



# A MANUAL FOR VERMONT LIBRARY TRUSTEES

**VERMONT DEPARTMENT OF LIBRARIES**  
**Montpelier, Vermont**

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With Online Updates

Online version includes updates:  
[http://libraries.vermont.gov/services/public\\_libraries/trustees](http://libraries.vermont.gov/services/public_libraries/trustees)

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Library Trustees and Library Directors are encouraged to copy all or part of this manual for use in their libraries. Updates will be made as needed to the online version of this manual. For the most current edition, go to: [http://libraries.vermont.gov/services/public\\_libraries/trustees](http://libraries.vermont.gov/services/public_libraries/trustees)

*Special note: In order to keep the tone of this manual casual and user-friendly, we have used “second person” references such as “you” and “your library.” It is important for trustees to remember that board business is done as a group and library policy is never set by an individual trustee. The local public library is open to all citizens and is really “their” library. Trustees have an important role and wonderful privilege in serving as stewards of the local library, but can in no way claim ownership.*

<p>The information in this manual is intended as a reference guide and is not intended to replace the advice of legal counsel.</p>
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## WHAT DOES IT MEAN TO BE A TRUSTEE?

As a trustee, you are an essential link between your community and its public library. You have the power to make your library a vital, active force in the life of many. The person you choose to be the library's director, the funds you control, the building you care for, and the policies you set all impact how the community uses its library. You, your fellow board members, the library staff, volunteers, and Friends all make a team that supports a vital service that can transform lives.

Because Vermont has more public libraries per capita than any other state, it also has more trustees per capita. More than 1,000 trustees set the tone for public library service statewide and represent a mighty advocacy group for those services. Vermont library trustees, like library customers, come from various social and cultural backgrounds, levels of education, professions, and beliefs.

Today's Vermont is changing. While our surroundings are still bucolic, our people share the needs and interests of most Americans - technology, diversity, a desire for a sense of community, family, and economic stability. The public library can help people meet the challenges facing our world.

In 1931, S. R. Ranganathan wrote his *Five Laws of Library Science*:

1. Books are for use.
2. Every reader his book
3. Every book its reader
4. Save the time of the reader.
5. The library is a growing organism.

These underlying principles are still relevant today:

1. Surely everything in your local library should be of use or you should question keeping it.
2. At the same time, every individual in your community has different interests which the library staff should respect when providing materials for the community.
3. Of the thousands of materials available in many formats today, all are of interest and must be sifted through when purchasing ones that best suit the community.
4. Public libraries should be convenient and easy for all to use. No one should have to work hard to receive service.
5. Expect change. In order to remain relevant, your library should be different than it was even a few years ago.

As a trustee, you will learn new skills and hone ones you have. You will enjoy working with like-minded people, helping to shape a service that can touch the lives of many of your neighbors and also generations to come. Your own understanding of your library and community will grow. Being a library trustee is a lot of work and requires a learning curve, but if you relax and remain open, you will enjoy the ride, while also making an important contribution to your community.

## Things Every Trustee Should Know

### *Who is involved and what do they do?*

- Names and contact information of all board members, library staff, key volunteers, and officers of the Friends of the Library group
- Names of board officers and committee members
- Is your library municipal or incorporated?

### *What are we doing now?*

- Board by-laws, library policies, staff job descriptions
- Library hours, phone number, website address, key services provided
- The library's latest annual report and recent promotional materials
- Your own library card

### *Where have we come from and where are we going?*

- The library history
- Census profile of your town
- Town plan and latest annual report
- Current year's budget and latest financial statement
- Long range plan and technology plan

### *What are our problems?*

- Annual building inspection to assess physical condition, appearance, safety
- Minutes of past board meetings
- Past librarian's reports and information

### *Where can we go for help?*

- Vermont Library Association and Vermont Library Association Trustee Section  
[www.vermontlibraries.org](http://www.vermontlibraries.org)
- Online version of this manual at:  
[http://libraries.vermont.gov/services/public\\_libraries/trustees](http://libraries.vermont.gov/services/public_libraries/trustees)
- Vermont statutes pertaining to public libraries (*Vermont Statutes Annotated /VSA*)
- *The Law of Public Libraries*  
[http://libraries.vermont.gov/sites/libraries/files/PublicLibraries/Trustees/law\\_of\\_public\\_libraries.pdf](http://libraries.vermont.gov/sites/libraries/files/PublicLibraries/Trustees/law_of_public_libraries.pdf)
- Vermont Secretary of State's *Opinions* newsletter  
<https://www.sec.state.vt.us/municipal/opinions-newsletters.aspx>
- Vermont Department of Libraries newsletter (available by email subscription)  
Subscribe online at: [http://libraries.vermont.gov/dol\\_news](http://libraries.vermont.gov/dol_news)
- Town officials, Friends of the Library members, area library trustees and librarians
- American Library Association and United for Libraries <http://www.ala.org/united/>

## WHAT TYPE OF PUBLIC LIBRARY DO YOU HAVE?

In Vermont, a public library is defined by statute as “any library established and maintained by a municipality or by a private association, corporation or group to provide basic library services free of charge to all residents of a municipality or a community and which receives its annual financial support in whole or in part from public funds.” (22 VSA § 101)

<http://legislature.vermont.gov/statutes/section/22/003/00101>

Even though there are a handful of libraries that do not receive tax funds, most of Vermont’s 183 libraries open to the public are public libraries. They can be:

- Municipal – established by a local government for its citizens. One Vermont library serves a “library district,” which is its own municipality.
- Incorporated – a corporation with the purpose of establishing and maintaining a library.
- Community – a library that operates as both a public library and a school library. Most community libraries are answerable to both the municipality and the school board.

In all three cases, the library is open, free of charge to members of the community or communities that support it. 22 VSA Chapter 3 outlines how public libraries are organized.

Reading the Vermont statute (VSA) relating to public libraries may raise questions for you. Do you know whether your library is municipal or incorporated? Your library’s status determines how citizens become trustees and what power a board has over a building, staff, and other aspects of library management. Answers to some of your questions may be found in *The Law of Public Libraries* which was developed by the Department of Libraries and the Secretary of State’s Office in 2000 (and updated in 2010) in response to questions from librarians and trustees.

[http://libraries.vermont.gov/sites/libraries/files/PublicLibraries/Trustees/law\\_of\\_public\\_libraries.pdf](http://libraries.vermont.gov/sites/libraries/files/PublicLibraries/Trustees/law_of_public_libraries.pdf)

If you have any doubt about whether your library is incorporated or municipal, consult your town attorney or library attorney. You will need to know how your library was formed. Was it by a vote at Town Meeting? Were articles of incorporation filed with the Secretary of State’s Office? How your trustees become trustees is also relevant. Are all of them elected at Town Meeting or appointed by your selectboard? Or are most of them appointed by current trustees? Your board will need documents to support your finding about the library’s status, or you will need to create them.

Many public libraries in New England started as informal entities – in train stations, churches, general stores, and private homes. These informal libraries later became incorporated, and some were later turned over to the towns to manage. An incorporated public library may become municipal upon formal action by both the corporation and the town, usually by a vote at Town Meeting.

Many of the buildings that dot our townscapes were built through bequests in memory of prominent citizens and remain incorporated entities. Others were built with bequests and the proviso that the town maintain and operate them. The library building’s origins may have nothing to do with whether your library (as an entity) is now incorporated or municipal.

Libraries in the northeast are generally individual entities, serving their towns and perhaps some neighboring municipalities. Elsewhere in the country, public libraries were created by municipalities to serve counties or even larger geographical areas.

In a nutshell, the following may be true of your library. Please remember that every town operates slightly differently.

<b>Issues</b>	<b>Municipal Public Library</b>	<b>Incorporated Public Library</b>
Number of trustees	At least 5	At least 5, no more than 15
How do people become trustees?	By election at Town Meeting or by appointment of selectboard	Usually by election or appointment of the board of trustees. Sometimes by election at Town Meeting. One member must be publicly appointed or elected to meet state standards.
Authority	Trustees are responsible for managing the library, but may not be responsible for the building or personnel. Board develops by-laws and policies for operation.	Trustees are responsible for governance. Board develops by-laws and policies for operation.
To whom does the librarian report?	Librarian answers to the board.	Librarian answers to the board.
Personnel policies	Town personnel policies cover library employees unless specifically exempting them.	Board personnel policies cover library employees.
Who evaluates librarian's performance?	Town Administrator may be responsible for evaluating librarian's performance, with board input.	Trustees evaluate librarian's performance.
Salaries and benefits	Library employees are generally paid using town pay scales and are covered by town health insurance and other benefits.	Trustees determine rates of pay and also seek private health insurance and other benefits coverage.
Building maintenance and upkeep	Trustees are generally responsible, unless there is an arrangement with the town.	Trustees are responsible for maintenance and upkeep, unless the library is a tenant in another entity's building (e.g., school, town hall, etc.).
Use of space by outside groups	Trustees may develop policies, but Town may control use of space by outside groups for insurance	Board policy determines use.

	purposes.	
Building insurance	Town may include library in policy covering all Town-owned buildings.	Trustees generally obtain insurance on building.
Money	Trustees have full power to spend town appropriation to library, but town treasurer pays the bills. Trustees are usually responsible for spending and investing separate trust funds unless otherwise directed by the town. Town may create a reserve fund to be managed by trustees.	Trustees control all funds, including municipal appropriations. Town may dictate use of funds appropriated, however. Board treasurer pays the bills.
Fines, fees, grants	Fines, fees, gifts may go back to town treasury. Voter approval may be necessary before spending grant funds, which are handled by town treasurer.	All fines, fees, gifts, and grants are managed by the board treasurer.
Audits	Accounts are subject to audit by town auditor.	An independent audit may be obtained.
Taxes	None necessary.	Incorporated libraries file form 990 with the IRS annually.

While the above is a distillation of *The Law of Public Libraries*, any questions concerning your particular situation should be directed to your town or library attorney.

- Public libraries by Vermont statute are libraries which supply basic library services without charge to the residents of a community or municipality; and which receive at least part of their annual financial support from public funds. 22 V.S.A. § 101.

### **What about joint libraries?**

There are about ten joint school-public libraries in the state. Most are municipal public libraries that are also answerable to the school district and its board. Most have trustees who are elected at Town Meeting, but some also have “Super Boards” or “Operating Committees” made up of trustees and school representatives. These groups resolve conflicts, develop operating policies, and insure that both school and public needs and interests are addressed. In past years, these joint libraries were called community libraries.

## WHAT DOES A LIBRARY TRUSTEE DO?

“Trustees [of municipal public libraries] ... have full power to manage the public library, make bylaws, elect officers, establish a library policy and receive, control and manage property which shall come into the hands of the municipality by gift, purchase, devise or bequest for the use and benefit of the library. The board may appoint a director for the efficient administration and conduct of the library.” (22 VSA §143a) These powers are basic to most trustees, whether their libraries are municipal or incorporated.

Basic trustee responsibilities include:

- Creating by-laws
- Setting library policy
- Hiring and regularly evaluating the library director
- Long range planning, in cooperation with the library director
- Financial management
- Promoting library use
- Serving as a link with the community

You don't need to know a lot about how libraries operate to be a trustee because your job is not to run the library day-to-day. You should be willing to be discreet, fair, open-minded and honest during policy decisions and group discussions. You bring a great deal to trusteeship in addition to your willingness to serve. Your background – education, employment, heritage, family and other ties – will be as useful to you as community contacts and other involvements. Your past experiences as a library user will also serve you well. Be aware of particular biases or opinions that might affect your decision making or the way you view your library's effectiveness. Knowing yourself will help you be a more productive trustee.

There are a number of additional, ongoing duties you will want to attend to:

- Prepare for, attend, and participate in all board meetings
- Be familiar with state and federal laws relating to managing the library, such as those relating to employment, operating a public building, etc.
- Monitor and evaluate the library's overall effectiveness
- Support library services and participate in library programs
- Advocate for library support in the community and statewide
- Learn as much as possible about issues affecting library service

In 1991, attorney Andrew H. Maass of Ryan Smith & Carbine of Rutland said that besides responsibilities outlined in statute, library trustees also have some more general responsibilities that originate in Common Law:

- The Duty of Care or Diligence: Directors and trustees must act with the care that a reasonably prudent person in a similar position would use under similar circumstances. They must perform their duties in good faith and in a manner they reasonably believe to be in the best interests of the organization. Prior to making a business decision, directors and trustees must inform themselves of all material information reasonably available to them. This duty requires not only reasonable behavior with respect to matters submitted for approval, but also requires reasonable inquiry and monitoring of organizational affairs. Although directors

and trustees are not insurers of the integrity of their employees or of general organization performance, they are required to implement reasonable programs to promote appropriate conduct and to identify improper conduct.

- Duty of Loyalty: Directors and trustees are required to refrain from engaging in personal activities which would injure or take advantage of the organization. They are prohibited from using their position of trust and confidence to further their private interests. This duty requires an undivided and unselfish loyalty and demands that there be no conflict between one's duty to the organization and self-interest....
- Duty of Obedience: Directors and trustees are required to perform their duties in accordance with applicable statutes and the terms of the organization's charter and by-laws. Trustees may be liable if they authorize an act which is beyond the powers conferred upon an organization by its charter or by the laws of the state.

The Vermont statute relating to general standards for directors and officers of non-profit corporations reflect these duties in 11B VSA § 8.3

### **What about liability?**

As a general proposition, directors, officers and trustees of corporations may be sheltered from liability by the corporate shell. Actions taken by corporate officers and directors within the scope of authority and in good faith should be protected from personal liability. It is the corporation that bears the burden. This applies equally to duly constituted non-profit corporations and municipal corporations. Thus, it is incumbent upon trustees to assure that their library has either been properly incorporated and continuously maintained, or, if municipal, has been properly created or adopted by the municipality.

A further protection may be found in 12 VSA § 5781 which provides immunity from liability for directors, officers and trustees who serve, without compensation, organizations that have IRS recognition as non-profit under Section 501(c)(3) of the Internal Revenue Code. Directors, officers and trustees of organizations that do not have this recognition, even though non-profit, do not have this immunity.

In addition, 12 VSA § 5782 confers immunity on a person employed by a library with or without compensation. This is true, however, concerning the provision of: (1) information contained in any library materials, or (2) library services to library patrons in the course of his or her duties. The provisions of this statute likely afford protection to trustees in their board actions, but this will remain unclear until litigated.

Nonetheless, if a trustee is aware of a problem, it is his/her duty to see that it is taken care of. This includes, but it is not limited to, building deficiencies and staff and patron safety. In addition, it is wise practice to be aware of situations which could become problems in the future. Inspect the building and equipment for fire and safety violations at least annually. Make sure emergency procedures, equipment, and supplies are available and up-to-date. Discuss safety issues with your library director.

## A SIMPLE CHECKLIST FOR TRUSTEES

### *Every week*

- ❑ Check in with your librarian – how’s it going, does s/he need anything?
- ❑ Follow up on tasks promised (e.g., make a phone call) or required (e.g., pay bills)
- ❑ Let at least one person in the community know about a service the library offers

### *Every month*

- ❑ If you are the board chair, check to make sure tasks promised are done; work with librarian to set next meeting agenda
- ❑ If you are an officer or committee chair, prepare minutes, a financial statement, or a written report to be sent to all trustees before the next meeting
- ❑ Prepare for the board meeting by reading minutes of previous meeting and any written documents (including financial statements) sent beforehand
- ❑ Attend the board meeting and any committee meetings
- ❑ Attend at least one library program or use the library in some way

### *Every year*

- ❑ Review all library policies and board by-laws; revise any as necessary
- ❑ Review the library’s long range plan; evaluate progress toward goals and develop new objectives for year
- ❑ Evaluate the librarian’s performance in writing
- ❑ Update selectboard about library activities and services at a time *other than* budget time
- ❑ Adopt the annual budget
- ❑ Make budget presentation to town or offer support to the board’s spokesperson
- ❑ Make sure there is a written report in the town report
- ❑ Attend as many continuing education opportunities as possible
- ❑ Orient new trustees, and thank outgoing trustees
- ❑ Visit another public library to get ideas and a new perspective on your job
- ❑ Thank and recognize volunteers and Friends members

## WHAT SHOULD YOUR LIBRARIAN DO?

Whether you call him or her a “director,” a “head librarian,” a “librarian,” or another term, the librarian sets the tone for library service delivery to your community. Hiring the person to fill those big shoes, and then working harmoniously with him or her, is a big part of a trustee’s job. In a nutshell, you should expect your librarian to be the chief administrator of the library, overseeing its day-to-day operation. You should expect him or her to be responsible for:

- Helping the public locate items, find answers, and use technology in the library
- Recruiting, hiring, supervising, evaluating, and training staff and volunteers
- Selecting and weeding books and other library materials
- Developing procedures for circulation, patron registration, and other issues associated with running the library daily
- Developing and running programs for all ages
- Working with the board to develop long range plans for the library
- Promoting public library use throughout the community
- Collaborating with other community organizations on projects and activities
- Developing the library’s annual budget in conjunction with the board; then tracking and spending funds as allocated
- Keeping statistics about library performance and conveying that information to the board
- Suggesting policy to the board
- Keeping the board informed about local library activities, developments, and needs; keeping them up-to-date on state and national issues
- Participating fully in all board meetings
- Helping the Board orient new trustees, including putting together information packets
- Trying new ideas
- Serving as spokesperson for the library at public meetings, to the press, etc.
- Continuously learning and growing in the job

You should expect your librarian to be a source of effective, creative ideas for serving the public. S/he should suggest ways to put these ideas into action and should take initiative when appropriate.

Working together may not always be easy because personalities and philosophies sometimes do not agree. It is important to remember that you are all involved in the library for one reason – that you believe in what the library can do for and mean to individuals and the community at large.

The librarian-trustee relationship does not mirror that of a typical employee-employer relationship in the business world. Your librarian generally knows more about the business of providing library service and about how the community uses your library than individual trustees do. You should expect your librarian to be your link with the library and the library world. You can offer a link with the community and the various groups that comprise it.

Your job is to develop and articulate broad guidelines for providing service and monitoring that they are carried out in a way that welcomes the public, encourages broad use, and respects

individuals. Communication is the key to working smoothly together. Talk often, including between meetings. Share views, hopes, and dreams for the library. Ask questions and invite them from your librarian. Offer help – be it physical or mental – and support. Expect your librarian to facilitate board decisions by presenting options and alternatives.

Expect your librarian to make everyday decisions – and to be accountable for them. Be mindful of appearing to micromanage -- sometimes there is a fine line between policymaking and micromanaging. If you find yourself questioning your librarian's decisions – what books to purchase, when to buy materials, what office supplies to buy, what gift books to add to the collection, where to move the furniture, or how to arrange his/her office, etc. etc. – you might very well be micromanaging.

In small libraries with limited resources, trustees sometimes serve as volunteers, handling circulation tasks, conducting programs, delivering outreach materials, etc. If you volunteer regularly, it is important to distinguish between your roles as trustee (the librarian's employer) and volunteer (the librarian's employee) – and that's very hard to do. Whenever you, as a trustee, work as a library volunteer, remember that the librarian is your supervisor during that time. Refrain from setting policy or making decisions that should be made by the whole board or by the librarian.

## POLICYMAKING

Every day, public librarians, staff and volunteers make a wide variety of decisions that affect library service. They select books from over 50,000 titles published every year. They decide whether to close the library for a holiday or during a storm. They approve requests to use the library meeting room. They sort through boxes of donated books from community members. These decisions can be made more easily, efficiently, and – most of all – consistently when there are written policies to guide the staff. Each library user deserves to be treated fairly and equally; policies help insure that practice.

Policies reflect a board's philosophy of service and help insure that the staff will put that philosophy into place when developing procedures. Policies offer guidelines for crises and conflicts, but they also offer a framework for every day business.

Public libraries need policies in the following areas:

**General goals and priorities:** the library's mission and service priorities

**General operation:** who may use the library, non-resident/seasonal use, what fines and fees are charged (if any), library hours, governance, use of meeting space and other facilities, bulletin boards, displays/exhibits, patron behavior, unattended children, etc.

**Confidentiality of library records:** based on state laws

**Nondiscrimination:** in library service to the public and in personnel issues

**Intellectual Freedom:** affirm the *Library Bill of Rights* and the *Freedom to Read* statement and also include these documents in an appendix. (see Appendix A)

**Collection development:** guidelines for selecting materials, collection maintenance and weeding, responsibility for selection, procedures for review of selections, dealing with gifts, and process and form for reconsideration of library materials

**Personnel:** if your library is municipal, find out whether the town's policy covers or exempts library employees. If the town's policy exempts library employees, your policy should still reflect the municipality's policies as closely as possible. If your library is incorporated, the policy should cover working conditions such as hours worked, overtime, paid holidays, leave, orientation, training, pay, and fringe benefits. It should also cover issues such as job descriptions, performance evaluations, probation, termination, grievances, conduct, and use of volunteers.

**Public use of electronic resources:** internet access and public access computing by all ages

**Review and revision of policies:** include a commitment for regular review as well as procedures for revision

Your particular situation will dictate the extensiveness of policies and may suggest additional areas where policies are needed. But no library is too small to have policies. Policies need not be long. In fact, they should be clear and concise enough to be easily understood and broad and flexible enough to apply to many circumstances. They should positively reflect the library's long range plans for service.

Developing policies requires discussion among the board and staff and then reaching consensus so that everyone involved supports and upholds them. Your librarian should advise you when policies or revisions are needed. If s/he has had to grapple with the same decision over and over again, it is probably time for a policy.

The actual writing of your library's policy may fall to one person, most likely the librarian, with drafts coming to the board for discussion and revision at board meetings. You may request sample policies from the Department of Libraries and, increasingly, public libraries around the state and country have posted policies on their websites. Some websites you might explore include:

[http://pld.dpi.wi.gov/pld\\_policies](http://pld.dpi.wi.gov/pld_policies) - Wisconsin Public Library Policy Resources page

<http://www.in.gov/library/3290.htm> - Indiana public library policies page

In addition, the Vermont State Library in Montpelier has a Library Science collection with books on public library policies. These materials are available via interlibrary loan.

Once a policy is adopted, everyone on the board and staff should abide by and support it publicly. And the librarian should expect a free hand in carrying it out. Trustees should avoid making policy outside of board meetings. Save disagreements and discussions about policy matters for board meetings, and welcome discussion and examination of policies on a regular basis. Make sure all trustees have copies of the policies and go over them together at least once a year. Staff members should also have their own copies of library policies. Orientation of new trustees and new staff should include a review of these important documents.

## MONEY MATTERS

The type of public library – municipal or incorporated – is most obvious when dealing with finance. Both types of libraries may rely heavily on local tax support, yet how those funds are handled differs sharply. Review *The Law of Public Libraries* if you are unsure about your responsibilities regarding oversight of public and other funds. If you are still uncertain, consult an attorney.

An incorporated public library should have 501(c)(3) [nonprofit] status with the U.S. Internal Revenue Service. A municipal public library is generally covered by its town's tax-exempt status. If your library serves more than one town, you will need to determine which municipality is the library's "parent."

Vermont Public Library Statistics published June 2014 show 81% of Vermont library operating funds come from local taxes. Nationwide, local taxes make up about 84% of library operating support. Libraries in the northeast, many of which were started with bequests, rely more heavily on interest from endowments than libraries in other parts of the country. Vermont public libraries receive about 18% of their operating funds from other local sources, primarily interest on endowments and fundraising efforts. Many municipal public libraries also receive in-kind contributions from their towns in the form of town building and grounds maintenance, payroll services, and employee benefits.

Sound financial management for every public library, regardless of type, funding sources, or size, begins with a realistic annual operating budget. Most public libraries develop their budgets in the fall, for submission to town government in December and January and for voting at the March Town Meeting. Municipal public libraries' budgets are more likely to be included as line items in their town budgets, but some are voted on separately. Incorporated public libraries' town appropriations may also be line items in their towns' budgets, or they may be voted on separately. It is purely a matter of tradition.

Be sure to work closely with your librarian and with town officials to develop a smooth budget process. Your librarian should prepare a draft budget for the board to approve. In an incorporated public library, s/he will work with the library treasurer to estimate revenue and expenses for the coming year. In a municipal public library, the town administrator or selectboard may offer guidelines for developing the budget. Trustees should be sure to meet all deadlines as set, respond positively to questions and comments, and provide realistic, accurate figures.

A basic operating budget details the library's projected income for the year, including its town appropriation, interest on endowments or savings accounts, grant sources, gifts, donations, local fund raising, fines, fees, and payments for lost books. The expense side of the budget includes personnel costs (salaries and benefits), library materials of all formats, and other expenses such as supplies, postage, travel, programming, publicity, equipment, fuel, utilities, telecommunications, snow removal, lawn care, building maintenance, etc. A basic budget worksheet should include notes explaining in detail how the various amounts were calculated.

Be realistic about your income and your expenses, but be careful not to “pad” a budget proposal in order to maintain the library’s credibility in the community.

Bookkeeping and reporting are also handled in a variety of ways depending on library governance and funding sources. Incorporated public library boards usually appoint a treasurer who is responsible for paying bills, keeping track of funds and who may or may not oversee the work of a bookkeeper. In a public municipal library the town treasurer is the treasurer for the library, but the trustees may also appoint a board treasurer who approves invoices for payment by the town treasurer or clerk. In either case, trustees should expect financial statements at regular intervals so that they can monitor the library’s funding situation. The librarian should also keep an informal accounting to insure that s/he does not over- or under-spend during the year.

Investments such as endowment funds or savings accounts are also handled differently, depending on library governance. Incorporated public library trustees may designate the treasurer, a board committee, or the board as a whole to handle investments. They may also seek the assistance of a commercial firm or bank. Municipal public library trustees may handle any investments designated for the library or may be obligated to work with the town treasurer or the town’s trustees of public funds. In any event, trustees should expect regular – perhaps quarterly - reports on the status of investments.

## BASIC GLOSSARY\*

**Operating expenses** – recur from year to year and are the funds used to run the library day to day, including salaries, benefits, library materials, utilities, general building maintenance, supplies, etc.

**Capital expenses** – include non-recurring expenses for construction, purchase, or major renovation of buildings and property. Non-consumable items such as furniture, equipment, and library automation systems may be included if they will be used over a relatively long period of time.

**Accounting methods** – Municipal libraries will conform to the town's method, but treasurers of incorporated public libraries should consult with an accountant prior to setting up the library's books to conform with a particular method:

- *Cash based* – basic checkbook system recording revenues as they come in and expenses as they are paid. A modified cash-basis accounting method might record outstanding or recurring obligations that may not yet have been paid.
- *Accrual* – a double-entry system that conforms with Generally Accepted Accounting Principals (GAAP), recognizing the financial effect of transactions, events, or interfund transfers when they occur rather than when the invoice arrives or is paid.

**Fund accounting**– regardless of the accounting method used, tracks revenues and expenses by their source, and might include general funds, endowment funds, grant funds, restricted funds, petty cash, etc.

**Petty cash** – a small amount (\$50-100) designated for purchases such as office supplies, postage due, coffee cups, etc. that allows items to be purchased without having to wait for checks or invoices. At any time, the amount spent and the amount remaining should equal the amount designated.

**Fiscal year (FY)** – a twelve month accounting period which may or may not coincide with the calendar year. Many Vermont towns – and, thus, many municipal libraries - have adopted the state fiscal year which begins July 1 and ends June 30. Some incorporated libraries use a calendar-based fiscal year. It is important to remain consistent.

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\* thanks to Rob Geiszler, Department of Libraries consultant, for his help with these definitions

## FUND RAISING

Your library's annual town appropriation, combined with income from endowments or savings, should be at a level sufficient to operate the library on a day-to-day basis. If not, trustees should work steadily to increase the annual budget from these sources. There may be times, however, when funds are unavailable or insufficient, and the library board may see a need to raise more funds via one or more of the following methods:

- General mail solicitation and annual appeals
- Contributions from community organizations and service clubs
- Special events
- Donated goods or services
- Approaching major individual donors
- Local business support
- Bond issue or special appropriation for a large one-time expense (usually capital)
- Sales of t-shirts, coffee cups, tote bags, etc.
- Memorial gifts and bequests; planned giving

Your library may also have a Friends of the Library group that raises funds for items outside the normal library budget. Trustees and Friends should work as allies, but they should remain separate and distinct in their operations. Friends should be incorporated and hold 501(c)(3) tax exempt status, thus keeping their funds separate from the library's. Trustees should work with the Friends to determine what types of fund raising each will do so that their efforts do not overlap or confuse the community. Your librarian should serve as a liaison between the Friends and the board to insure good communication; however, some boards also invite the Friends chair to report on their activities at regular trustees' meetings.

While trustees should not expect library staff to take the lead in fund raising, they may ask staff for clerical assistance or promotion of special events. In addition, you should expect your librarian and staff to be aware of grant opportunities as they arise and develop proposals accordingly. Grant funds are generally for special projects over a limited time and should not be counted on for operating year-after-year.

Your library's policies should include clear provisions for the receipt, evaluation, use, and, if necessary, rejection of gifts. Gifts of money should generally be accepted only if they do not include provisions that might limit library operations or services currently or in the future. Gifts of books and other items should only be accepted if there are no restrictions on use, display or disposal. There is nothing worse than receiving an artifact that needs extensive preservation or acquiring real estate with "strings."

It is good practice to acknowledge all gifts, whether in cash or in kind, publicly and as soon as possible. Depending on the gift, a handwritten note, letter, brief public event or ceremony, letter to the editor, plaque or bookplate, or notice on the library's website will build good will and make others aware that the library welcomes gifts. Some donors may ask for receipts for tax purposes, but the Internal Revenue Service only accepts appraisals from licensed appraisers. A

letter of thanks should not include an estimated value of a gift but may include the amount of cash gifts for tax purposes.

## PERSONNEL ISSUES

Trustees set the overall tone for library service, and the library staff puts policies into action. No large building with books or computers is useful without a knowledgeable, well-trained, welcoming staff to help the public find what it needs.

Trustees hold the keys to insuring that the library has adequate and competent staff:

- fair and complete personnel policies
- clear job descriptions for all employees
- regular performance evaluations
- support for continuing education
- fair compensation
- safe working conditions

Where possible a library ought to have a manual or set of personnel policies, covering such topics as:

- Hiring
- Code of conduct and workplace ethics
- Employment records, confidentiality, and references for future employment
- Performance management forms and procedures (employee evaluations)
- Disciplinary and grievance procedures
- Promotion and demotion
- Termination (voluntary and involuntary)
- Training and continuing education
- Benefits (other than paid leave)
- Paid leave, including:
  - Paid holidays
  - Annual leave (vacation)
  - Sick leave
  - Personal leave

All workers – including volunteers – need to know what is expected of them and how well they are doing in order to perform their jobs effectively. No library is too small for job descriptions. Each employee should have a copy of his/her own job description so that s/he is aware of the job's responsibilities, boundaries, and requirements. Tasks will sometimes come up that are not included, but a written statement should offer broad categories under which those tasks fall. A job description need not be long, nor should it offer details about library procedures.

All job descriptions should be approved by the board of trustees at a regular meeting. If the library is a municipal library, job descriptions should be developed in compliance with the municipality's personnel policies. If the library is incorporated, the library's personnel policies should also address the issue of job descriptions.

It makes the entire process easier and can prevent later problems if a job description is in place prior to recruiting and filling a particular position. In the case of a library director or head librarian, trustees should come to consensus about the job requirements and major duties. In the case of other library staff, the library director should develop job descriptions prior to filling positions or conducting performance evaluations. No matter what the job, discussion is essential to clarify perceptions of the job's priorities, day-to-day duties, and relationship to other positions in the library and, in the case of municipal libraries, local government.

It is always a good idea for the library director to review existing job descriptions at least every few years because librarianship, like other professions, is ever-changing. Your library's service priorities change as your community's needs change. When writing job descriptions it is important to separate the position from the personality because a job description is meant to be used by anyone holding a particular job.

Some of the most difficult problems facing library boards and library directors concern personnel issues. Recognize good staff performance and nurture it all year long. Do not wait to correct poor behavior or low productivity until the annual evaluation. It is good practice for a library to conduct annual evaluations of all employees' performance. Trustees (or in some cases the town administrator) should evaluate the library director's performance, while the director should review that of the rest of the staff and volunteers. The performance evaluation should address whether the person is performing the duties described and in accordance with set priorities. The evaluation provides an opportunity to review the job description itself as well as the individual employee's accomplishments and areas for improvement.

The job description can be used as a basis for performance evaluation. In addition, the board may develop a form that is shared and discussed with the employee. An alternative can be a review of a mutually agreed upon work plan for the past year and development of another one for the coming year. The latter method focuses more on achievement and works well in a smaller public library. The performance evaluation "interview" also offers another opportunity to discuss the position in question and staffing in general.

All library staff, including veteran librarians, need training to keep up with developments in the field. Trustees should encourage their librarians to attend workshops offered by the Department of Libraries, meetings and conferences of library associations, and other training sessions often and as needed. Continuing education should be provided and suggested to all staff and, in some cases, volunteers. Your library budget should include funds for reimbursement of tuition, mileage, and expenses. Department of Libraries staff can help present mini-workshops on a variety of topics on site and can also help librarians and trustees obtain speakers for staff development.

Salaries and benefits for staff are also important issues for trustee consideration. Being a librarian is extremely gratifying, but a librarian cannot live on mere hugs and thanks from customers. Trustees should work to compensate all staff fairly and equitably. One resource is the Vermont Library Association's publication, *Increasing Public Library Compensation*, located at: <http://www.vermontlibraries.org>

If your library is a unit of municipal government, staff members should be paid on par with other town employees with similar responsibilities and requirements. Town personnel policies may dictate eligibility for various benefits such as health insurance and retirement. If your library is incorporated, you should offer wages that are comparable to other similar local positions. School and municipal salary scales are public information that should be freely given to anyone who asks. The board may also need to seek private health insurance, retirement, and other coverage in order to retain good employees.

Volunteers are a wonderful way to involve the community in the library. They can and do promote the library, help with programming, deliver materials to the homebound and to child care centers, mend books, and perform many other tasks, freeing up staff to serve the public directly or plan new and exciting services. Whenever possible, volunteers should not take the place of paid staff.

Library trustees also need to be sensitive to how they communicate with library employees and volunteers, other than the library director. The director is the person responsible for hiring, managing, training, evaluating and, if needed, disciplining and terminating other library employees and volunteers. Personnel matters are confidential and the library director is the person with authority for handling these issues within the library. Trustees must respect the authority of the librarian in personnel matters and in the operation of the library and should refer all inquiries or complaints from library employees to the director. This distinction is especially important in small towns where board members may have close friends or even relatives employed by the library. Do library employees have the right to address the board at publically warned meetings? This practice may be permitted in some library personnel policies, but, in general, this should be strongly discouraged, or even prohibited. Only in cases of greatest malfeasance or neglect by the director, or in cases where the library director has invited employees to be part of the discussion, should a trustee enter into discussion with a library employee on matters of library policy and procedure or library operation. To do otherwise is to undermine the authority of the director.

Finally, trustees have the responsibility to keep the library safe for all who work in and use it. Regular inspections for building safety followed by building maintenance are essential. Make sure there are policies and procedures in place to deal with emergencies such as power outages, fire, flood, accidents, criminal activity, natural disasters, and crises. Every library should have a disaster plan, an emergency checklist, a first aid kit, flashlights, and other tools readily available. Staff and volunteers should receive emergency training, including familiarity with policies and procedures and basic first aid.

## **HIRING A NEW LIBRARY DIRECTOR**

Even if you have established a smooth working relationship with your librarian, s/he may decide to move on to another job, relocate, or retire. The board should take a careful, considered approach to filling the position, even if it means keeping it vacant for awhile. Here are some steps to follow:

### **Prepare**

What skills does the board want the director to possess? What will be the focus of the work of the new director? The board should review and possibly revise the director's job description and discuss the library's long range plans and priorities. Having a useful job description will make searching for a new director easier, so start by reviewing the existing one carefully. Are the basic requirements and qualifications for the job still valid? Are the responsibilities and duties current and accurate? Your outgoing director may have suggestions about changes or additions. Revise the job description prior to advertising the position, and use wording from that document to develop your advertisement.

This is also a good time to review the director's salary and benefits. The Vermont Library Association's Personnel Committee has prepared a study guide available online for salary issues which includes Vermont comparable salaries. The Vermont Library Association (<http://www.vermontlibraries.org>) also has a recommended minimum salary for a library director with a B.A. and Vermont Public Library Certification. This recommendation is updated annually; in 2014, a fulltime director salary is \$43,818, or \$21.06/hour. The Vermont League of Cities and Towns also conducts an annual salary survey of municipal employees; contact your town office for details.

### **Recruit**

Depending on the number of trustees on your board, a subcommittee of the board may serve as a search committee to write the job ad, sort through applications, and interview candidates. If your library is a municipal public library, your town manager or human resources manager may also want to sit in on the process. An advertisement for a job should include:

- job title
- spirited summary of duties
- request for resume and letter of interest
- number of hours per week
- salary to be offered or "based on qualifications"
- deadline date for applications
- name, address and phone/email of contact person

Today's job seeker relies heavily on online resources for job hunting, so be sure to post the position on the Vermont Library Association (VLA) website: <http://www.vermontlibraries.org/> The other New England library association websites have links to the VLA site. Many Vermont daily and weekly newspapers accept job ads online for their print and/or online formats. You may also broadcast a job opening by sending a message via the Vermont Automated Libraries System (VALS) public library listserv if your library uses VALS email. If your library does not

use VALS email, contact your regional consultant to post the opening for you. You may also invite possible candidates in the community to apply.

Give candidates several weeks to reply, and if the ad draws too few applicants or inadequately qualified ones, review the ad and consider re-advertising the position. You may also wish to advertise more widely online, such as through the Simmons College New England Library Jobline <http://www.simmons.edu/gslis/careers/jobs/jobline/> (free postings) or the American Library Association <http://joblist.ala.org/employer.cfm> (for a fee).

### **Interview**

Prepare for the interview sessions in order to screen candidates fully and fairly. Develop a set of questions you will ask each candidate to help you compare responses objectively. Begin with some questions that put candidates at ease and then move on to those that make them think more deeply about issues and philosophy. Ask some situational questions (“What would you do if...”), including some that directly focus on problems you are facing (“How would you make better use of the space we have?”). Make sure to ask open-ended questions, rather than those easily answered by “yes” and “no,” so that the person is encouraged to do most of the talking. Take care not to ask questions that might be construed as discriminatory (e.g., marital status, disability, lifestyle, age, etc.). The Vermont Department of Human Resources’ *A Guide to Interviewing and Reference Checking* is a helpful place to start:

[http://humanresources.vermont.gov/sites/dhr/files/Documents/Recruitment/DHR-Guide Interviewing Reference Checking.pdf](http://humanresources.vermont.gov/sites/dhr/files/Documents/Recruitment/DHR-Guide%20Interviewing%20Reference%20Checking.pdf)

Some boards like to conduct all the interviews with all trustees present; others like to have a small committee interview a pool of candidates and then hold second interviews with finalists. Remember that large groups may be intimidating, even for someone with a high confidence level. You may designate one person on the interview team to take notes during the session and be sure to include the same people on the interview team each time. If you have out-of-state candidates apply, consider doing an initial phone interview, and decide whether you will pay all or part of a candidate’s travel expenses.

Set aside plenty of time so that you can really get to know the candidates in a relaxed, comfortable atmosphere. One hour is generally not enough time, particularly if you include a tour of the library and introductions to any staff. Even if staff and volunteers are not included in the interviews, it is good practice to obtain their impressions of candidates if possible. After all, they will be working with the director. It is **not** a wise practice to include the outgoing director in the interviews or the hiring process.

End each interview with details about the job: hours, wages, sick and vacation time, benefits. Most of all, tell interviewees when you plan to reach a decision and allow time for the applicant to ask you questions about the library and the job. In fact, you should expect the candidate to do some homework (e.g., reviewing your library’s website) prior to arriving at the interview so that s/he does have questions. If candidates are coming from out of town, consider including lunch or a town tour. That allows you some informal time to get to know each candidate a bit more.

## **Follow up**

After each candidate leaves, review your impressions as a group. If you have discussed the type of person you are seeking and have crafted questions that get at issues and attitudes important to you, you may find your choice is clear. A second interview may be necessary to help you choose between two good candidates. In the end you may realize that you need to readvertise the position. Don't "settle" for someone who doesn't fit your requirements.

When you have agreed on someone to whom you wish to offer the job, check the person's references. Use the reference check to verify that the person's resume is accurate, but remember that, because references are supplied by candidates, they should not serve as your only basis for hiring someone. Even if previous employers are not listed as references, you can and should call them to get a balanced view of the candidate. "Would you hire this person again?" is a common question, but you may also want to probe about the candidate's ability to handle some of the issues that are facing your library. Try not to ask "yes-no" questions; engage the reference in a conversation about the candidate's ability.

To offer the job, phone the candidate and then follow up with a letter. In each instance, include details such as hours, wages, benefits, starting date, etc. Give the person a week or so to consider your offer. Finally, after the candidate accepts the position, send a confirmation letter with details about salary and start date. Then contact all of the other applicants promptly. It is a courtesy to speak personally by phone with those applicants whom you interviewed; other applicants can be contacted in a letter or email. Thank them for their interest and offer to keep their resumes on file if they wish.

Plan an orientation for the new director. Your Department of Libraries regional consultant can help you with this. The orientation should include a tour of your town and introductions to town officials and other community leaders.

## ***Suggested Interview Questions***

Contributed by Amy Howlett, VTLIB Library Consultant

### **Experience/Activities**

1. How has your previous job or life experience prepared you for this position?
2. Describe the kind of responsibilities you've been asked to handle in past work situations.
3. How does this job fit into your career plans?
4. You will deal with people of all ages in this job. How would you handle a two-year-old throwing books on the floor with a parent standing by but oblivious to the problem?
5. Many of our community members are in their 60's or older. Tell us about your experience working with this age group.

### **Communication/Presentation**

1. You will be representing the library to the town, whether walking on the street, meeting people in the library, or speaking to the Rotary Club. Giving short talks to local groups are part of the job. Tell us about your experience making presentations to groups.
2. Have you ever had to deal with a negative audience and, if so, how did you handle it?

### **Supervision**

1. The librarian is responsible for hiring and supervising staff and volunteers. Please tell us about your past management and supervisory experience.
2. What would you do if an employee called in sick for three Saturdays in a row?
3. Your desk is overflowing with work, but the library is filled with patrons who want to talk about a book they just read or their spouse's illness. How would you handle this?

### **Books/Literature**

1. Tell us about a book you enjoyed recently.
2. How would you respond to a patron who asked you to recommend some light reading?

### **Computers/Technology**

1. Please share your knowledge and experience with computers and software, including both library and office applications.
2. Tell us about your experience using the internet for research.
3. How would you use technology to promote our library in the community?

### **Miscellaneous Questions**

1. The library is open (give hours). Is there any reason that would prevent you from meeting this work schedule?
2. We require library certification. Will you be able to attend at least one week-long workshop each summer on library time? If you are already certified, will you be able to attend at least one workshop or continuing education session each year? Are you able to provide personal transportation to Vermont sites for these workshops?

### **Follow up**

1. What additional information would you like to share with us?
2. What questions do you have for us?

## PLANNING FOR THE FUTURE

Vermont has changed dramatically in the last 25 years or so; it is not surprising that our libraries have also changed. In fact, it is important for a public library to change in order to remain relevant and responsive to its public. One of the most important tasks of a trustee is to help determine how and to what extent the library will change as its community's needs change.

Thoughtful planning helps a library board and the library director avoid crisis management by offering concrete direction for the introduction of new services, the elimination of seldom used ones, and the retooling of existing services. Your plan should help you maintain consistent services in good times and bad, because it should articulate the library's service priorities. While it should offer a tool for self-evaluation, it should also be used in developing a realistic budget.

To be effective, a long range plan must focus on services to the community and the difference those services make to individuals and groups. The Public Library Association, a division of the American Library Association, has developed a number of tools to help public libraries conduct a meaningful planning process. *Strategic Planning for Results* by Sandra Nelson (American Library Association, 2008) is a revision of *The New Planning for Results* by Sandra Nelson (ALA, 2003) and is a recommended resource. Both books are available for loan from the Department of Libraries (DOL). DOL also offers training workshops on library long-range planning for library directors and trustees.

Remember that a well-prepared plan should cover your library's next five years. You will need to spend time discussing future library needs with library users, people who do not use the library, town officials, local school personnel, members of community clubs and organizations, Friends of the Library group members, and the community at large. You will also need to review community demographics and library statistics.

Among other questions, your plan should address:

1. Who lives in this town and what do they need and want from their public library?  
How is the town's population changing? Will it grow, and, if so, how?
2. How good is the delivery of library services today?  
Are we providing the services that the community wants and needs?  
How aware is the community of our library services?  
Does the community feel a sense of ownership in the library and its future?
3. What new activities and programs should the library provide?  
What do we need in order to provide those activities?
4. What services should the library offer, and what should be the service priorities?  
What services should we stop? Begin? Continue?
5. How does technology fit into our long range plan?

Creating the vision for future library service is exciting, but coming to consensus about the direction of the library is not easy. It only works when there is honest dialog among library staff, the board, volunteers, Friends, town officials, and the community in general. Planners should keep an open mind about any and all suggestions. If you need help getting started, or if you have questions along the way, contact your Department of Libraries regional consultant for assistance.

Helpful resources for planning:

### **Community information**

<http://www.uvm.edu/crs/?Page=resources/index.html&SM=resources/resourcessubmenu.html>

UVM Center for Rural Studies provides town, county and state profiles based on the latest U.S. Census data. The CRS site also has links to other sources of data, such as the Vermont Department of Employment and Training, Vermont Department of Health, School District profiles, etc.

<http://factfinder2.census.gov/>

American Fact Finder offers census data by state and county with general demographic characteristics.

<http://quickfacts.census.gov/qfd>

This website has county-level “quick facts” with state comparisons.

<http://www.claritas.com/MyBestSegments/Default.jsp?ID=20>

“You are Where You Live” is the basic premise of this marketing tool which suggests that people live near other people who have similar values and lifestyles. Try plugging your zip code into this fun site.

<http://labor.vermont.gov/?tabid=92>

Vermont Department of Labor economic-demographic profiles by county and town

<http://education.vermont.gov>

School districts and the Vermont Department of Education collect data about communities for planning purposes. You can find reports on drop-out and high school completion rate and community social indicators (included in the *Vermont School Reports*).

<http://vcic.vermont.gov/> The Vermont Criminal Information Center collects data about juvenile and other crime for individual communities.

### **Library information**

[http://libraries.vermont.gov/services/news/public\\_statistics](http://libraries.vermont.gov/services/news/public_statistics) The Department of Libraries publishes statistics collected from public libraries, available in Excel and PDF formats. Data is published in March each year and covers the fiscal year that ends prior to November of the previous year.

<http://harvester.census.gov/imls/compare/index.asp>

The federal Institute of Museum and Library Services has a public library statistics page, including a peer comparison tool. Compare your library to those serving populations of similar size or meeting any variables you set, anywhere in the country. Narrow down your search in many different ways, and print out reports and charts.

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

Colorado's Library Research Service offers a variety of links and documents to help with community analysis and other planning tasks. This site offers good hints for data gathering in general.

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

Public Library Geographic Database (Florida State University College of Information), including locations of America's 16,000 public libraries, population characteristics from the US Census that best describe people who use libraries, and library use statistics from the National Center for Educational Statistics.

You can find sample long range plans on a variety of websites, including those of some Vermont public libraries and nationwide. It is important to remember, however, that your town is unique, as are the people who live in it. Your library's plan must reflect your own community in order to be useful.

## COMMUNITY RELATIONS AND ADVOCACY

As a trustee, you are in a good position to spread the word about your library. Perhaps it's even the best position. You know how the library works and what it has to work with. You know how the library serves the public. You know what it takes to provide that service. And you gain nothing personally (except satisfaction) from your role as promoter and advocate.

During your time as trustee, you may be called upon to speak or act in favor of a particular issue – increased hours of operation, improved salaries, or a new or improved building. But most of the time, you will simply be promoting library use and better public support for the library. You may do this quietly, one person at a time, or you may decide to conduct an all-out campaign. “Public relations” takes many forms, and all of them are useful and effective.

Don't let the word “advocacy” scare you. It can be as simple as writing letters to those who need to learn about library issues or from whom the library is seeking support, financial or otherwise. Depending on the issue(s) at hand, you might:

- call selectboard members
- write a letter to the editor
- sit in the audience to support other trustees or your librarian as they make a presentation
- hand out flyers at public events
- sit at an information table at Town Meeting, in the grocery store, or at the dump
- speak at a public meeting, club gathering, etc.

When people see that their neighbors and fellow citizens - reasonable people they like or respect - support the library, they will want to do so, too. The informal promotion that you do will be invaluable in making sure that everyone in your community knows what the library has to offer and feels free to use it. You don't have to be a skilled orator in order to be a good advocate for your library. All it really takes is a belief that your library makes a difference to the community.

As you go about your normal life, you can also help promote your library by:

- hanging up posters and distributing flyers about library programs
- attending and helping out at as many library programs as possible
- introducing yourself as a trustee and soliciting ideas and suggestions whenever you are out in the community
- serving on other boards and joining community organizations to make connections for the library
- joining your library's Friends group (remaining conscious of the different purposes of the two groups) and supporting their activities

## BUILDING AND GROUNDS ISSUES

Your library building is an incredible community asset and focal point. Think of the building and grounds from a public relations standpoint. When people are unhappy with your facility, they will let others know their displeasure or they will avoid it outright. When they are pleased with the facility, they will simply enjoy making visits and using the library. A clean and pleasant space will definitely enhance their experience.

Whether it is a separate building or a space in a larger building with other uses, trustees should make sure that it is a welcoming, pleasant, and safe place for everyone to visit. The degree to which your board will be involved in building and grounds issues depends on the building's ownership, which could be the library board, a municipality, a community organization, or landlord.

If the trustees own the building, the board may designate some members to serve on a Building and Grounds Committee to work with the library director. This committee might include community members with expertise in certain areas if needed. The library may also employ a custodian who is hired and supervised by the director. If the municipality or another entity owns the building, the library director generally serves as liaison to the building supervisor. Nonetheless, the board should remain aware that the building is an important part of the library experience. Make sure that: (1) there are guidelines for staff and patron safety, (2) staff and volunteers receive adequate safety training, and (3) local emergency personnel are familiar with the building.

Conduct an annual walk-through/around with your library director. Make sure new trustees are familiar with the building and grounds. Use the "Library Image Checklist" on the following pages as a starting point. Start your review of the building and grounds by parking your car, walking into the building, and then walking through the facility. Try to be as objective as possible. Think about patron and staff safety, both on an everyday basis and if a disaster, such as flood or fire, should occur.

Every library should make an effort to make its services available to all. The Americans with Disabilities Act, passed in 1990, insured that every American would have access to services and participate fully in community life. The ADA applies to both municipal and incorporated public libraries, but in different ways. For more information about the ADA and for a *Checklist for Readily Achievable Barrier Removal* at: <http://www.ada.gov/checkweb.htm> on the U.S. Department of Justice's ADA website. If your library building is not accessible, your board should do an assessment and develop a transition plan to remove barriers and offer alternatives until accessibility is achieved. As new library services are added, remain mindful of accessibility issues.

## LIBRARY IMAGE CHECKLIST

This audit of the library's internal and external image is based on one included in the South Carolina State Library Standards (1998).

	Yes	No
<b>Outside of building</b>		
Is the shrubbery and grass well-maintained?		
Are there areas in which flower beds could be created? If beds are there, are they maintained regularly?		
Are the signs for the library in good condition? Do they need repainting? Can you read them? Are they large enough? Do they need lighting?		
Is there trash on the grounds? Are trash containers available? Are containers available outside for smokers to extinguish cigarettes?		
Are walks and ramps shoveled promptly after snowfalls? Are they properly maintained? Are they well-lit?		
Is visitor parking prominently marked, plentiful, and well-lit?		
Is the entrance to the building clearly marked?		
Where are directional signs to the library located in the community? Are the directions well marked and easy to understand?		
Are the hours of operation posted clearly and available at all times?		
Is the library physically accessible to people who use wheelchairs or who come with strollers? Is the front door easy to open? Is there a panic bar on the inside of the door for emergency exit?		
<b>Inside of building</b>		
What do patrons see first when entering the library? Is the staff visible? If not, is it apparent where staff can be found? Is there a coat rack and a place to put wet/muddy boots?		
Is the main desk well-marked with signs? Is it neat and uncluttered? Is it staffed at all times?		
Is there a place such as a bulletin board to post special information? Is it attractively displayed? Is everything current? Is it regularly "weeded"?		
Are the specific areas of the library easy to reach and well-marked? Are there clear pathways to encourage flow through the building?		
How attractive and inviting is the main desk? Bulletin board? Library stacks? Reading areas? Offices, etc.?		
Does the area for children include seating for both children and adults? Is there easy storage for toys and realia?		
Is there quiet space? Is there an area where teens feel comfortable? Seniors?		

Are there enough public computers? Is there enough (private) space at public computers? Is signage available to help people use the computers?		
Are all areas of the library kept neat with books, magazines, and other materials shelved or attractively arranged?		
Is the furniture in good repair?		
Are floors or carpet cleaned frequently?		
Are trash containers strategically placed throughout the library? Emptied regularly?		
Are restrooms clearly marked and kept clean? Are supplies replenished?		
Are non-public areas clearly marked or locked?		
Are emergency exits clearly marked? Are fire extinguishers inspected regularly and in working order?		
<b>Other items</b>		
Is the library listing in the telephone book under a name that the public would most likely use? Is the listing in all relevant areas of the book?		
Do key information points such as the Chamber of Commerce, Town Office, schools, and local service stations know where the library is?		
Do all patrons, regardless of need or reason for visiting the library, feel welcome? Do staff members greet them as they enter? Do employees have name tags?		
Does the staff understand the importance of good customer service to the library?		
Does the staff understand the role they play in developing and maintaining a positive image for the library?		
Is customer service regularly promoted to the staff?		
Is the staff neat in appearance?		
Is the staff knowledgeable about their specific area as well as the library in general?		
Does the staff respond promptly and courteously to patron requests? Do they answer the phone with courtesy?		
<b>Publicity and public relations</b>		
Do you have letterhead and envelopes for the library?		
Do your printed materials have a consistent format?		
Are signs in the library easily read and neatly done?		
Are printed materials grammatically correct and spell-checked?		
Does the library have a logo? Is it easily recognizable? Does it reflect the image you want for your library?		
Do displays entice people to explore different areas of the library?		
Do staff and board members speak positively about the library and promote its services to civic, church, and business groups in the community?		

# THE BUSINESS OF THE BOARD

## BOARD MEETINGS

People like to complain about attending meetings, yet meetings are part of our lives. Board meetings are essential for keeping the lines of communication strong between trustees and the library director and for sharing information. Use meetings to discuss issues, plan for the future, evaluate current services, set priorities, clarify or revise policies, make decisions, coordinate activities, and gain mutual understanding.

In order to be productive, every trustee and the librarian should attend regular board meetings. Most boards find that a monthly schedule works well and keeps people on task. Do schedule meetings ahead of time – it is recommended that they be held the same time and day of each month. Begin and end on time. Distribute the agenda, minutes of the previous meeting, the librarian's report, and other reading at least one week prior so that everyone arrives prepared, having had time to think about important issues.

The board chair and librarian should develop the meeting agenda together, but individual trustees should be able to add to it. A sample agenda might be as follows:

1. Call to Order
2. Opportunity to add or remove items (2014 Open Meeting Law)
3. Secretary's Report  
Attendance taken; Minutes of previous meeting read and approved
3. Treasurer's Report
3. Library Director's Report
4. Committee Reports
5. Old (Unfinished) Business
6. New Business
7. Other Business
8. Public Comments
9. Adjourn

It is the job of the board chair to keep discussion flowing so that everyone has a chance to voice an opinion and ask questions and so that no one dominates. However, everyone – trustees and librarian – has an obligation to make sure that meetings are efficient yet thorough. Your board meetings should normally last no longer than two hours unless there is a major issue or crisis. If they do run longer, consider whether the trustees are:

- micromanaging – deciding details that the librarian or a committee could better handle
- allowing someone to dominate discussion
- repeating issues unnecessarily or without coming to consensus or a conclusion
- revisiting previously made decisions
- becoming distracted
- discussing irrelevant issues or gossiping
- allowing tardy or habitually absent trustees to control or distract the meeting

It often helps to clarify and review discussion and make clear any decisions that are made as you proceed with complex issues in order to avoid having to deal with the same issues meeting after meeting. Make a list of action items with the names of those responsible and deadlines, if needed. Sometimes the board may want to defer a major decision until more information can be gathered or individuals have time to think about an issue from all angles. Never attempt to write something like a policy “from scratch” at a meeting. Discuss basic principles or ideas and then delegate someone to write a draft for the next meeting. Be sure to send the draft to everyone ahead of time so that it can be revised at a meeting. Keep fine tuning until everyone is satisfied. This may take a few months but should result in consensus.

While you should expect your library director to attend all board meetings, there may be times when s/he will invite another library staff member to provide information or suggest action. As a trustee, you should become acquainted with all staff members, but individual trustees should never go to staff members for their opinions outside of board meetings. Your director should always be your liaison with the library employees and volunteers.

Board committees can help get things done between meetings, and you may find that they help cut down on the length of board meetings. Some boards recruit community members with specific expertise to serve on committees. For example, a contractor might serve on your building committee or a banker might serve on your fund raising committee. Consult with non-trustee experts whenever necessary, particularly an attorney when you have legal questions or reservations. Refer complaints, salespeople, the media, and other inquirers first to the librarian, rather than the board.

### **Open Meeting Law**

Make sure to observe Vermont’s Open Meeting Law (1 V.S.A., Sec. 310)

<https://www.sec.state.vt.us/media/514454/A-GUIDE-TO-OPEN-MEETINGS.pdf> (see also:

Page 45 in this publication). Municipal libraries must follow the Open Meeting Law.

Incorporated libraries may choose, The Minimum Standards currently require libraries to observe the Law.

Compliance is fairly simple but trustees must remember that whenever a majority of board members is gathered, **whether planned or not**, it is a public meeting and the Open Meeting Law should be observed. Make sure you know the requirements for public warning of meetings and follow them. Be very careful about going into executive session, and make sure that the reasons for executive sessions meet one of the seven criteria and that votes are taken **only** in public session. Board members should not engage in discussions of library business outside board meetings or come to meetings with decisions already formulated through informal conversations or chance meetings. The intent of the law is that these discussions occur in full view of the public. Board members are urged to give very careful consideration to their responsibilities under this law and to exercise extreme restraint in discussing library business outside the context of the publicly warned meeting.

Please note that draft minutes of the meeting must be made available to the public on the library’s designated website, within five (5) days of the meeting.

After the meeting is over, make sure you follow through with anything you have promised to do, and report back to the board chair or librarian when you do. Support the board's decisions, in public or in private, even if you disagree individually. Do not make decisions for the board, the librarian, or the library outside meetings.

## **ORIENTATION FOR NEW TRUSTEES**

Board by-laws should address how trustees are appointed or elected and how vacancies are filled. Vacancies on the board of a municipal library are filled by the legislative body (the select board for a town or the village trustees, in the case of a village) until a new election is held. 24 V.S.A. § 961. Orientation of new trustees does not need to be fancy or formal, but do not wait until the new trustee's first board meeting to offer it. Prospective trustees should be given information and have a chance to discuss what is expected of a trustee prior to running for office or agreeing to be appointed.

Each new trustee should receive a notebook of written materials, including copies of:

- library policies
- board by-laws
- library's long range plan
- the current budget
- a list of other trustees and library staff
- staff job descriptions
- list of library hours, programs, services and basic facts
- latest library statistical report
- Friends of the Library information
- minutes of recent board meetings
- library publicity pieces
- a membership form for the Vermont Library Association
- A copy of this manual (available from the Department of Libraries and also on the VTLIB website: [http://libraries.vermont.gov/services/public\\_libraries/trustees](http://libraries.vermont.gov/services/public_libraries/trustees))

The trustee notebook can be passed from outgoing to new trustee, but be sure to update the notebook contents regularly.

Prior to the first board meeting, the librarian and the board chair should meet with the new trustee. The librarian might discuss what s/he loves about the job and her/his hopes and dreams for library service. The board chair might talk about board meetings, committee work, problems and pleasures related to providing library service, and upcoming activities. A tour of the facility should be included, even if the trustee is a regular library patron.

The new trustee's orientation continues at the first board meeting. Leave plenty of time on the agenda for questions, and welcome them all. Remember that a newcomer will need background for everything you discuss in order to help make intelligent decisions. Even if a trustee has been

recruited to perform a particular duty, such as that of treasurer, give that person time to learn the ropes before assuming the job. Make the transition easy by thinking of the information you would need in order to do the job and then by supplying those details.

Encourage new trustees to learn more about trusteeship by using the library regularly, by visiting other libraries in the area, and by attending workshops and meetings for trustees. The annual fall trustees' conference sponsored by the Vermont Library Trustee Association, the annual spring Town Officers Educational Conferences sponsored by the University of Vermont Extension and the annual spring Vermont Library Conference are all excellent opportunities for learning, not just for new trustees, but also for seasoned ones. Consultants from the Department of Libraries are also available to visit your library for board orientation or to discuss particular issues.

## **BY-LAWS**

Whether for a municipal or an incorporated public library, the board of trustees' by-laws will help outline board member responsibilities in general and those of officers in particular. By-laws offer a structure within which to operate by outlining the board's operation. Make sure that your board by-laws cover the following points:

1. Purpose of the board
2. Membership
  - When and how are trustees appointed or elected?
3. Term of office
  - Many trustees are elected for five year terms, with one trustee being elected each year
  - Term limits are advisable so that trusteeship is not a "life sentence"
4. Officers
  - Generally, Chair/President, Vice-Chair/Vice-President, Secretary, Treasurer
  - When and how are officers elected?
  - How long are their terms of office?
  - What are the general duties of each office?
5. Meetings: frequency, dates, times, location, special meetings
6. Quorum: How many trustees need to be present in order to vote on any issue?
7. Committees
  - What are they and what do they do?
  - How are members appointed?
8. General agenda for regular meetings
9. General duties of trustees and librarian
10. Budgetary and financial procedures and responsibilities
11. Membership and participation in state and national organizations
12. Procedures for conducting business and decision making
  - Robert's Rules of Order? Consensus?
13. Procedure for amending by-laws

It is unlikely that you will revise your by-laws very often, but every trustee should have a copy of them and be familiar with them. While each library board's by-laws will take local situations

into account, you may want to consult other libraries if the board is thinking of revising its by-laws. Identify other libraries that are similar -- municipal or incorporated? city or small town? – and ask for copies of their board by-laws.

## **IS WHAT YOU'RE DOING ETHICAL?**

Vermont is a small state and most of our towns are small. People in public office often know one another and may even be related. The gossip mills are active. Because your public library serves the public and uses public funds or funds that are entrusted to the library, it is essential that your board conduct its business in an ethical manner.

In 1991, attorney Andrew H. Maass of Ryan Smith & Carbine of Rutland said that besides responsibilities outlined in statute, library trustees also have some more general responsibilities that originate in Common Law. His guidelines are listed on pages 9-10 in this document and are a good starting place when discussing ethical standards.

United for Libraries (a division of the American Library Association) has sample policies for trustees on its website including sample policies on board ethics, whistle blowing, sponsorship, and conflict of interest: <http://www.ala.org/united/trustees/orgtools/policies>

### **Sample Board of Trustees and Library Employee Ethics Policy (United for Libraries)**

The Anytown Public Library is dependent on the trust of its community to successfully achieve its mission. Therefore, it is crucial that all Board members and employees conduct business on behalf of the Anytown Public Library with the highest level of integrity avoiding any impropriety or the appearance of impropriety.

#### **Guiding Principles:**

- Board members and employees should uphold the integrity of the Anytown Public Library and should perform their duties impartially and diligently.
- Board members and employees should not engage in discrimination of any kind including that based on race, class, ethnicity, religion, sex, sexual orientation, or belief system.
- Board members and employees should protect and uphold library patrons' right to privacy in their use of the library's resources.
- Board members and employees should avoid situations in which their personal interests, activities or financial affairs are, or are likely to be perceived as being in conflict with the best interests of the Anytown Public Library.
- Board members and employees should avoid having interests that may reasonably bring into question their position in a fair, impartial and objective manner.
- Board members and employees should not knowingly act in any way that would reasonably be expected to create an impression among the public that they are engaged in conduct that violates their trust as Board members or employees.

- Board members and employees should not use or attempt to use their position with the Anytown Public Library to obtain unwarranted privileges or advantages for themselves or others.
- Board members and employees should not be swayed by partisan interests, public pressure, or fear of criticism.
- Board members and employees should not denigrate the organization or fellow Board members or employees in any public arena.

**Therefore:**

To preserve and uphold The Anytown Public Library's reputation as an organization of unimpeachable integrity, each Board member and employee will sign a "Conflict of Interest" statement and an "Ethics Statement" at the beginning of each calendar year (and at the commencement of his/her service) during their tenure with the Anytown Public Library.

**Compliance:**

If any Board member or the executive director appears to be in conflict of the "Guiding Principles" above, he or she will be asked to meet with the executive committee to discuss the issue. The executive committee will make a recommendation to the full Board based on their findings. Employees who are or appear to be in conflict with the "Guiding Principles" will be asked to meet with the executive director who will make a determination as to discipline or termination based on his or her findings.

## Appendix A

### Resources for Vermont Trustees

Compiled by Michael Roche, Library Consultant

**Vermont Department of Libraries:** <http://www.libraries.vermont.gov>

Follow links from “Librarians’ Resources” to a complete list of services, resources, grants, and programs currently offered by the Vermont Department of Libraries.

*A Manual for Vermont Library Trustees:*

[http://libraries.vermont.gov/services/public\\_libraries/trustees](http://libraries.vermont.gov/services/public_libraries/trustees)

*Vermont Public Library Statistics*, published in March of each year:

[http://libraries.vermont.gov/services/news/public\\_statistics](http://libraries.vermont.gov/services/news/public_statistics)

Grant and funding sources: web page includes current grant opportunities and listing of other sources for grant funding for libraries: <http://libraries.vermont.gov/services/grants>

Grants Collection at the Vermont State Library. Books and other resources including the Foundation Directory Online and other online resources on grants and grant writing for non-profits, including libraries. Available for use at the State Library in Montpelier:

[http://libraries.vermont.gov/state\\_library/collections/grants](http://libraries.vermont.gov/state_library/collections/grants)

Department of Libraries newsletter (by email subscription). Published regularly with current local, state, and national library news: [http://libraries.vermont.gov/dol\\_news](http://libraries.vermont.gov/dol_news)

Subscription information is included in each issue.

*The Law of Public Libraries*, a joint Publication of the Office of the Secretary of State and the Vermont Department of Libraries (Updated March 2010)

[http://libraries.vermont.gov/sites/libraries/files/PublicLibraries/Trustees/law\\_of\\_public\\_libraries.pdf](http://libraries.vermont.gov/sites/libraries/files/PublicLibraries/Trustees/law_of_public_libraries.pdf)

### Websites of Interest

#### **Vermont Directory of Foundations Online**

<http://fdovermont.foundationcenter.org/>

*The Vermont Directory of Foundations Online* can be used to find new funders or to research information on current donors or prospects. The Directory contains information on grantmakers with a primary address in Vermont, as well those outside Vermont who have a geographic focus including Vermont.

Also use **Vermont Community Foundation** <http://www.vermontcf.org/> for consultants and information on planned giving.

**WebJunction** is an online learning community for library staff and trustees that provides a helpful online learning portal and community services covering a wide variety of library topics

on everything from technology to library marketing, building, fundraising and online webinars.  
<http://webjunction.org/>

**Vermont Library Association (VLA)** is a membership organization that offers programs and services, recommends Vermont public library salaries and a more. Join the VTLIBRARIES listserv for email updates. The Association's annual conference is held every year in May and is open to library staff and trustees. Trustees are encouraged to join VLA trustee section which holds a one-day conference for trustees each fall. <http://www.vermontlibraries.org>

**American Library Association:** <http://www.ala.org>

ALA, the national library association, is a good place to start for information, including advocacy and intellectual freedom documents, copyright, services and programs for adults and children and national library issues.

*The Library Bill of Rights:* <http://www.ala.org/advocacy/intfreedom/librarybill>

*The Freedom to Read Statement:*

<http://www.ala.org/advocacy/intfreedom/statementspols/freedomreadstatement>

### **United for Libraries**

<http://www.ala.org/united/>

United for Libraries is a division of the American Library Association (ALA) with approximately 5,000 Friends of Library, Trustees, Foundations and individual members and affiliates. Begun in early 2009 with the merger of Friends of Libraries U.S.A. (FOLUSA) and ALTA, the new division brings together trustees and friends into a partnership that unites the voices of citizens who support libraries

**American with Disabilities Act-Adaptive Environments:** <http://www.ada.gov/racheck.pdf>

*Checklist for Existing Facilities* is a resource guide that can be used to determine your library's compliance with the ADA requirements.

### **Connecticut State Library Space Planning Guide**

<http://libguides.ctstatelibrary.org/dld/spaceplanning> Library Buildings & Construction

Assistance from the Connecticut State Library For assistance with questions or concerns about buildings, architecture, space planning, or accessibility in Connecticut libraries, but includes lots of good information for any library with a building project.

**Institute of Museum and Library Services** <http://harvester.census.gov/imls/compare/index.asp>

Public library statistics page including the "Compare Public Libraries" tool, allowing you to compare one library of interest to another, plus lots of good statistical information on public libraries.

**New England Library Association (NELA):** <http://www.nelib.org>

(NELA) is a regional organization whose membership represents a wide range of library-related interests, resources and publications for library staff and trustees.

**UVM Center for Rural Studies:** <http://www.uvm.edu/crs/>

The Center for Rural Studies is a nonprofit service research organization that addresses the social, economic, and resource-based challenges faced by rural people and communities. Follow the links to <http://www.uvm.edu/crs/?Page=resources/index.html&SM=resources/resourcessubmenu.html> to obtain community demographic information and community profiles that can assist your library in long-range planning.

**Opinions**, from the Vermont Secretary of State (available online; trustees can join the mailing list): <https://www.sec.state.vt.us/municipal/opinions-newsletters.aspx>  
Monthly newsletter that includes articles on municipal issues and "opinions" on legal and practical issues concerning municipal government; intended as a reference guide only and should not replace the advice of legal counsel.

**dPlan: The Online Disaster-Planning Tool for Cultural and Civic Institutions** (Northeast Document Conservation Center/NEDCC): <http://www.dplan.org/>  
dPlan can help you create a plan for disaster prevention and response and is perfect for small and medium-sized institutions that do not have in-house preservation staff.

### **For Interlibrary Loan: Books Available from the Vermont State Library**

*Intellectual Freedom Manual*. 8<sup>th</sup> ed. ALA, 2010. Guide to preparing for challenges or citizen requests for reconsideration of library materials but also useful for policymaking and thinking about philosophical underpinnings of intellectual freedom.

Nelson, Sandra S. *Strategic Planning For Results*. PLA, 2008. Focuses on the essential steps to draft a results-driven, strategic planning process that libraries can complete over the course of four months.

Moore, Mary Y. *The Successful Library Trustee Handbook*. 2<sup>nd</sup> ed. ALA, 2010. Designed to improve any board's effectiveness, this resource offers proven advice about what it takes to make everything from meetings to evaluations run smoothly and addresses the critical questions every board member needs to understand: What does it mean to be on a library board of trustees?

Nelson, Sandra & June Garcia. *Creating Policies for Results: from Chaos to Clarity*. ALA, 2003. Covering governance and organizational structure, management policies, and services relating to customers, circulation, information, and groups, this comprehensive how-to guide addresses each major library area. Follow these guidelines to assess existing policies, develop new ones, and communicate all changes to improve consistency.

Reed, Sally Gardner. *The Complete Library Trustee Handbook*. Neal Schuman, 2010.  
An excellent resource for library trustees, both new and experienced, this book covers fund-raising, advocacy, fiduciary responsibility, the role of the trustee, planning, policies, key issues and effective practices. Includes sample forms, essential documents, resources for further study and questions to guide discussions.

Reed, Sally Gardner. *Even More Great Ideas for Libraries and Friends*. Neal-Schuman, 2008. Chapters cover fund-raising, organizing book sales, programming for outreach, raising public awareness, and building membership in friends groups. Includes a tips lists, and an advocacy workbook

Reed, Sally Gardner. *Making the Case for Your Library: a How-to-do-it Manual*. Neal Schuman, 2001. A collection of handy tips and tricks librarians can use to assure success in promoting, defending, and assuring funding for their libraries.

Spohn, Stephen and Arnold Hirshon. *The Library Strategic Planning Toolkit*. Lyrcsis, 2010 Highlights the steps necessary to create a strategic plan that is cost effective and results-driven; customized for libraries of various sizes.

## APPENDIX B

### A GUIDE TO OPEN MEETINGS

Revised June 2014

James Condos, Vermont Secretary of State

Living in Vermont, we expect openness in government. Any day the legislature is in session we can sit down in either chamber, or in the various committee rooms, and see laws being made. Any day we can walk into the county courthouse and attend any hearing or trial, or watch the arguments being given before the Vermont Supreme Court. We can attend Act 250 hearings and meetings of the local zoning board, and any other public body, and we can expect to see notices of those meetings in the newspaper or on public bulletin boards. We can review and copy public documents in state and local offices.

One important foundation of openness in Vermont is the “Right to Know” laws, including those related to open meetings and public records. Together they are the most important public laws we have because they allow us direct access to the decisions that affect us. A full understanding of these laws makes everyone a better citizen. This guide is an introduction to the open meeting law.

You can read the open meeting law for yourself. The open meeting law is found in every town clerk’s office, in Title 1 of the Vermont Statutes Annotated. Title 1 is in the first volume of a set of green law books that include all of the statutory laws of the state. Look for sections 310 through 314, and make sure you check the pocket part to see if there is newer law to review for each section. You can also find this law on the internet at the Vermont State Legislature’s website at:

<http://www.leg.state.vt.us/statutes/sections.cfm?Title=01&Chapter=005>

#### MEETINGS OF A PUBLIC BODY MUST BE OPEN TO THE PUBLIC

- Public must be given notice of the meeting.
- Public must be allowed to attend the meeting and be heard.
- Minutes of the meeting must be taken.

#### WHO DOES THE OPEN MEETING LAW APPLY TO?

Vermont’s open meeting laws apply to all boards, councils and commissions of the state and its political sub-divisions (i.e. municipalities), including committees and subcommittees of these bodies. *1 V.S.A. § 310(3)*. This means the open meeting law governs meetings of selectboards, planning commissions, boards of civil authority, recreation commissions, municipal public library trustees, auditors, listers, etc., as well as any committee created by one of these public bodies. The open meeting laws apply to boards and commissions, not to individual officials. There is no right to sit in the town manager’s office and watch her conduct town business. There is no right to be present at site visits for tax assessments or abatements, or to oversee the routine day-to-day administration of the town. *1 V.S.A. § 312(g)*.

## WHEN DOES THE OPEN MEETING LAW APPLY?

Whenever a quorum (a majority) of a public body is gathered to discuss the business of the board or to take action, the open meeting laws apply. *1 V.S.A. § 310(2)*. This means that if a majority of a board find themselves together at a social function they must take care not to discuss the business of the board. In 2014 the Vermont legislature clarified that a public body is not meeting if members are exchanging emails “for the purpose of scheduling a meeting, organizing an agenda, or distributing materials to discuss at a meeting, . . .” Two members of a five-person board may meet without the need for public notice. The entire public body may meet without notice or public attendance when it deliberates on its written decision, following a quasi-judicial hearing on an application or permit. In this instance, although the hearing is open, only interested parties have the right to be heard, and deliberations that follow may be closed to the public. *1 V.S.A. § 312(e) & (f)*. When acting on these cases, a public body must issue its decisions in writing, but may do so without the formality of a meeting where the decision is announced.

## HOW DOES A BOARD PROVIDE NOTICE OF ITS MEETINGS?

- A board schedules **regular meetings** by adopting a resolution setting the time and place of the meeting. This information must be made available to the public. When a board meets, for example, on the first Tuesday of every month, the law does not require formal public notice. However, the board does need to adopt a resolution specifying its regular meeting schedule. *1 V.S.A. § 312(c)(1)*.
- A board holding a **special meeting**, i.e. a meeting that is not a regular or emergency meeting, must, at least 24 hours before the meeting, publicly announce the time, place and purpose of the meeting by notifying the board members and the local news media and any other person that has specifically requested notification, and by posting notice of the meeting in or near the municipal office and in two other designated public places in the municipality. *1 V.S.A. § 312(c)(2)*.
- An **emergency meeting** may be held in the event of a true emergency, i.e. when “necessary to respond to an unforeseen occurrence or condition requiring immediate attention”, without public announcement as long as some public notice is given as soon as possible before the meeting. *1 V.S.A. § 312(c)(3)*. An emergency meeting should not be used if the public body is able comply with the 24-hour notice requirements for special meetings.

**N.B.** When a meeting is “adjourned,” or continued to a new time or place, the meeting will not be considered a new meeting and will not require additional notice so long as the time and place of the new meeting is announced before the first meeting is closed. *1 V.S.A. § 312(c)(4)*.

## WHAT ARE THE REQUIREMENTS FOR MINUTES OF A PUBLIC BODY?

Public bodies are required to take minutes. Minutes must at least include the names of all members of the public body present at the meeting, and other active participants, and all motions, proposals, and resolutions made, and their dispositions, and the results of any votes taken. *1 V.S.A § 312 (b)(1)*. Minutes are public records, which must be available for public inspection and copying after five days from the date of the meeting. Minutes also must be posted no later than

five days from the date of the meeting to a website, if one exists, that the public body maintains or has designated as the official website of the body. *1 V.S.A. § 312 (b)(2)*. Minutes are the permanent record of the formal actions of the public body and play an important role in recording the history of municipal business.

### **DO MEMBERS OF A PUBLIC BODY NEED TO BE PHYSICALLY PRESENT?**

As long as the requirements of the open meeting laws are met, one or more members of a public body may fully participate in discussing the business of the public body and vote to take an action at a regular, special, or emergency meeting by electronic or other means without being physically present at a designated meeting location. In this situation, any vote of the public body must be taken by roll call. In addition, if a member is not physically present, the member is required to identify himself or herself when the meeting is convened and be able to hear the conduct of the meeting and be heard throughout the meeting. If a quorum or more of the members of a public body attend a meeting without being physically present at a designated meeting location, the public body must publicly announce and post notice of the meeting at least 24 hours prior to the meeting. This notice must designate at least one physical location where a member of the public can attend and participate in the meeting. At least one member of the public body, or at least one staff or designee of the public body, is required to be physically present at each designated meeting location. *1 V.S.A. § 312(a)(2)*.

### **WHEN CAN A BOARD MEET IN PRIVATE?**

- A public body may meet in private to deliberate in connection with a quasi-judicial hearing. This is not an open meeting and does not have to be warned. *1 V.S.A. § 312(e)*.
- A public body may enter into executive session, which is a closed meeting within a public meeting. A public body may only enter into executive session upon a majority vote (2/3 vote of a state board), on a motion made in an open meeting, that indicates the reason for going into executive session. The only permissible reasons for going into executive session are set forth in *1 V.S.A. § 313*. One category, requires the public body to make a specific finding that “premature general public knowledge would clearly place the public body or a person involved at a substantial disadvantage” prior to considering one of the following in executive session:
  - contracts;
  - labor relations agreements with employees;
  - arbitration or mediation;
  - grievances, other than tax grievances;
  - pending or probable civil litigation or a prosecution, to which the public body is or may be a party; or
  - confidential attorney-client communications made for the purpose of providing professional legal services to the body.
- Other things a public body may consider in executive session are:
  - The negotiating or securing of real estate purchase or lease options;
  - The appointment or employment or evaluation of a public officer or employee, provided that the public body makes its final decision to hire or appoint a public officer or employee in an open meeting and must explain the reasons for its final decision during the open meeting;
  - A disciplinary or dismissal action against a public officer or employee; but

nothing in this subsection shall be construed to impair the right of such officer or employee to a public hearing if formal charges are brought;

- A clear and imminent peril to the public safety;
  - Discussion or consideration of records or documents that are not public documents under the access to public records act. However when the board discusses or considers the excepted record or document it may not also discuss the general subject to which the record pertains;
  - The academic records or suspension or discipline of students;
  - Municipal or school security or emergency response measures, the disclosure of which could jeopardize public safety.
- Abusing the law of executive session is offensive to the purpose of open meetings. Boards should close their meetings rarely, and then only for legitimate purposes. No formal action may be taken in executive session except for those related to securing a real estate purchase option. In all other instances, appropriate topics may be discussed in executive session but ultimate action must be taken by motion and vote in open session. *1 V.S.A. § 313(a)*.
  - A board may invite into executive session its attorney, administrative staff and persons who are subjects of the discussion or whose information is needed. *1 V.S.A. § 313(b)*.
  - No decision may be made in executive session except for actions relating to the securing of real estate options. Decisions may be made in deliberative session so long as there is a written decision that is public record.
  - Some boards go beyond the requirements of the law and do everything in public (except when acting in a quasi-judicial capacity when due process may require private deliberations.) The risks entailed in letting everybody know its business are not small, but there is no penalty for extra openness and a high return on the investment if the public understands you have nothing to hide.

#### **WHEN DO AGENDAS HAVE TO BE MADE AVAILABLE?**

At least 48 hours prior to a regular meeting, and at least 24 hours prior to a special meeting, a meeting agenda must be posted to a website that the public body maintains or designates, if one exists. In addition, a municipal public body must post the agenda in or near the municipal office and in at least two other designated public places in the municipality. A meeting agenda must be made available to a person prior to the meeting upon specific request. Any addition to or deletion from the agenda is required to be made as the first act of business at the meeting, but any other adjustment to the agenda may be made at any time during the meeting. *1 V.S.A. § 312(d)*. Agendas should allow interested members of the public to be reasonably informed of what will be discussed at the meeting.

#### **WHAT RIGHTS DO MEMBERS OF THE PUBLIC HAVE?**

- Upon request, the agendas of regular or special meetings must be made available to any person prior to a meeting. *1 V.S.A. § 312(d)*.
- Persons that wish to be notified of special meetings should provide a written request to the public body.
- Members of the public have the right to attend meetings, to express their opinions on

matters being considered by the public body, and to tape or videotape meetings so long as it is not done in a manner that disrupts the meeting. *1 V.S.A. § 312(h)*. Many boards allow public comment at the start of the meeting while others place it as the final agenda item. Some boards allow public comment whenever anyone present has something to add to the discussion. Public comment is often the one opportunity that members of the public have to speak openly about their concerns. The public comment period, however, is not a free-for-all. The chair of the board may establish reasonable rules to maintain order, and reasonable limitations on the amount of time for each speaker are not unusual or improper. A school board must provide a written response whenever a member of the public requests a written response to his or her public comments. *16 V.S.A. § 554(b)*.

- The public has the right to know the reason a board is going into executive session.

### **HOW ARE VERMONT'S OPEN MEETING LAWS ENFORCED?**

The following persons can be found guilty of a misdemeanor and fined up to \$500.00:

- A person who is a member of a public body and who knowingly and intentionally violates the provisions of the open meeting laws;
- A person who knowingly and intentionally violates the provisions of the open meeting laws on behalf or at the behest of a public body;
- A person who knowingly and intentionally participates in the wrongful exclusion of any person or persons from any meeting. *1 V.S.A. § 314(a)*.

The Attorney General or any person aggrieved by a violation of the open meeting laws may file suit in the Civil Division of the Superior Court in the county in which the violation has taken place for appropriate injunctive relief or for a declaratory judgment. Such an action must be filed no later than one year after the meeting at which the alleged violation occurred or to which the alleged violation relates. The Court is required to give priority to these suits on its docket. Prior filing suit, however, the Attorney General or aggrieved person must provide the public body written notice that alleges a specific violation and requests a specific cure of such violation. The public body will not be liable for attorney's fees and litigation costs if it cures in fact the violation. Upon receipt of written notice of the alleged violation, the public body must respond publicly to the alleged violation within seven business days by either acknowledging the violation and stating an intent to cure the violation within 14 calendar days or by stating that the public body has determined that no violation has occurred and that no cure is necessary. If the public body fails to respond to a written notice of an alleged violation within seven business days, this shall be treated as a denial of the violation. In order to cure a violation, within 14 calendar days after a public body acknowledges a violation, the public body shall cure the violation at an open meeting by ratifying, or declaring as void, any action taken at or resulting from a meeting in violation and adopting specific measures that actually prevent future violations. The Court is required to assess against a public body found to have violated the requirements of this subchapter reasonable attorney's fees and other litigation costs reasonably incurred in which the complainant has substantially prevailed, unless the Court finds that the public body had a reasonable basis in fact and law for its position and the public body acted in good faith. In determining whether a public body acted in good faith, the Court must consider, among other factors, whether the public body responded to a notice of an alleged violation in a timely manner or whether the public body cured the violation. *1 V.S.A. § 314(b)*.