Library Board Powers and Duties

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Wisconsin Trustee Training Module #1

Wisconsin prescribes citizen (library board) control of public libraries. Why?

- Citizen control isolates library operations from political pressure.
- Citizen control ensures that the library collection is developed independently of any particular political viewpoint.
- Citizen control means the library is governed by the same people the library serves—the public.

Wisconsin's library law (Chapter 43) mandates library board control of:

- All library expenditures [43.58(1)]
- Library buildings and other property [43.58(1)]
- Hiring, supervision, and firing of library director [43.58(4)]
- Setting all library employee compensation levels [43.58(4)]
- Determining necessary staff positions (but the hiring of other staff is the responsibility of the library director) [43.58(4)]
- Determining library policies [43.52(2)]

In addition, library boards:

- Must be sure their library director qualifies for and maintains the appropriate certification from the DLTCL [43.15(4)(c)(6) & Admin. Code PI 6]
- Must annually elect a board president (and any other officers the board decides to create) [43.54(2) and 43.57(5)(d)]
- Must approve and submit the required annual report to the municipality and the DLTCL [43.58(6)]
- May retain custody of certain funds (gifts and donations only), following the provisions of Wis. Stat. s.43.58(7)

Remember the importance of municipal support...

- Municipal support is an essential ingredient of quality library service
- Favorable relationships with the municipality can be nurtured through:
  - consulting with municipal officials on major issues facing the library
  - communication of the rationale for library board decisions
  - convincing arguments for the needs of the library

Basic distribution of responsibilities:

Municipality	Library Board	Library Director
Set annual library appropriation	Determine detailed library budget	Keep board informed
Maintain custody of most library funds	Audit and approve all library expenditures	Advise board
Disburse library expenditures	Hire and supervise library director	Hire and supervise other library staff
	Determine library policies	Administer day-to-day library operations

What happens if our library does not follow Chapter 43 requirements?

- For a public library to be a member of a library system, it must be established and operated according to Chapter 43.
- Libraries not in compliance with Chapter 43 may lose system services and funding, and may even be expelled from the system.

Library boards are also responsible for compliance with many other laws, including:

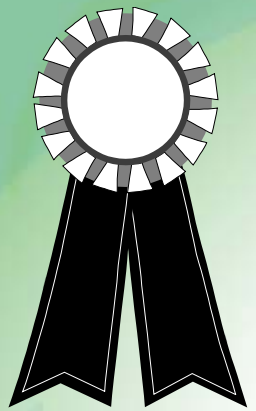
- Wisconsin's open meetings law
  See http://dpi.wi.gov/pld/openmeetings.html
- Wisconsin's public records law
  See http://dpi.wi.gov/pld/publicrec.html
- federal and state employment laws, including discrimination laws, Fair Labor Standards Act, ADA
- ADA as it applies to library buildings and services
- state ethics and conflict-of-interest laws for public officials (since library trustees are public officials)

Can trustees be held personally liable?

- Generally, trustees need fear no personal loss or liability for the honest performance of their official duties and exercise of powers granted by law.
- But personal liability is still possible for intentional or careless injuries or damages, illegal use of public funds or authority, conflict-of-interest violations, and open meeting violations.
- It is important that individual trustees act and speak for the library only when authorized to do so by the full board.

How can trustees protect themselves from liability?

- Learn about library laws and other laws affecting libraries through reading and attendance at training programs.
- Consult your municipal attorney, system staff, or DLTCL staff if you have concerns.



What makes a good library trustee?

- Knowledge of and compliance with the laws outlined above is just a start.
- Wisconsin Library Trustees and Friends have a website which includes a “trustee job description,” a list of the qualities of good trustees, as well as other resources for trustees.
  See http://www.wla.lib.wi.us/wltf/index.htm

Discussion questions:

1. What are the essential responsibilities of a library board?
2. What are the essential duties of an individual library trustee?
3. What are the qualities of an exemplary library board member?

For more information:

- visit the Wisconsin Library Trustee Resources webpage at http://dpi.wi.gov/pld/trustee.html

Or contact:

- Your library system staff
- Your municipal attorney
- John DeBacher, Consultant, Public Library Administration, (608) 266-7270 or john.debacher@dpi.wi.gov