

**QUESTION**

I recently resigned from the Kingston Community Library Board of Trustees. My husband and I are planning on downsizing and moving out of town is an almost certainty, therefore I felt it ethical for the town voters to elect a new member at our March town meeting. However, the Chair asked if I would like to be appointed as an alternate until we actually moved out of town. Oh course I agreed. Our Chair gave the Select Board a letter asking them to appoint me last night at their meeting. This morning we found out that the BOS Chair could not remember if Library Board of Trustees are allowed to have Alternates, therefore they did not sign my appointment.

After reviewing RSA 669:7 and 202-A:101, I am surprised to find that a Library BOT, as an elected board, cannot fill its own vacancies and appoint its own Alternates(I have been on other municipal elected boards that have this ability i.e. the Planning Board). Frankly, if the BOT is allowed to appoint their own vacancies and alternates what happened last night would have been avoided.

I am wondering if you are aware of any backstory or reasons why a Library Board of Trustees is not allowed to fill vacancies (per NH Statute to appoint a person to fill a vacancy until the next election) and appoint their own Alternates. Frankly, as you know, a library BOT has tremendous responsibilities of oversight of the operation of a library, in fact, more than a some elected boards that are allowed by law to fill vacancies and appoint alternates. I am hoping you can share have any insight, and/or if it has been considered changing the statutes to allow Library BOT to appoint vacancies and alternates as to reasons why it failed in the past. Please feel free to call me to discuss further. I look forward to hearing from you soon, Thanks in advance...

Carol Croteau  
Trustee, Kingston Community Library

**ANSWER**

I asked a friend if he would look into the background about Library Trustees appointments. If he does come back with more information I'll follow it on to you.

Library's statutes like other legislation statutes are built on negotiations. This was the case with the library's statutes. I'm not aware of any attempt to changes the library statutes. Making changes to any statutes opens the possibility of not only making changes to the article being changed but any related statutes. The changes could end up completely different than intended. This is probably the main reason why no one has attempted to do so.

**RESPONSE:** Thanks for getting back to me. Indeed the reason why I contacted you for any background is about unintended consequences. Certainly making any changes to a particular law opens up the possibility to other changes, again that is why I was asking about background, otherwise I would have asked one of my friends in the state legislature to introduce a bill to make the necessary changes. I have worked on several bills in the past on other issues, so I am very familiar with the idea that other aspects of a law can be changed when a bill is introduced, though I never experienced it happening. However, just because the possibility of these changes could happen, I believe it should never be an obstacle of introducing a bill. Or no one would introduce changes to laws that may indeed make a law better. I strongly believe a well written bill that has been vetted by legislative services and committees and the public that is a benefit to the common good should be introduced and passed into law.

Truthfully, I see no benefit of a BOS appointing vacancies or alternates to a board that they do not have any oversight or even knowledge of the governing RSAs. That oversight is with the voter. Library BOT should be able to appointing their own vacancies and alternates; which allows the board to vet alternates, and also vet appointees (until next elections) when a member resigns after town election/meeting day. (I am not familiar with city charters and city libraries, but if other boards per NH RSA like a Planning Board and Budget committee can appoint vacancies and alternates certainly a city elected library BOT is capable of this task as well, but again, I am not familiar with city charters)

**COMMENTS TO RESPONSE**

While I agree with Carol that the BOT should be the appointing authority, I don't think the appointment of alternates by the BOS is sufficiently problematic to risk opening the statute to debate at the State House. Interested to hear what others

think. I added Ed to this email group since he was a legislator and might have a different opinion. In any event, it's too late to introduce legislation this session, even if we wanted to. But we could think about it for the 2020 session.

Susan

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Conrad's response is right on point. I recall Tom at our last Governance Committee meeting stated that he recall a negotiation resulting in statutory language - was this the particular statute?

As to submitting proposed language to change the authority for appointing alternates to library trustees, I agree with the comment that it opens the library statutes to changes that would be more restrictive to library trustees. If the current statute, though imperfect, is not causing much of a problem, the risk is not worth the limited benefit.

I do recall a work situation where folks want in to make small changes and ended up with an onerous change to the law along with the small benefit.

Mary

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My apologies, Conrad, for not getting my \$0.02 back to you sooner.

The appointments of alternates and the appointments to fill vacancies are two different sections of law, as you pointed out in the research that you showed to me.

The vacancies provision has been around for a long time.

I do remember when the attempt was made to provide for alternates. Library Trustees had never had this before. I was on the edges of the process, but recall that in negotiations the bill was not going to pass if Library Trustees appointed their own alternates & the provision for Selectboard appointing them was a compromise to get the support of Select & legislators guarding their powers. It was not a philosophical choice—it was straight political expediency.

Not to go to this individual, but perhaps for the NHLTA Legislative Committee, maybe we should make some general queries amongst the members of NHLTA as to whether or not there has been a real problem with the current Alternate appointment system. If there is a real problem out there, then perhaps we should start planning for when the time is right to address this. I suspect that there is not more than a few instances where this is a problem, in which case we would have facts, not just concerns, to support leaving it alone.

Tom Ladd