

# You're a Library Trustee Now!

## Resources to Support Your Work

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# Public Libraries Are Essential Resources

## 22 V.S.A. § 67

(a) The General Assembly declares it to be the policy of the State of Vermont that free public libraries are essential to the general enlightenment of citizens in a democracy and that every citizen of the State of Vermont should have access to the educational, cultural, recreational, informational, and research benefits of a free public library. <https://legislature.vermont.gov/statutes/chapter/22/003>

# What is a Public Library?

## **22 V.S.A. § 101**

“Public library” means 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.

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

# Types of Public Libraries

## **Incorporated**

Vermont's incorporated public libraries were typically formed when a bequest or donation was made to start a public library for a community. That donation led to the formation of an incorporated entity – separate from the municipality - that would oversee the public library that serves their community. Information specific to incorporated libraries can be found in statute 22 V.S.A. § 102.

## **Municipal**

Formed by a municipal vote. Information specific to municipal libraries can be found in statute 22 V.S.A. § 141.

## **Community**

Joint school and public library; usually municipal

# Role and Number of Library Trustees: Incorporated Libraries

## **22 V.S.A. § 103**

An organization formed under the provisions of section 102 of this title shall be a body corporate and politic to be known by the name stated in its certificate. It shall have and possess the ordinary rights and incidents of a corporation, and shall be capable of taking, holding, and disposing of real and personal estate for the purposes of its organization. The provisions of a will, deed, or other instrument by which an endowment of a library is provided, and accepted by the trustees, managers, or directors shall, as to such endowment, be a part of the organic and fundamental law of such corporation. <https://legislature.vermont.gov/statutes/section/22/003/00103>

## **22 V.S.A. § 104**

The trustees, managers, or directors of such corporation shall compose its members and shall not be more than 15 nor less than five in number. <https://legislature.vermont.gov/statutes/section/22/003/00104>

# Role and Number of Library Trustees:

## Municipal Libraries

### 22 V.S.A. § 143

(a) Unless a municipality which has established or shall establish a public library votes at its annual meeting to elect a board of trustees, the governing body of the municipality shall appoint the trustees. The appointment or election of the trustees shall continue in effect until changed at an annual meeting of the municipality. The board shall consist of not less than five trustees who shall 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. <https://legislature.vermont.gov/statutes/section/22/003/00143>

# Big Picture Vision

## The Prosperity of the Library

# The Primary Duty of Trustees

## Oversight of the Library

- Duty of Care
- Duty of Loyalty
- Duty of Obedience



# What To Know

- The governance of your library: municipal, incorporated, or community
- Names and contact information of all board members, library staff, key volunteers, officers of the Friends of the Library
- Library bylaws, policies, staff roles and job descriptions
- Library hours, phone number, website address
- What the library offers
- Library mission and long-range plan
- Town plan
- Latest annual report of library and town
- [Vermont Public Library Standards](#) (from 1986)

# Broader Considerations

- Understand local, state, and federal laws that relate to the library
- Put the interests of the library first
- Avoid conflict of interest
- Exercise discretion and respect confidentiality
- Present publicly as a unified group
- Avoid involvement with regular operations of the library
- Attend library events
- Attend trustee trainings
- Stay current on issues that affect the library
- Create and maintain good relationship with Friends of the Library

# Primary Library Board Responsibilities

- Bylaws: review and update
- Policies: create, review, and update
- Strategic and long-range planning
- Hire & supervise the library director
- Establish the library budget and request municipal funds
- Stewardship of the library building and grounds
- Meet regularly and effectively
- Be a champion for the library
- Ensure compliance with funding and grant terms

# Library Director Responsibilities

- Implement polices
- Daily operations of the library
- Hire and supervise staff
- Make collection and programming decisions
- Report to the board regularly
- Written annual report to town

# Library Policies

- Circulation
- Collection Development
- Facilities (Meeting Room Use, bulletin boards, exhibitions)
- Internet Use
- Intellectual Freedom
- Library Use
- Programs & Services
- Unattended Child
- Social Media

# Resources for Creating & Reviewing Policies

- [Sample Vermont Library Policies](#)
- [ALA Guidelines for Library Policies](#)
- [Equity, Diversity, Inclusion: An Interpretation of the Library Bill of Rights \(ALA\)](#)

# Best Practices for Board Meetings

- meet at least four times per year
- follow Roberts Rules of Order
- share agendas and documents in advance of meetings
- provide opportunities for members of the public to participate in discussions
- provide opportunities for library staff to share their ideas and perspectives
- share draft minutes quickly after each meeting

# Board Meetings and Records

## Municipal Public Libraries

- Boards of municipal public libraries are public bodies of municipalities and so Vermont's Open Meeting Law applies to them. The Vermont Secretary of State's **Guide to Open Meetings** is resource for all public bodies. <https://outside.vermont.gov/dept/sos/Municipal%20Division/a-guide-to-open-meetings-january-2019.pdf>
- Boards of municipal public libraries are public agencies so the state's public records law applies to them. The Vermont Secretary of State's **A Matter of Public Record: A guide to Vermont's public records laws** is a resource for all public agencies. <https://outside.vermont.gov/dept/sos/Municipal%20Division/a-matter-of-public-record-2014.pdf>



# Board Meetings and Records

## Incorporated Public Libraries

- Boards of incorporated public libraries are **not** public bodies and are **not required** to adhere to Vermont's Open Meeting Law. Boards of incorporated public libraries may choose to follow Vermont's Open Meeting Law or may develop practices to enable public participation in their processes.
- Boards of incorporated public libraries are **not** public agencies and the state's public records law does **not** apply to them. Boards of incorporated public libraries may choose to share documents and communications in response to information requests by the public.

# Maintain Nonprofit and Tax-exempt Status

## Incorporated Public Libraries

### 22 V.S.A. § 102

The trustees may make, sign and acknowledge, and file in the office of the Secretary of State a statement in writing setting forth the intent of the trustees to form a corporation, a copy of the will or instrument by which the endowment of such library is provided, the name adopted for the corporation, which shall not be the name of a corporation already existing, and the name of the municipality in which the library and the principal place of business of the corporation will be located, the managers who may be designated trustees, managers, or directors of such corporation, and the names of the trustees, managers, or directors who are to constitute the original board and who shall hold office until their successors are elected and qualified as provided in section 106 of this title.

<https://legislature.vermont.gov/statutes/section/22/003/00102>

The Vermont Nonprofit Corporation Act, in Title 11B of the Vermont Statutes, governs nonprofit organizations in Vermont.

<https://legislature.vermont.gov/statutes/title/11b>

### 22 V.S.A. § 109

“When the instrument providing the endowment declares that the institution shall be a free public library, such library and other property of the corporation shall be forever exempt from taxation.

<https://legislature.vermont.gov/statutes/section/22/003/00109>

# Confidentiality of Patron Records

## 22 V.S.A. § 172

(a) A library's patron registration records and patron transaction records shall remain confidential.

(b) Unless authorized by other provisions of law, the library's officers, employees, and volunteers shall not disclose the records except:

- (1) with the written permission of the library patron to whom the records pertain;
- (2) to officers, employees, volunteers, and agents of the library to the extent necessary for library administration purposes;
- (3) in response to an authorized judicial order or warrant directing disclosure;
- (4) to custodial parents or guardians of patrons under age 16; or
- (5) to the custodial parents or guardians of a student, in accordance with the federal Family Education Rights and Privacy Act, by the library at the school the student attends.

(c) Statistical records pertaining to the patronage, circulation activities, and use of any service or consultation the library provides, provided that they do not contain the names of patrons or any other personally identifying information, shall be exempt from the provisions of this chapter.

<https://legislature.vermont.gov/statutes/section/22/004/00172>

# Intellectual Freedom

American Library Association, Office of Intellectual Freedom

<https://www.ala.org/advocacy/intfreedom>

Freedom to Read Statement (American Library Association)

<https://www.ala.org/advocacy/intfreedom/freedomreadstatement>

Library Bill of Rights (American Library Association)

<https://www.ala.org/advocacy/intfreedom/librarybill>

Interpretation of Bill of Rights (American Library Association)

<https://www.ala.org/advocacy/intfreedom/librarybill/interpretations>

# You Don't have to Do This Alone!

## People and Organizations to Support Your Work

The Vermont Department of Libraries

<https://libraries.vermont.gov/>

<https://libraries.vermont.gov/services/public-libraries/trustees>

- Training
- Consulting
- [Friends and Trustees list serv](#)
- [Niche Academy](#) Friends and Trustees Academy
- [Niche Academy](#) All VTLIB content

# More Helpers

## Vermont Library Association

- <https://www.vermontlibraries.org/>
- <https://www.vermontlibraries.org/fts>

## American Library Association

- <https://www.ala.org/>

## Vermont League of Cities and Towns (for municipal libraries)

- <https://www.vlct.org/>

## EveryLibrary

- <https://www.everylibrary.org/>

## United for Libraries

- <https://www.ala.org/united/>

# Resources

[Quick Guide to Vermont Open Meeting Law](#)

[Division of Duties Chart](#) (trustees, director, Friends)

[Laws and Guidelines That Affect Your Work](#)

[Annual Policy Review Calendar Example](#)

# Additional Resources for Incorporated Public Libraries

**Business Services Division, Vermont Secretary of State**

<https://sos.vermont.gov/corporations/registration/domestic-registration/nonprofit-corp/>

**Common Good Vermont**

<https://commongoodvt.org/nonprofit-101/board-governance/>

**Title 11B: Non-profit corporations**

<https://legislature.vermont.gov/statutes/title/11b>

**Understanding Your Responsibilities: Guidance for Board Members of Charitable Nonprofit Organizations in Vermont**

<https://ago.vermont.gov/sites/ago/files/wp-content/uploads/2018/01/Charitable-Nonprofit-Board-Guidance.pdf>



## Questions?

*Thank you for coming today  
and for your work as trustees!*

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