Public Library Trustees: Who’s the Boss?

Attendees will learn the differences and similarities between a library district, municipal library and county library and the “policy-based governance” role of the library trustee in each.

Presentation Learning Goals

1. Learn the differences between district, municipal and county libraries and the responsibilities and accountability of the trustee in each setting.

2. Better understand the role of the trustee and evaluate processes for fulfilling responsibilities and working with or for those to whom you are accountable.

3. Use this knowledge to develop bylaws, policies, processes and procedures to work cooperatively with those to whom you are accountable to fulfill your responsibilities.
I. Three Library Entities to be Discussed

Colorado law establishes various forms of “libraries.” For purposes of this presentation we will discuss three.

A. The County Library: A county library is a public library established and maintained by a county.

B. The Municipal Library: A municipal library is a public library established and maintained by a municipality.

C. The Library District: A library district is established as its own taxing authority and is not “maintained” by another entity. It is a “political subdivision of the state.”

II. Boards of Trustees

The “management and control” of the public library in these three entities is vested in a Board of Trustees (“BOT”) of 5 to 7 individuals chosen from among the “residents” of the library Service Area.

A. Appointment. Trustees are appointed and never elected.

1. The County Library: County Library trustees are appointed by the Board of County Commissioners (“BOCC”).

2. The Municipal Library: Municipal library trustees are appointed by the mayor with the consent of the council or similar entity.

3. The Library District: Trustees are appointed by the governments that supported the formation of the District or the power to recommend new trustees is delegated to the Library Board of Trustees and ratified by a 2/3 vote of the BOCC.

B. Removal. Trustees may be removed only by a majority vote of the appointing legislative body or bodies, but only upon a showing of good cause as defined in, but not limited to, the bylaws adopted by the board.

III. BOT Bylaws

The statutes require the BOT to adopt (a.) bylaws for its own guidance and (b.) policies for the governance of the library.

A. Bylaws for BOT Governance. The BOT Bylaws must include:

1. The definition of “good cause” for removal of a trustee;
2. The officers to be appointed or elected and their functions;
3. Rules for meeting conduct;
4. Rules for public participation; and
5. Procedures for their amendment.
6. In a library district the Bylaws shall also include the length and number of terms allowed each trustee.

IV. Powers and Duties of the BOT

The powers and duties of the Board of Trustees is not always the same in County Libraries, Municipal Libraries and Library Districts. These powers and duties are defined in the Library Law and intra-governmental agreements should be pursued where appropriate to insure efficient operations.

A. Have custody and control of all property of the library, including rooms or building constructed or set apart therefor.

Note: Custody and control does not necessarily mean ownership. In a county or municipal library, the BOT should clarify with the county or municipality who provides and pays for maintenance, insurance, repairs, utilities etc.

B. Employ a director.

Note: In a county or municipal library it should be clarified whether the director is on the county/municipal payroll or library board budget and payroll; what benefits will he/she receive, and who determines salary.

I should also be made clear that the director works to implement the policies of the BOT, not the county or municipality.

C. Employ other individuals at the recommendation of the Director.

Note: See preceding note.

D. Submit annually a budget as required by law.

1. In a library district, the budget is fully within the control of the BOT and will result in the calculation of a mill levy sufficient to pay expenses.

2. In a municipal or county library:
a. The BOT and director should determine annually what expenses will be covered by the governmental entity and which must be covered by the library budget.

b. If the county or municipality has a dedicated library mill levy, determine the revenue that will be received from the levy and whether the government will supplement that amount.

c. Any amount above the revenue from a dedicated levy will be at the discretion of the BOCC or council. Be ready to advocate.

**Note:** What recourse does a BOT of a municipal or county library have if the library is underfunded or not funded at all?

E. Have exclusive control and spending authority over library funds.

1. In a library district funds are received from taxes and appropriated as the BOT sees fit to cover its needs and planned reserves.

2. In a municipal or county library, the BOT has exclusive control over the funds that are “appropriated” by the town council or BOCC.

F. Accept gifts and acquire and dispose of “property of the library.”

**Note:** It is necessary to clarify with the council or BOCC what property is “property of the library” and what property is under municipal or county control and simply loaned or leased to the BOT. An intra-governmental agreement or written resolutions will minimize conflict.

G. Have the authority to enter into contracts.

**Note:** Again, it is important to clarify in writing what contracts will be required of the BOT and how they will be procured, how payments will be made and who will provide contract supervision, particularly if the contracts are for work on municipal or county owned property.

H. Have the authority to require an election be held to increase the maximum mill levy assessed to support the library.
Note: This is a very important power for all BOT’s. However, the statute does not state: a. whose budget the election will fall under; b. who will determine the election question; and, c. whether the governing body will provide any support for the election like designated election officials, ballot costs etc. Again, these matters must be determined (in writing) prior to any election being undertaken.

V. In Light of these differences and considerations, what thoughts do you have regarding:

A. The differences between district, municipal and county libraries and the responsibilities and your accountability in each setting; and,

B. How would you develop and evaluate processes for fulfilling responsibilities and working with or for a district, county or municipality; and,

C. Have you learned anything to assist you the development of bylaws, policies, processes and procedures and intra-governmental agreements to work cooperatively with those to whom you are accountable to fulfill your responsibilities?

CAVEAT

Information provided herein is for discussion purposes only. It is not intended to be legal advice on any specific topic.

Please contact our office if you would like to have further discussions of issues affecting libraries. We would be grateful for the opportunity to talk with you or make presentations to your staff or governing boards on these or other topics.

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