “Job Opening” announcement. All libraries are Equal Opportunity Employers and must abide by the laws that protect employees and job applicants against employment discrimination. These include unfair treatment because of race, color, religion, sex, national origin, age, disability or genetic information.

Criteria for the appointment are based on the direction and goals of the library and may be divided into three categories: personal characteristics, experience (including business, technology, and personnel management), and education. **All applicants should be asked the same general questions.** Sample job descriptions, job postings, interview questions, evaluations may be found on the NHLTA website under Trustee Education Workshop Resources.

It is important to remember that it is the new library director, not the trustees, who will administer the library for many years. The director needs a combination of confidence, expertise, friendliness, leadership ability, self-discipline, and vision that will carry your library service forward in the community.

Recruiting and Interviewing

There are very specific state and federal laws and regulations governing these procedures. Trustees and the director must be aware of them and abide by them. During the interview, it is illegal to ask questions relating to the following topics: race, color, or national origin; religion; sex, gender identity, or sexual orientation; pregnancy status; disability; age or genetic information; citizenship; marital status or number of children. Sample interview questions are on the NHLTA website. It is also a good idea to involve the staff by scheduling a meet-and-greet before the final interview; be sure to listen to your staff’s reaction to the candidates before you make your final decision.

Job Descriptions

Governing boards of trustees develop the director’s job description. It should have specific responsibilities, expectations, supervisory actions, qualifications, and ADA-specific physical demands and disclaimer. It is a best practice to review the director’s job description annually to reflect changing priorities. You can ask the incumbent director for input and updates to the job description. The board approves other staff descriptions as developed by the director and staff. For more about creating a job description, see the NHLTA Winter 2018-19 Newsletter, available on the NHLTA website.

Performance Review

Trustees supervise and conduct performance reviews for the library director only. Governing boards of trustees should conduct a formal review of the director’s performance at least once a year. Reviews are based on job descriptions and goals set by the board with the director. Regular informal performance reviews will avoid surprises. The board ensures that a performance review is in place and implemented yearly by the director for every staff member. Every trustee is encouraged to read the performance reviews of all staff to determine the strength of

the team. All reviews must be in writing, signed by the reviewer(s) and the person reviewed. **Every personnel file must have written documentation that is factual and timely. It is important to note that personnel files can only be reviewed by trustees during a trustee meeting. An individual trustee may not ask to see a file.** For more information on reviewing the performance of your library director, see the NHLTA Spring 2019 Newsletter, available on the NHLTA website. And for more information on managing personnel files, see the “Ask Margaret” column in the Winter 2017-18 issue of the NHLTA newsletter on our website.

Dismissal

No employee of a public library shall be discharged or removed from office except by the library trustees. (RSA 202-A:17)

Library employees are NOT at-will employees. There are specific grounds for discharge (RSA 202-A:17) and it is recommended that the board maintain a current job description, administer annual performance reviews, create a grievance procedure, and keep all records. NH law provides that every library employee being dismissed has the right to request a public hearing PRIOR to their dismissal. This special protection makes the documentation of performance issues and regular job evaluations especially important.

Staff Retention

- Ensure that staff receives compensation commensurate with their expertise and experience;
- Provide salary and benefits, including vacation and sick time, comparable to other libraries and public service employees with similar education and duties in the community and surrounding area. Avoid perpetuating inadequate compensation;
- Encourage ongoing training and staff development opportunities through memberships in professional organizations and workshops (RSA 202-A:13, I);
- Show your appreciation for special efforts, contributions to fulfilling the mission and goals, and community activism; brainstorm with the director to develop ways for the board to recognize and reward staff.

INSURANCE AND BONDING

Trustees must carefully evaluate insurance needs and periodically review coverage on:

- Liability for injuries to employees and patrons;
- Property coverage adequate to cover the replacement cost of all materials, equipment and furnishings;
- Liability coverage (usually known as Errors and Omissions) for trustee protection from litigation;
- The municipality’s insurance on the building and liability for the use of the building and land;
- Bonding for the entire board, alternates, and any other person who acts as bookkeeper on behalf of the board (RSA 41:6).

GENERAL INFORMATION

Annual Reports

Trustees must make annual reports at the conclusion of their fiscal year to their town/ city and submit a similar report to the state librarian at such time and on such forms as the commissioner of natural and cultural resources may require in accordance with RSA 202-A:12. Trust funds held and administrated by the library must be reported to the office of the state attorney general as required by RSA 202-A:12-(a) through (d).

The following information (extracted from the RSA) is required:

1. All receipts (revenues) from whatever sources
2. All expenditures
3. All property in the trustees' care and custody
4. Statement and explanation of any unexpended money
5. Any bequests or donations received and being held on behalf of the town
6. Total number of books and other materials
7. The number of books and other materials added by gift, purchase and otherwise
8. The number of books and other materials lost or withdrawn
9. The number of borrowers
10. Statement of the use of the property of the library in furthering the educational requirements of the municipality
11. Other information and suggestions as may seem desirable
12. Submit a similar report to the state librarian

Some trustee boards submit one report; others submit three separate reports. For example, the board treasurer could report on #1–5. The library director could report on #6–9. The board chair could report on #10 and #11. Whatever method is used, the annual report is required of all library trustee boards.

Tax ID Number

It is recommended that libraries use their respective municipality's number.

The IRS classifies entities according to their taxable status: government, nonprofit, for-profit, trusts, estates, etc. When a tax ID number is issued the IRS places the entity receiving the EIN into one of its predetermined categories. The "Town" is a governmental entity and therefore any monies reported under the town's EIN number are classified by the IRS as assets of a governmental entity and non-taxable. The Library is a subdivision of the "Town" and should use the town's EIN number for that reason. If, however, the library applies for and receives its own EIN number the taxable nature of the library may be called into question by the IRS — the library is not a separate 501(c)(3) nonprofit organization, the EIN issued to the library is not classified by the IRS as a government entity (the library is not a separate municipal government) and the IRS will therefore assume the library is a taxable entity. Two libraries in NH that applied for and received their own EINs were sent

tax bills by the IRS for interest earned on private donations in their bank accounts; another library with its own number recently discovered taxes being withheld from its trust fund investments because the IRS did not recognize the library as non-taxable. It is therefore advisable for the library to use the town's EIN.

Area Library Cooperatives

Any public library may join library cooperatives consisting of public libraries . . .

(RSA 202-A:4-a)

NHLTA recommends encouraging your library director to join the area coop. It is an excellent source for networking and sharing ideas, knowledge, and information.

Abuse of Office

As elected public officials, trustees are subject to **RSA 643, Abuse of Office**. Exceeding the authority legally given to trustees may subject trustees to personal liability. Trustees may be responsible for actions they take or fail to take, **including the failure to stop others acting in violation**. It is advisable to consult an attorney prior to entering contracts (excluding those for maintenance and service), easements or other legal documents. *See Appendix B.*

No Compensation for Trustees

No trustee shall receive any compensation for service unless it is stipulated by terms of a bequest or gift establishing the library. All trustees may be reimbursed, however, for travel expenses, including the cost to attend professional meetings and/or workshops.

(RSA 202-A:14)

Confidentiality for Library Users

Library records containing a name or other personal identifying information about a user and an individual's use of any materials are strictly confidential. Statistical and circulation data may be released provided individuals are not identified. (RSA 201-D:11) Certain provisions of federal laws or state laws may necessitate the release of certain patron records, i.e. the USA Patriot Act, legal warrants or subpoenas.

Complying with the Law

Trustees should be aware that many other state and federal statutes and regulations affect the administration of a library. Following is a partial list:

- USA Patriot Act
- Americans with Disabilities Act: P.L. 101-336
- Smoking in Places of Public Assembly: RSA 155:66
- Construction and Inspection of Public Buildings: RSA 155-A and the New Hampshire Building Code
- Right to Know: RSA 91-A
- Rehabilitation Act of 1973, section 504
- Possession or Dissemination of Obscene Matter: RSA 649A and RSA 650
- All state and federal laws dealing with employment, including sexual harassment laws
- Copyright law

BOARD MEETINGS

Boards of trustees meetings are action-oriented:

- Trustees develop plans, review/adjust the budget, propose/revise/approve policies, hire/compensate/dismiss employees, consider/discuss/decide overall operations;
- The director reports issues, activities, maintenance and administrative operations; recommends personnel and policies.

Board meetings must be posted for public notice and held on a regular basis at a location that is open and available to the public. Most boards meet on a specific day. The director is an integral part of the board meeting but without voting power.

To accomplish the numerous tasks of board responsibilities in an expeditious manner, it is helpful to send each member (including alternates) the agenda and reports a few days prior to the meeting. These reports include the previous meeting minutes, director's report, financial report and any other materials or proposals.

The agenda should be developed by the chair of the board together with the director; see sample agenda (Appendix C). Time limits should be set on agenda items to ensure sufficient discussion.

You will have a successful meeting if every trustee:

- **Receives** the agenda and relevant information in sufficient time for study and review;
- **Has done** homework for committee meetings and board meetings in order to make informed decisions and formulate questions and ideas;
- **Reviews** the minutes carefully before they are approved to assure that they accurately reflect actual events;
- **Participates** in the discussions freely, requesting additional information if necessary, and expresses opinions about proposed items of business before they are brought to a vote;
- **Has an opportunity** to amend the agenda or request the chair to place on the agenda relevant business within the board's purview for consideration;
- **Respects** the points of view of his/her colleagues;
- **Accepts** the decisions of the majority and publicly supports those decisions.

Conflict Of Interest

As a member of the board of trustees, you have accepted an influential position in which you may learn of job openings, bid requests, land purchases, and building and maintenance contracts. In order to avoid even the appearance of impropriety, it is vital that members recuse (excuse) themselves from all discussions and votes where connections or bias can be questioned because of personal and family employment, memberships or association. The recusal must be acknowledged in the minutes of meetings.

The Right To Know Law

Public Session: RSA 91-A:2 II, III

1. Meetings shall be posted in two public places at least 24 hours prior;
2. Minutes shall be promptly recorded and available for public inspection not more than 5 business days after the meeting. Minutes shall be stored in a permanent file in the library;
3. The public is allowed to attend and any person can use recording devices except during a non-public session;
4. No votes in public session may be taken by secret ballot;
5. A member of the public body may participate in a meeting other than by attendance in person at the location of the meeting only when such attendance is not reasonably practical. Any reason that such attendance is not reasonably practical shall be stated in the minutes of the meeting. A quorum of the public body shall be physically present at the location specified in the meeting notice as the location of the meeting, all participants should be audible to each other and the public and all votes must be by roll call vote.

Non-Public Session: RSA 91-A:3 II

Non-public sessions are limited, and include:

1. Dismissal, promotion, compensation, discipline, hiring public employees;
2. Matters which if discussed in public would adversely affect the reputation of any person except a member of the board;
3. Consideration of acquisition, sale, or lease of property;
4. Consideration of pending claims or litigation.

Procedures under the law for a non-public session:

1. Must be on the posted agenda citing the law and the reason from RSA 91-A:3, II;
2. A trustee shall make a motion to go into non-public session, citing RSA 91-A:3, II-a, b, c, d or e, motion seconded and a roll call vote recorded;
3. All non-trustees are asked to leave the room (except when the director is making a recommendation or requesting an action) or the board moves to another room;
4. Discussion must be limited to the specific matters described in the motion;
5. Minutes shall be recorded of the non-public session. A motion shall be made and roll call vote taken to end the non-public session and return to public session;
6. Minutes of a non-public session shall be placed in a permanent public file within 72 hours of the session unless sealed by a two-thirds vote of the trustees present;
7. All minutes of non-public sessions must be approved at the next public session. If the minutes have been sealed, they must be unsealed when the board deems appropriate. Sealed minutes should be filed in a locked, confidential trustee file at the library.

The NH Attorney General's Memorandum on the Right To Know Law is available for download on their website at www.doj.nh.gov/civil/publications.htm. Additional resources are available on the NH Municipal Association website at www.nhmunicipal.org

Board Officers: Descriptions and Duties

Board positions should be defined in the board's bylaws. Most boards have three officer positions: chair, secretary, and treasurer. Some boards have other positions, for example, an vice chair or co-chair.

Chair

The position of chair is one requiring leadership, tact, and a thorough understanding of the library's goals and challenges. The chair may not assume any more authority than the board delegates. Certain state and municipal reports require the signature of the chair. Business is conducted more effectively when the chair prepares a written agenda and sends it to everyone in the board in advance of all the meetings. The agenda is prepared with input from the director.

Secretary

The Secretary is responsible for accurately recording the minutes of board meetings and making them publicly accessible within 5 business days after every meeting. RSA 91-A requires that minutes shall be taken during public sessions and non-public sessions. Often the secretary is also responsible for any approved board correspondence.

Treasurer

The Treasurer is responsible for the oversight of all library funds. The treasurer must submit regular reports to the board on the financial status of the library in relation to the current budget. The treasurer helps with the preparation of the annual budget. **A person hired as bookkeeper who is not a trustee has no authority over expenditures other than to pay approved bills, and does not participate in the budget process.** The library's operating budget may be handled through the municipal financial structure, but the trustee treasurer handles the trustee special/fines accounts and receives and reviews monthly reports from the municipality. The treasurer and any library trustees investing funds (RSA 202-A:23) must follow guidelines established by RSA 31:25 and must be bonded from a surety company authorized to do business in New Hampshire. (RSA 41:6)

In addition to the treasurer, the board should designate at least one other trustee as a signatory for all library bank accounts. Generally, the chair is a second signatory along with the treasurer for all library bank accounts.

It is important to remember that the board functions as a group and no one member has any more power or authority than any other.

The Library Team: Trustees, Staff, Local Government, School And Friends

State and local laws define the responsibilities of the library board of trustees, but the words alone do not make a successful library. An actively supported, healthy library is produced by a wide diversity of working relationships. In addition to the board, it takes many other people in the community to make a successful library. These working relationships already exist. Library trustees should keep in mind that, no matter how dedicated and capable the trustees are, the board's first responsibility is to the general public and the library, an obligation that takes precedence over personalities, politics, and individual achievements.

The following pages focus on the importance of the board's active communication with the numerous individuals and groups with whom it must work on a continuing basis. The essentials for productive working relationships include individual trustee and total board commitment, understanding, flexibility and astuteness in local government structure.

WORKING WITH THE LIBRARY DIRECTOR

RSA 202-A:15. The librarian shall have education of sufficient breadth and depth to give leadership in the use of books and related materials.

RSA 202-A:16 Powers and Duties. In addition to any other duties which the librarian may be delegated from time to time, the public librarian shall:

- I. Serve as the administrative officer of the public library;
- II. Recommend to the board of library trustees the appointment of all employees.

Board and Director: Building a Team

A cooperative and productive working relationship between the library director and the board of trustees is crucial to the success of the library. Together, they are a team, sharing the same vision of library service for the community. They might disagree now and then on how to accomplish the vision—and that's fine as long as each respects divergent viewpoints and specific areas of responsibility. It is the trustees' task to seek the most qualified, knowledgeable professionals and rely upon their expertise to help develop and implement the mission of services.

The roles of the director and trustees are different, but complement each other when working together. The library director is the library administrator, supervising the internal management and daily operation. The board exists to represent the interests and needs of the community, to establish the library's mission and goals and provide policies, funding and planning for the overall operation and implementation of services.

Some local government structures make the situation more complex. City libraries may operate as departments of the local government; the director may be hired by the city and report to the city manager while working with an advisory trustee board.

Whatever the local structure, the relationship is one of teamwork and it will be successful when all parties concerned concentrate their energies on the success of the library and resist any temptation to protect their areas of authority.

Each trustee and director needs clarity of purpose, a sense of interdependence, and a shared commitment toward the value of the team. It does simplify and expedite mutually productive action if each has a clearly defined role that the others understand and acknowledge without attempts to interfere. A PowerPoint presentation on the Trustee/Library Director Relationship may be found on the NHLTA website under Workshop Resources.

The chart below is offered as a guideline to define authority and responsibilities. The differences between the two jobs are primarily indicated by the verbs.

Working as a Team Chart

AREA	BOARD OF TRUSTEES	DIRECTOR
Mission and long-range plans	Develops with the director; approves; enables implementation; tracks progress	Develops with the board; implements; reports progress
Day-to-day operations	Establishes policies; makes recommendations to the Director	Chief administrative officer
Policies	Develops; approves; periodically reviews	Recommends; implements
Budget	Develops with the director; allocates; approves; presents; approves capital purchases; retains legal responsibility	Develops with the board; presents; recommends capital purchases; administers; maintains audit trail. Prepares reports
Personnel	Hires all staff. Recruits, supervises the director; sets all terms of employment; final grievance appeals; sole dismissal authority	Recommends for hire; supervises other staff; responds to grievances; schedules all work; maintains all records, recommends for dismissal
Building	Entire custody and management; budgets for repairs; plans for renovation and expansion; may sign contracts, depending upon town policy	Oversees; obtains bids; board-authorized to do emergency repairs to a given amount; monitors cleaning
Collection	Knowledgeable about collection development and approves plan; budgets for the collection	Develops plan, submits to the board; recommends budget allocation; authorizes purchases
Public relations	Represents library to community; advocates for library	Develops ongoing plan; submits news; is spokesperson for operations
Local government	Develops and maintains relationships; acts as total board to speak for library needs	Develops and maintains relationships; assists officials with library services; is spokesperson regarding operation and services

WORKING WITH THE STAFF

Trustees individually, and the board as a whole, have definite responsibilities relating to the hiring, compensation, and personnel policies of staff. Beyond that, trustees play an important role in creating and maintaining a rewarding atmosphere in which to work.

In order to accomplish these things, each trustee must be aware of the services the library provides, the trustees' legal and job responsibilities, and the requirements to implement them efficiently. The staff is part of the team (along with the director and board) that must work together to turn a mutually shared service vision of the library into reality.

The relations of trustees with staff should be friendly, appreciative, supportive, and business-like without exception. A staff member may be your neighbor or best friend, but in the library you are the employer. Effective trustees observe the library's management structure scrupulously, recognizing that all matters concerning day-to-day operations of the library are the responsibilities of the director and supervisory staff.

Trustees do not intervene uninvited between the staff and library director, and absolutely avoid undermining the authority of the director. If a staff member approaches a trustee with a complaint or an idea for improving service, the trustee listens in a noncommittal manner and encourages the staff member to present the matter via the library's established channel of communication.

The wise library board:

- Ensures that relations between staff and director are independent of the board unless requested to intervene by either the staff or the director;
- Considers ways in which the library board can publicly (or informally) recognize staff;
- Encourages and provides for staff training and development.

There should never be any individual trustee request for, or expectation of, special privileges as an individual library user.

Trustees supervise the director. The director supervises all staff.

WORKING WITH LOCAL GOVERNMENT

Knowledge and Communication

All municipal officials have the same charge: to serve the needs of the community. Our libraries are an integral part of our communities. As public officials, trustees have an obligation to report on the use and activities of the library, account for expenditures of public money, and plan for future development. We share that accountability to the public with all other municipal officials and must work together for the best interests of our communities.

Don't be hesitant, timid, or overawed about working with local officials. Remember that trustees are also public officials appointed or elected with a legal mandate to represent the best interests of the community for library services. Opportunities to hear from and work with other local officials should be mutually welcomed. **Often the difference between productive and adversarial relationships rests squarely on the extent to which each entity understands the responsibilities and authority of the other.**

Who's Who in Your Town Hall

- **Legislative body (Town Meeting/SB2 Deliberative Session):** sets general policy and budget. In municipalities with charters, it is whatever body that charter designates.
- **Governing body (Select Board or Town Council):** carries out the votes of town meeting; prepares the budget and the warrant; manages and regulates the use of all town property unless that authority has been delegated to others by statute (such as a library board) or a vote of town meeting; appoints officials, fills vacancies. Must act as a board, not as individuals.
- **Budget Committee:** prepares budget to submit to town meeting after hearings and governing body recommendation; meets periodically to review expenditures. The budget committee has bottom line authority only and may not dispute or challenge the discretion of other officials over current expenditures. The trustees have sole discretion on how the funds within the lines of the approved library budget are allocated.
- **Town Manager or Administrator:** administrative head of all municipal agencies except libraries; implements directions of Selectmen; maintains and submits detailed municipal financial reports. In some municipalities, this person may be responsible for submitting a preliminary budget to the governing body.
- **Town Clerk:** licenses, permits, records, preparing and distributing warrants and ballots, swearing in of officials, etc.
- **Department Heads** such as Parks, Recreation, Public Works, Roads, Facilities.

Communication: What's Going On

Usually the biggest problems that occur between library trustees and local government are regarding the development and administration of the library budget. Library trustees must be willing to sit down and talk amicably about the library budget, programs, services, goals, building needs, and challenges.

Action Steps for Communication:

1. Invite a member of the municipal governing body to be a representative on your long-range planning committee.
2. Make sure the director attends municipal department head meetings to facilitate inter-department communications.
3. Give a copy of the trustee job description to the town clerk so that candidates can read it before registering to run.
4. Share the library's long-range plan, salary study and implementation plan, building maintenance plan, library patron use survey or statistics on use, programs and outreach to community.
5. Seek opportunities to offer the library's expertise and resources to local government personnel.
6. Take turns going to the governing board meetings.

7. Express thanks and appreciation to every town official or town employee who does the library a service.
8. Make sure the library's needs are included in the municipal capital improvement plan by participating in its development.
9. Most importantly **DO YOUR HOMEWORK!** Consider what else is going on in town. Have figures and facts for a salary plan, technology needs, building renovation and other operating and capital expenses. Seek help from all municipal officials to make library needs part of the goals for municipal services and public money.
Make the library part of the town's Master Plan.

WORKING WITH LOCAL SCHOOLS

Although both the public and school libraries share many similar goals and philosophies, their roles and responsibilities differ. Mutual cooperation and support are essential for the responsible use of public funds and for providing the best possible service to students and other residents.

Action Steps for an Ongoing Relationship

1. Work together to identify sources that support the curriculum; public librarians should meet with school staff to develop complementary materials.
2. Share print and electronic resources whenever possible; network the public and school library collections.
3. Design community-based projects, such as reading programs.
4. Invite school faculty and media personnel to the library to become familiar with the collection.
5. Obtain information about the content and timing of school assignments; share reading lists.

WORKING WITH FRIENDS OF THE LIBRARY

Friends of a library are civic-minded individuals working cooperatively with the trustees and director to support programs that improve and expand library service in the community. A Friends group is a voluntary group with no statutory authority; once formed, however, it must follow certain legal procedures to become a recognized non-profit corporation and tax-exempt organization.

The Trustees, Director and Friends working together constitute a strong library team so long as each entity clearly understands its role.

Trustees are legally appointed or elected and are legally responsible for the results of their decisions and actions. They are restricted to function within the limitation established by local, state and federal laws.

Friends groups are separate independent organizations with their own officers and structure and are not responsible for the administration or governance of the library or any policy-setting functions. Legally, they cannot take on any functions assigned by law to the

library board of trustees. Trustees and staff may be members of the Friends but should not be officers, as it would be a conflict of interest.

Friends' activities may include:

- Raising funds for library enrichment programs/services
- Sponsoring children's and adult cultural and educational programs
 - Supporting library building and improvement incentives
 - Running book sales
 - Publishing news about the library
 - Encouraging library support by others
 - Providing equipment or furniture

One of the most important roles for Friends is serving as ambassadors and advocates in the community. In the Friends of Library Handbook, Dr. Jean A. Ashfield wrote: "Friends can make the difference between a mediocre and an outstanding library."

Library Organizations

There are three levels of library organizations in the United States: state, regional, and national. Trustees intent on doing an effective job will recognize the value of constantly widening their knowledge of library service and take advantage of the training and support resources these organizations offer.

Membership in and awareness of these organizations provides access to networks of knowledgeable and like-minded people, making it possible to share solutions to problems, innovative ideas, and current resource information. These organizations keep trustees current about trends affecting library service with projections for the future. They can also strengthen library support that comes through unity of effort.

Each of the following organizations holds regular meetings and workshops and provides newsletters with information about the library world from a wider perspective. Your library budget should cover staff and trustee dues in at least one organization and the cost of attending work-related workshops and conferences presented by any organization (RSA 202-A:14). Please note that trustees and staff may attend training sessions and conferences even if they are not members of these organizations.

NEW HAMPSHIRE LIBRARY TRUSTEES ASSOCIATION (NHLTA)

Trustees should join NHLTA and become actively involved with the professional organization for several reasons: to keep up-to-date and well-informed on library matters of concern to trustees who bear the responsibility of promoting and providing good library service to the community; to add to their effectiveness in carrying out their duties; to make possible, during and after their term of office, the sharing of their experience and expertise as a trustee; to participate in and support library activities.

NHLTA is governed by a board of directors elected at the annual meeting and conference. As New Hampshire's library trustee organization since 1957, NHLTA depends upon active participation from all library trustees to utilize their leadership abilities, learn from and share their experiences and expertise, and strengthen, through unity, the voice of library advocates.

NHLTA offers:

- A trustee manual for information and leadership development;
- Workshops for continuing education;
- An annual conference with seminars, workshops, and election of officers;
- Publication of a quarterly newsletter;
- A website providing information, programs, news and resources important to library trustees: www.nhlta.org;
- An awards program recognizing outstanding contributions to libraries and library services;

- Scholarships for library-related workshops and courses;
- A LISTSERV® for trustee communications: an electronic forum for networking and sharing ideas, knowledge, and information: nhlta-l@maillist2.nh.gov.

NEW HAMPSHIRE LIBRARY ASSOCIATION (NHLA)

Founded in 1889, the New Hampshire Library Association is the oldest state library association in the United States. NHLA is a professional association of library personnel, trustees, and library supporters whose purpose is to advance the interests of its members through advocacy on library issues and increasing public awareness of library service.

NHLA supports the professional development of its members, fosters communication and encourages the exchange of ideas among its members, and provides workshops and conferences for continuing education in library service. www.nhlibrarians.org

NEW ENGLAND LIBRARY ASSOCIATION (NELA)

Officially chartered in 1963, the New England Library Association is a regional organization whose membership represents a wide range of library-related interests.

The association's objectives are to initiate, plan, and support regional activities; to encourage the exchange of ideas; and to cooperate with regional and national agencies having related interests.

NELA provides an opportunity for all members of the library community in the six-state New England area to meet at least annually, explore common challenges, and view exhibits of the latest library materials, furnishings and equipment. NELA also sponsors workshops throughout the year on topics vital to today's libraries. www.nelib.org

AMERICAN LIBRARY ASSOCIATION (ALA)

Founded on October 6, 1876 during the Centennial Exposition in Philadelphia, the American Library Association is the oldest and largest library association in the world. The mission of the ALA is "to provide leadership for the development, promotion and improvement of library and information services and the profession of librarianship in order to enhance learning and ensure access to information for all."

The association is composed of eleven divisions reflecting specific types of activity and interest. Each division provides resource materials, publishes fact sheets and a newsletter, holds conferences, and provides speakers for local meetings. www.ala.org

UNITED FOR LIBRARIES

(a division of the American Library Association)

On February 1, 2009, Friends of Libraries U.S.A. (FOLUSA) and the Association for Library Trustees and Advocates (ALTA) joined forces to become an expanded division of ALA known as United for Libraries, an Association of Library Trustees, Advocates, Friends and Foundations. This national network of enthusiastic library supporters believes in the importance of libraries as the social and intellectual centers of communities.

www.ala.org/united

NEW HAMPSHIRE STATE LIBRARY (NHSL)

20 Park Street, Concord, NH 03301
603-271-2393 www.nh.gov.nhsl

The New Hampshire State Library, also referred to as the Division of Libraries, is one of five administrative agencies within New Hampshire's Department of Natural and Cultural Resources (DNCR). The other agencies are State Parks, Forest & Lands, Historic Resources, and Arts. The Commissioner of the department and the State Librarian work closely together to garner government, public, and library community support for the services of the State Library.

The mission of the New Hampshire State Library is to:

- Promote excellence in libraries and library services to all New Hampshire residents;
- Assist libraries and the people of New Hampshire with rapid access to library and informational resources through the development and coordination of a statewide library/information system;
- Meet the informational needs of New Hampshire state, county, and municipal governments and its libraries;
- Serve as a resource center for New Hampshire.

The following sections of the State Library assist in the promotion and development of statewide library services:

- Administrative and Fiscal Services;
- Reference and Information Services;
- Special Library Services composed of Youth and Adult Services;
- Library Development Services;
- Electronic and Government Information Resources;
- Talking Books (Library Services to Persons with Disabilities);
- Network Services;
- Technical Services.

Special Challenges

This section deals with only three of the most vital challenges trustees may face during their tenure: library expansion, intellectual freedom, and technology. Although each library and situation is unique, there are some basic guidelines to meeting challenges and seizing opportunities.

MEETING THE CHALLENGES: PREPARE! PLAN! COMMUNICATE!

- Prepare now. Don't wait until it is a crisis.
- Study and become thoroughly familiar with all aspects of the nature of the challenge.
- Search out resources and expertise, reliable advice and specific techniques.
- Enact policies and implement procedures that will deal effectively and fairly with all potential and present issues that confront libraries.
- Communicate with staff, local government and library users for a wide perspective and understanding of the issues and resolutions.
- Remember that no community and no library functions in isolation. Every trustee must be aware of challenges throughout the state and nation to uphold the rights and integrity of a public library in a democratic society.

LIBRARY EXPANSION

Whether your library is embarking on a comprehensive new building project or engaged in planning an expansion, there are a number of steps that should be followed in order to assure success. You will want to develop a project plan and tailor each step to your town's individual needs, but the points below can serve as a guide.

- Contract the services of a professional library consultant to assess the short- and long-term needs of your library. You will need to budget for this.
- Develop a long-range plan detailing each step of the process, from preliminary organization and community involvement to selection of architect and construction approach.
- Construct a building team that includes trustees, a core leadership group, and subcommittees such as Public Relations/Communication, Finance/Fundraising, Site Selection, Design, etc. The Building Team and each subcommittee should have a mission statement and set of goals. This is a crucial first step; you may find it useful to enlist the support of a professional consultant to help develop this structure. The team will make regular reports to the board of trustees. Remember, all subcommittees must comply with the Right to Know law. (RSA 91-A:1)

- Develop a questionnaire (PR/Communication) that can be distributed town-wide (using a number of means) soliciting public input on your project. Schedule a series of open forums to solicit further input. Using the results, develop a FAQ flyer which addresses the common questions/concerns and provides answers.
- Request that your building project be included in the town's Capital Improvement Plan.

INTELLECTUAL FREEDOM

Freedom of speech and freedom of the press are inseparably tied to acquiring knowledge through the freedom of access to an uncensored spectrum of ideas and information.

Attempts to have specified books or other materials removed from the shelves and restrictions placed on materials selected by the library are increasing nationwide. Granted, librarians make conscious choices about print materials that are selected, but trustees must ensure that the library's collection development policy presents a variety of points-of-view, beliefs and ideas in spite of a limited budget and personal preferences.

The internet has created a new information platform for public access. It is a global entity with millions of sites, some of which may contain materials deemed objectionable or inappropriate. This has created challenges for parents. Only parents or legal guardians have the right to decide with their children how their children use libraries.

Trustees must protect equal access to print materials and the Internet. Libraries have a responsibility to provide the necessary guidance to enable patrons to be critical users of the best sources of information. The First Amendment applies to library users of all ages.

The library board and director together must:

- Maintain a well-defined materials selection policy, internet use policy, and a written procedure for reconsideration of materials;
- Make sure the policies and procedures are clearly understood and fully implemented by the staff;
- Make all policies readily available to the public.

TECHNOLOGY

Technology development has expanded library collections enormously. This brings expanded responsibilities. The board and the director should work together to formulate a sound long-range technology plan for the library. The plan should address the needs of the community and the collection development policy of the library.

Consider the following key questions:

- How will this improve the services this library provides?
- Does this support or replace some print material?
- What are the most authoritative resources?
- What equipment will best withstand extended use?
- What training does staff need to implement service?
- How much help must we provide patrons to use technology?

As always, trustees must do their homework and call in the experts, preferably those thoroughly familiar with libraries and networking. For a good resource, get in touch with Technical Services at the State Library. Libraries that have developed their technology are also excellent sources for those in earlier stages. Perhaps your municipality has a computer expert on its staff.

Make your needs known! There are companies and community people who will donate their time and expertise when you tell them exactly what you need. Seek grants from all sources; however, be wary of the fine print!

What Every Library Should Have

- Mission statement, short-term and long-range goals, and strategic plan
- Organizational chart
- Bylaws of the board of trustees
- Emergency/disaster plan
- Technology plan
- Risk management/safety plan
- Building maintenance and renovation plan
- Furniture and equipment replacement and addition plan
- Staff addition/salary plan
- Annual report submitted to municipality
- Annual report submitted to NH State Library (RSA 202-A:12)
- Annual report on trust funds held by the library submitted to NH Director of Charitable Trusts
- Procedures manuals for circulation, interlibrary loan, etc.
- Posting of state and federal employment laws, as required
- Customer service plan
- Circulation and usage statistics
- Insurance

PERSONNEL POLICIES:

- Job descriptions and classifications
- Performance review and procedures
- Employee feedback mechanism
- Disciplinary procedures and actions
- Conditions of work (i.e., salary distribution, raises, schedules, supervisions . . .)
- Benefits, including leave and vacation
- Sexual harassment statement and action plan
- Jury and armed services duties

- Background check of staff and volunteers
- Volunteer selection, appointment and supervision

LIBRARY POLICIES:

- Technology use
- Use of materials, borrowing limits, fines and fees
- Unattended children
- Hours of library operation
- Request for reconsideration of materials
- Collection development
- Reference service
- Investment (RSA 35:9) if trustees manage trust funds
- Use of the meeting room
- Use of bulletin boards and display areas
- Behavior in the library
- Acceptance and disposition of gifts, including materials

Policies and revisions can be initiated by the director, a trustee, a staff member through the director, a board committee or by the board itself. The director acts as advisor and makes recommendations for the content and form of the policy. **The board of trustees approves all policies and reviews them on a regular basis.** (For more complete list of library policies, see Appendices E and F.)

Library Bill of Rights

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

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

Adopted June 19, 1939, by the ALA Council; amended October 14, 1944; June 18, 1948; February 2, 1961; June 27, 1967; January 23, 1980; January 29, 2019.

Summary

Remember that your library is more than an information center. Don't be afraid to discontinue a program or service if it's not working or no longer needed. Take the risk of adding a new one on a trial basis and encourage activities that meet the needs and enhance the quality of life in your community.

Wear your "trustee hat" at all times; tell your story accurately and often through every available medium. Do your homework. Expand your horizons with training at NHLTA workshops and annual conference. Well-prepared and enthusiastic trustees are essential to the continued success and growth of New Hampshire's public libraries.

APPENDIX A

Key to Funds Received by Libraries

Department of Justice, Office of the Attorney General, Charitable Trusts Unit
Excerpted from “The Other Money” workshop

SOURCES OF FUNDING:

Taxation (RSA 202-A:11 III)

Income-Generating Equipment (RSA 202-A:11 III)

Fines and Lost Books (RSA 202-A:11 III)

Library Service Contracts (RSA 292-A:11 III)

Trust Funds (RSA 202-A:11 IV)

Donations (RSA 202-A:11 IV)

HOW TO ACCEPT FUNDS

TAXATION

Library trustees are required to “prepare an annual budget indicating what support and maintenance of the free public library will be required out of public funds. A separate budget request shall be submitted for new construction and capital improvements.” (RSA 202-A:11 II) Once the town meeting or city council has approved the library budget the library trustees “shall direct that such moneys be paid over by the town or city treasurer pursuant to a payment schedule as agreed to by the library trustees and the selectmen or city council.” (RSA 202-A:11 (III) Since the citizens of the town or the city council has received notice and subsequently approved the amount of the budget it is not necessary for the library trustees to hold a public hearing to accept the funds received through taxation.

INCOME-GENERATING EQUIPMENT

Libraries wishing to retain funds produced from income-generating equipment must first obtain permission from the voters by following the provisions of RSA 202-A:11-b. Once this permission has been granted by the town, it is not necessary for the library trustees to hold a public hearing to accept revenues produced by the income-generating equipment.

FINES AND LOST BOOKS

Libraries are permitted to receive revenues from fines and reimbursements for lost books under RSA 202-A:11 III. It is not necessary for the library trustees to hold a public hearing for purposes of accepting money received from fines and lost books.

LIBRARY SERVICE CONTRACTS

Libraries are permitted to receive revenues from library service contracts under RSA 202-A:11 III. It is not necessary for the library trustees to hold a public hearing for purposes of accepting money received from library service contracts.

TRUST FUNDS AND DONATIONS

If a town has adopted the provisions of RSA 202-A:4-c permitting library trustees to accept and expend gifts over \$5,000, library trustees are required to hold a public hearing before receiving and/or expending any such trust funds, gifts or donations given to the library (see charts starting on page 19). Notice of the time, place and subject of the hearing shall be published in a newspaper of general circulation in the relevant municipality at least seven (7) days before the hearing. (RSA 202-A:4-c III). Remember: any gifts, bequests, or donations accepted under this provision may not require the expenditure of any other town funds except those funds lawfully appropriated for the same purpose. (RSA 202-A:4-c IV (a))

WHERE FUNDS GO AFTER ACCEPTANCE

Taxation

Funds received from taxation may be co-mingled with other funds in checking or savings accounts held by the library trustees, however, **bookkeeping entries must accurately track the identity and expenditure of these public funds as separate and distinct from any private funds held by the library.** Not only is this procedure essential for auditing purposes but any unexpended tax revenue may lapse to the general fund of the town at the end of the year and **it is important *not* to include private funds in the total funds lapsed.**

Income-Generating Equipment

RSA 202-A:11-a states “All money received from a library’s income-generating equipment shall be retained by the library in a nonlapsing fund.” The statute does not state this must be a **separate** nonlapsing fund. Therefore, the trustees may co-mingle funds received from income-generating equipment in checking or savings accounts held by the library, provided proper bookkeeping entries are maintained to insure these funds do not lapse to the general fund at the end of the year.

Fines and Lost Books; Library Service Contracts

RSA 202-A:11 III states “All money received from fines and payments for lost or damaged books or for support of a library in another city or town under contract to furnish library service to such town or city . . . shall be held in a nonlapsing **separate** fund.” Since this statute does mandate a **separate** fund, the library trustees must establish an individual fund or a separate bank account or a bank sub-account within an existing library bank account into which is deposited money from fines, lost books, and library service contracts. The bank’s transaction accounting for a sub-account establishes a nonlapsing separate fund, allowing for the statutory separation requirement.

Trust Funds and Donations

Unless the will or trust instrument specifies otherwise, trust funds and donations may be invested in common, that is, two or more trust funds and/or donations may be commingled in bank accounts, stocks, bonds, etc. For auditing and reporting purposes, separate bookkeeping entries must be maintained for the principal and income of each individual trust or donation even if the funds are invested in common.

WHAT HAPPENS NEXT?

Budgeting: Remember, whether or not your town has adopted the provision of the Municipal Budget Law, it is necessary to prepare the library's budget according to the gross budget concept. Therefore, the total amount of funds necessary to operate the library for the coming year must be requested regardless of the source of funding. Remember, a warrant article authorizing the town to "raise and appropriate" money for the operation of the library does not authorize the raising of the total amount through taxation, it simply grants spending authority to the library trustees to expend up to a maximum amount of money during the accounting period. It is important for library trustees to review the funds available from all sources and decide how funds will be allocated before drafting the budget to be submitted to the town.

APPENDIX B

NH RSAs that Pertain to Libraries

Note: RSAs are subject to change by the State Legislature therefore only the Titles and Chapters are cited below for reference. Check the state government website at www.gencourt.state.nh.us.

TITLE XVI: LIBRARIES

CHAPTER 201-D • Statewide Library Development System

201-D:11 Library User Records; Confidentiality.

CHAPTER 202-A • Public Libraries

202-A:1 Declaration of Policy.

202-A:2 Definitions.

202-A:3 Establishment.

202-A:4 Maintenance.

202-A:4-a Cooperatives.

202-A:4-b Contracts for Services.

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

202-A:4-d Acceptance of Personal Property Donated to Libraries

202-A:5 Status

202-A:6 Library Trustees; Election; Alternates.

202-A:7 Special Provisions.

202-A:8 City Trustees.

202-A:9 Repealed

202-A:10 Library Trustees; Vacancies; Alternates.

202-A:11 Powers and Duties.

202-A:11-a Use of Additional Funds.

202-A:11-b Procedure for Adoption

202-A:12 Annual Reports.

202-A:12-a Trust Fund Annual Reports.

202-A:13 Discretionary Powers.

202-A:14 Compensation of Trustees.

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

202-A:16 Powers and Duties.

202-A:17 Employees; Removal.

202-A:18 Discontinuance of Library.

202-A:19 Defunct Libraries.

202-A:20 Custody of Publications.

202-A:21 Penalties.

202-A:22 Custody and Control of Trust Funds.

202-A:23 Exceptions.

202-A:24 Offenses Against Libraries.

202-A:25 Detaining Books.

APPENDIX C

Sample Trustee Meeting Agenda

(_____) PUBLIC LIBRARY
BOARD OF TRUSTEES

DATE: _____

1. Call to Order at [____ time]
2. Roll call [list names of trustee and director in attendance]
 - a. Introduction of guests
 - b. Approval of agenda
 - c. Approval of minutes of previous meeting

Correspondence

Public Comment [not required and the chair can allow or not]

2. Reports [mailed or e-mailed prior to the meeting]
 - a. Financial: written report of accounting for previous month should include income and expenditures, balance remaining against budget, year to date balance, and any other information
 - b. Library Director: written report of circulation statistics (by month for 13 previous months), personnel, programming, maintenance, and any other information
3. Committees: written reports on progress on specific goals and any other information
4. Action Items: those needing motions and vote
5. Old or unfinished business
6. New business
7. Summary list of decisions made, directives and actions to be completed with deadlines
8. Announcements
9. Next meeting date
10. Adjournment at [____ time]

REMEMBER: A well-run meeting depends on a carefully planned agenda. All items of business should be listed on the agenda that is mailed, e-mailed, or posted prior to the meeting.

APPENDIX D

Sample Trustee Meeting Minutes

[_____] PUBLIC LIBRARY
ANYTOWN, NH
BOARD OF TRUSTEES

DATE: _____ TIME: _____ TYPE OF MEETING: [regular or special]

PRESENT: [list board members, alternates, library staff members, invited guests]

ABSENT: [list absent or excused board members]

PUBLIC PRESENT: [list members of the public]

1. Call to Order at _____ [time]
 - a. Roll call, introduction of guests, approval of agenda
 - b. Approval of minutes of previous meeting
 - c. Correspondence
 - d. Public Comment [the chair may allow or not allow]
2. Reports [mailed or e-mailed prior to the meeting]
 - a. Financial: written report of accounting for previous month including income and expenses, balance against budget, year to date balance, and any other information
 - b. Library Director: written report of circulation statistics, personnel, programming, maintenance, and any other information
 - c. Committees: written reports on progress on specific goals and any other information
3. Review progress on Action Items and Directives
4. Old [unfinished] Business
5. New Business
6. Announcements
7. Next meeting date
8. Adjournment at _____ [time]
9. Submitted or recorded by _____ [signature of secretary]
[name of secretary]

Summary list: Motions [list all motions made and the names of the members who made and seconded each motion — per revised RSA 91-A:2, II effective Jan. 1, 2019]

Action Items and Directives: [list all items to be completed, individuals responsible and expected completion date]

APPENDIX E

Policies Recommended for Libraries

(Personnel Policies are generally a separate document)

Acceptance of Gifts	Freedom to View
Alcohol and Drugs	Fundraising Sales and Solicitations
Animals or Pets	Gifts, Bequests and Memorials
Background Check	Hours of Operation open to the Public
Bed Bugs	InterLibrary Loan
Borrowing Library Equipment (telescope, electronic equipment)	Internet Access
Borrowing Privileges	Keys to Library Building
Bounced Check	Meeting Room/Facility Usage
Breastfeeding	Other Money Library Funds
Bulletin Board	Pandemic Emergency
Cardholder	Parent, Guardian and Caregiver Definition
Circulation (loan period, overdue materials)	Photocopier/Fax Service
Code of Conduct	Privacy
Collection Development	Programs
Community Activities & Information Center	Reconsideration of Materials
Computer Use and Internet Access	Reference Service
Conflict of Interest	Refunds
Confidentiality of Library User Records	Registration Requirements for Library Card
Credit Card Use	Respect for Staff, Users, Library Property
Disposition of Records	Security and Safety
Dress Code	Sexual Harassment and Child Molestation
Emergency Closing	Smoking
Evacuation Plan and Procedure	Social Media
Exhibits and Displays	Unattended Children
Food and Beverages	Videos/DVDs Circulations Standards
Freedom to Read	Volunteers
	Wireless Internet Usage Policies

APPENDIX F

Suggested Elements of a Personnel Policy

Absence without Leave
Annual Leave
Bereavement Leave
Causes for Discipline
Criminal Background Check
Disability Insurance
Discrimination and Harassment
Education Reimbursement
Emergency Closings
Employee Benefits
Employee Classification
Employee Records
Equal Opportunity and Affirmative Action
Family and Medical Leave
Grievance Process and Procedure
Holidays
Hours, Overtime and Compensatory Time
Job Descriptions
Jury Duty
Lactation Breaks
Layoff/Furlough/Recall
Maternity and Paternity Leave
Medical Benefits
Military Leave
Performance Evaluation
Recruitment and Hiring
Resignation
Retirement
Rules of Conduct, Workplace Behavior
Salary Administration
Sick Leave
Social Security
Termination
Training and Staff Development
Unpaid Leaves
Use of Library Property
Victims of Crime Leave
Voting
Wage and Salary Schedule
Worker's Compensation
Workplace Safety

NOTES