

# Mississippi Trustee Handbook



Mississippi Library Commission  
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## DEVELOPMENT OF PUBLIC LIBRARY SYSTEMS IN MISSISSIPPI

Mississippi has a rich heritage for the love of books and reading. The historical records indicate that Mississippi libraries date back to private or association libraries of the early settlers. By 1900, three public libraries existed in Mississippi: Biloxi, Holly Springs and Natchez. But, between 1900 and 1919 citizen groups formed public libraries in Hazlehurst, Brookhaven, Columbia, Greenville, Port Gibson and Laurel.

Since that time, public libraries have expanded due to donations of interested individuals, the support of active citizens groups and clubs, especially the Mississippi Federation of Women's Clubs, grants from Andrew Carnegie, and governmental assistance. Federal library assistance programs such as the Works Progress Administration (WPA), Library Services Act (1956), Library Services and Construction Act (1964 and later amendments), Revenue Sharing (1972) have had an impact on the growth of Mississippi public libraries. In 2017, there are 50 public library systems with 240 branch libraries in communities across the state, including two independent municipal libraries.

To strengthen local public libraries, the Mississippi Library Commission throughout the 1950's through the 1970's encouraged the formation of multi-county, regional cooperatives as an efficient and economical way to provide centralized library service to the largest number of residents. These public library systems whether they serve as a single county, joint city-county or as a multi-county or regional have legal basis in the *Mississippi Code of 1972, Annotated*, (§39-3-1; §39-3-8; §39-3-9). More detailed historical information can be found in the *Director's Resource Guide* (<http://mlc.lib.ms.us/ms-libraries/library-development/>) under "A Brief History of Mississippi Libraries."

The *MS Code* (§39-3-1) also documents that ". . . it is hereby the policy of this state to allow and promote the establishment and development of free public library service throughout this state as a part of its provisions for public education." *MS Code* (§39-3-1) also defines a "Public Library" as a ". . . library which provides customary services, without charge, to all the residents of a county, city or region and is supported whole or in part by public funds."

As an aid in the development of public library systems, the *MS Code* (§39-3-13) provides the authority for a governing body of any municipality, the board of supervisors

of any county, or Administrative board of trustees to contract for library service. While most public library systems in Mississippi have a contract for services that details responsibilities of all parties, services offered, funding requirements, and renewal clauses, some library systems are established by resolution of the county.

### **Types of Public Library Systems**

Public library systems in Mississippi can be established as county, city-county, or regional.

- **County Library System**  
A public library system is established by a resolution of a county's board of supervisors. This type of library system is funded by the county, and, in some instances, also by municipalities within the counties.
- **Joint City-County Library System**  
A public library system is established by contract between the board(s) of trustees of one (1) or more municipal public libraries and the board of trustees of the county library system, with the consent of the governing body of the municipality(s) and the consent of the county board of supervisors. (*MS Code §39-3-8 and §39-3-15(5)*).
- **Regional Library System**  
A public library system is established by contract between the governing bodies of two (2) or more counties. This type of library system funded by the participating counties and, in some instances, also by municipalities within the counties (*MS Code §39-3-9*).

## Board of Trustees Essentials

Public library trustees are volunteers who serve their community with no financial compensation. Trustees may be reimbursed, however, for any reasonable and necessary expenses incurred in the performance of library business such as travel expenses and mileage (*MS Code* (§39-3-15 (6))). Reimbursements for expenses are usually addressed in the library board's by-laws.

In Mississippi, library trustees are public servants—they protect the community's interest in the library. While the public's interest may be served by both administrative trustees and advisory trustees, this document will focus on administrative trustees as that is where the authority rests.

### Administrative Board of Trustees

Each single county, city-county, and regional public library system has an administrative board of trustees (also referred to as the administrative board, the board, public library board, library board or trustees). The *MS Code* (§39-3-15) specifies the appointing authority, the terms of office, residence requirements and the number of trustees that make up a library board.

The ultimate responsibility and liability for the governance of a public library system in Mississippi resides with the administrative board. According to *MS Code* (§39-3-17 (1)), the board is responsible for governing the activities and operations of all libraries within a library system. These duties include:

- Adopting bylaws, rules and regulations for their own guidance;
- Meeting at least once a quarter;
- Having the supervision, care and custody of all property of the library system;
- Employing a library system director and
  - prescribing his/her duties
  - fixing his/her compensation
  - removing him/her for cause
- Employing, upon the recommendation of the library system director, such other staff as necessary and fix their compensation;
- Submitting to the governing body of a county(ies) and/or a city(ies) a budget containing estimates for the ensuing year;
- Having exclusive control of the finances of the library system;

- Accepting such gifts of money or property for library purposes as they deem expedient; and
- Authorizing the purchase books, periodicals, maps equipment, insurance, and supplies based on recommendation of the public library system director.

### Appointment

The *MS Code*, (§39-3-15) is quite specific regarding the length of appointment to a public library board. In Mississippi, every trustee must be a resident and qualified elector of the municipality, county or region that he/she represents.

For a single county or municipal public library:

“ . . . management and control of a county or municipal public library shall be vested in a board of five (5) trustees. . . .” appointed by the governing authorities of the county or municipality.

For a regional public library system that consists of five (5) counties:

“ . . . management and control of the regional public library system shall be vested in a board of trustees. The trustees shall be appointed by the governing authorities of the counties that support the regional public library system.”

For a regional public library system of less than five (5) counties:

“ . . . distribution of the membership on the board of trustees shall be determined by agreement among the counties that support the regional public library system.”

For a regional public library system of more than five (5) counties:

“ . . . one (1) member of the board of trustees shall be appointed by the governing authority of each county supporting the regional public library system.”

For a city-county public library system:

“ . . . shall be vested in a board of trustees, the number of which shall be agreed upon by the board of trustees of the governing body of the municipality, or municipalities, and with the consent of the board of supervisors which have contracted with each other or among themselves, to create, maintain and support a joint city-county library system.”



### Term of Office

- Trustees serve in terms, and a single term is five (5) years. Consecutive terms run one after the other with no breaks for service. Number of terms refers to the number of times a trustee is appointed to serve.
- The term of office for a trustee is staggered so that a board of trustees can maintain continuity of service.
- Trustees are limited to serving two (2) consecutive terms of office in counties of over 20,000 population. There is no limit on the number of terms that may be served. The limit applies only to consecutive terms.
- In counties of less than 20,000 population, there is no limit on the number of terms served by any trustee holding office on July 1, 1988.

### Bylaws

Bylaws provide an opportunity for the library board to establish rules and routines for governing its actions and carrying out its responsibilities. A public library system board can operate most effectively if it has bylaws for its own operation and for conducting business meetings. *MS Code* (§39-3-17 (1) (a)) provides the authority to “. . . adopt such bylaws, rules and regulations for their own guidance and for the government of the library as they deem expedient.”

Most administrative board of trustees have adopted formal procedures from *Robert's Rules of Order* for conducting meetings.

Bylaws usually include the following:

- Duties, powers, and terms of office
- Definition of quorum, attendance requirements
- Cause for removal from the board
- Regular meeting schedule
- Provisions for calling special meetings
- Appointments and duties of standing committees
- Provision for special committees
- Required reports, yearly timetables
- Procedures for adopting, reviewing and amending the bylaws

- Parliamentary rules, i.e., *Robert's Rules of Order*
- Order of business

### Officers

The library board should establish officers, the annual election of new officers and the transition between the old and new officers through its bylaws. Usually, the positions created include the chair, vice-chair, secretary, and treasurer or secretary/treasurer.

### Attendance at Meetings

Meeting attendance is often cited by the Board and library system directors as a common problem. Participation by trustees is essential. Accepting the position of trustee means a commitment to attend meetings and participate actively in board business. The importance of attendance at board meetings is emphasized by *MS Code* (§39-3-15(6)). This statute provides for the removal of any administrative board member who fails to attend four (4) consecutive board meetings.

### Meetings

The normal business of the library board of trustees is conducted through open, public meetings. *MS Code* (§39-3-17 (1)) states that public library boards are required to “. . . meet at least once in each quarter.” A public library board's bylaws may establish a more frequent meeting cycle such as monthly or bimonthly dependent upon local needs.

It is essential that the trustees meet in locations that are accessible under the Americans with Disabilities Act (ADA) guidelines. Further, it is also important that all board meetings be held in facilities that do not discriminate on the basis of race, creed, color, sex, age, or national origin.

The Attorney General of the State of Mississippi (<http://www.ago.state.ms.us/>) has prepared a document (*A Guide to Open Meetings*) that covers the basic information that all trustees should know concerning open meetings and executive session. This information applies to all regularly scheduled or special called meeting of the Administrative Board of Trustees.

## Open Meetings

Any board of trustees of any public institution in Mississippi is bound by the Open Meetings Act or “Sunshine Law” in accordance with the *MS Code* (§25-41-5). The law states, “All official meetings of any public body . . . are declared to be public meetings and shall be open to the public at all times unless declared an executive session as provided in *MS Code* (§25-41-7).”

This law was developed to ensure that public business be performed in an open and public manner, and that citizens be aware of meetings and the decision-making process that goes into the development of public policy.

Board meetings must comply with Mississippi’s open meeting laws and follow regulations governing executive sessions.

- A meeting, according to Mississippi law, means an assemblage of members of a public body (i.e., public library boards) at which official acts may be taken upon a matter that the public body has jurisdiction, supervision, or advisory power.
- Per *MS Code* (§25-41-7), chance meetings or social gatherings of members of a public body are not bound by the Open Meetings Act.
- Public bodies are required to provide adequate notice of the time, date, and place of their meetings and to make this information accessible to the general public. The notice of the meeting must be posted in a public place. The notification process is usually outlined in the bylaws. Notice may be provided by entering a schedule of meeting times and dates in the minutes of the year’s first board meeting and by sending a schedule of the meetings to area news media personnel. Notice may also be posted in the building in which the trustees normally meets or at the local court house.
- Notice of called special meetings must be posted within one (1) hour after the special meeting is called, in a place available to the public in the building in which the public library board normally meets. A copy of such notice must be made a part of the minutes of such meetings.
- Executive sessions may be entered, provided the meeting begins as an open meeting.

## Executive Session

The *MS Code* (§25-41-7) states the process that public bodies, i.e. library boards must follow when entering executive session.

The public library board must be as specific as possible when declaring the reason for entering into a closed executive session. It is not enough to enter executive session to discuss “personnel matters.” An example of a more specific way to state this would be “to discuss the job performance of personnel as it relates to potential salary increases.”

Based upon two (2) Supreme Court decisions (*Board of Trustees of State Institutions of Higher Learning v. Mississippi Publishers Corporations*, 478 So.2d 269 (Miss. 1985) and *Hinds County Board of Supervisors v. Common Cause of Mississippi*, 551 S. 2d 107 (Miss. 1989), Mississippi’s Attorney General has issued (February 14, 1992), the following guidelines for entering an executive session.

Technical requirements for executive session:

- Session begins as open meeting.
- Motion to close meeting to determine necessity for executive session.
- No second required.
- Meeting may be closed upon majority vote.
- No business other than whether to have executive session may be discussed in a closed meeting.
- Vote to go into executive session: 3/5 vote of all members present required.
- Re-open closed meeting.
- Announce board going into executive session and give vote and reason therefore.
- Reason must be meaningful and specific – avoid generalized reasons like: “personnel matters” or “litigation.”

- Reason and vote must be recorded in minutes.
- Executive session: 1) public may be excluded; 2) board may permit attorney, clerk, or other officials to remain if needed.
- No business other than announced matter may be discussed in executive session.
- Conclude the executive session.
- Return to open meeting.
- Motion made (if necessary or appropriate) on matter discussed in executive session.

Reasons authorizing executive session:

- Business related to personnel, the character, professional competence, and physical or mental health of a person.
- Strategy sessions regarding litigation, “when an open meeting would have a detrimental effort on the litigating position” of the board.
- Business as to security personnel, plans, or devices.
- Where the board is involved in investigative proceedings regarding misconduct or illegality.
- Extraordinary emergency posing immediate or irrevocable harm to persons or property.
- Proposed sale, purchase, or lease of lands.
- Industrial or business prospects as to location, relocation, or expansion.
- Employment and termination of employees, including deletion of jobs from budget.

Final budgetary adoption must be in an open meeting. The Mississippi Supreme Court has warned in *Board of Supervisors v. Common Cause of Mississippi*: “no executive session can be used to circumvent or to defeat the purposes of Open Meetings Chapter.”

### Minutes

In Mississippi, a public library board can only act through its minutes. The minutes are the official record of a board’s actions and must be accurately kept, held on file, and made available for public inspection.

The administrative board is also bound by the Public or “Open Records Act” *MS Code* (§25-61-5). This law demands that minutes be kept of all meetings of a public body, whether in open or executive session.

Documentation of motions, actions, and attendance at board meetings must be included. The minutes should reflect the time and place of the meeting and a record of action taken by the board, including votes taken by individual members. However, specific recordings of detailed board discussions in the minute regarding issues at the meetings are not required. Remember, the board speaks through its minutes and there is only one “voice.” This voice is reflected in the formal motions made and the votes taken on those motions.

These minutes must be recorded within thirty (30) days after recess or adjournment of each meeting. The minutes must be available for public inspection during regular library business hours. Minutes, according to *MS Code*, (§25-61-5) are declared to be public property. Any person has the right to inspect, copy, or mechanically reproduce these records at any time in accordance with reasonable, written procedures developed by the public body, i.e. public library board.

A Public Records Policy for the library system should be written and adopted by the Administrative Board of Trustees. If these written procedures are not prepared, then the requirements in *MS Code* (§25-61-5) need to be followed. Denial by the Administrative Board of Trustees of a request for access to or copies of public records must be made in writing and must contain a statement of specific reasons for denial. Each Administrative Board of Trustees must maintain a file of all denials of requests for public records and preserve such denials for not less than three (3) years.

A Public Records Policy regarding public access to records, including the process, procedures, and fees, must comply with *MS Code* (§25-61-5) and the Freedom of Information Act. The Administrative Board of Trustees and its attorney need to ensure that this policy for the public library system is established not to hamper public access to public records.

### Agenda

A formal agenda, prepared by the library system director working in conjunction with the board chair, should be sent to all Administrative Board of Trustees prior (at least seven (7) business days) to each board meeting. The agenda serves as a "road map" to enable trustees and the public to know what issues will be discussed. This procedure allows each trustee to prepare for each meeting. A copy of the previous meeting's minutes should be included with the mailed agenda. By doing this step, a board can eliminate the need to read the minutes aloud before each meeting.

A complete agenda should include the following:

- Call to order/recording of attendance
- Reading/approval of the minutes
- Report of the director
- Financial report
- Report of the chair
- Committee reports
- Old business
- New business
- Review of business for the next meeting
- Announcements
- Adjournment
- Next meeting: date, time, and place

### Preparing for the Meeting

Trustees are encouraged to review the documents prior to the meeting and be prepared to ask any questions regarding the minutes, reports, policies, library system services, or library management. Trustees should take an active, vocal role in board meetings and work to extend and enhance library services for the communities represented. Most public library systems provide trustees with a packet:

- Current budget and financial reports
- Board minutes from last meeting to be approved
- Agenda
- Policies, plans, or budgets under consideration
- Reports from committees, the director, and the board chair

### Public Participation at Board Meetings

How audience participation is handled at meetings is a matter for board policy so that treatment of interested citizens does not vary from meeting to meeting. Generally, there is merit in inviting questions or comments from the audience when time permits. It may be advisable to state in written policy that a time period is allocated for audience comment. The chair should announce at the beginning of the meeting what the policy is and how it will be applied, such as holding comments until a period for questions.

### Decision Making Process

The board as a unit has decision making powers, not trustees as individuals. Good decisions are made through a logical, common sense process that includes pertinent information, expert advice, experience, vision, and exchange of ideas among board members:

- **Define the issue clearly:** The best way to define the issue is to place a motion on the table so that the board can focus on it. The chair should make sure that all board members understand the intent or meaning of the motion.
- **Look at the information:** Good decisions are based on good information. Prime sources of valuable information and insight come from the experience of the board members and reports from the director, staff and various committees. Outside experts are also a valuable resource. Trustees are not appointed for their expertise and experience in running a library, but rather for their ability to ask the right questions and to make informed decisions.
- **Consider the alternatives -** Approach every issue with an open mind, believing that there is more than one side to every issue. What seems obvious at first may prove to have serious consequences later. Play the “devil’s advocate;” ask the tough questions and encourage other members of the team to voice opinions even though they may not agree with the majority. Even a strong recommendation from the director or a board committee should not be accepted



without a close look at possible alternatives. The director and committees should be expected to deliver a list of alternatives they have considered as part of their recommendation.

- **Seek assistance:** The director should give the library board a recommendation on all issues. Seek assistance from specialists, attorneys and other people outside the board who can help in making decisions. However, the administrative board has the ultimate responsibility for decisions.
- **Assess the issue in light of long-range goals:** Every board decision should be in line with the goals and objectives of the library system and its long-range plan. Every decision made should be for the greatest good of those who use the library system.
- **Reach a decision:** Set aside personal bias and emotion, then vote as a trustee for what you think is the best decision for the public library system. A trustee may vote in one of three ways on any motion: aye, nay, or abstain.

However, one should not vote if there is a conflict of interest. This occurs when a conflict exists between a trustee's obligation to the public or constituency and his/her own personal interest.

Trustees may or may not always agree on an issue. They are obligated to make the best individual decision, but must accept the decision of the majority of the board. Many of the trustees' decisions will be arrived through consensus. Consensus simply means that all board members will live with and support a decision on an issue, even though it may not be each trustee's first choice.

To reach consensus, an issue is discussed until agreement among trustees is reached. This is a time-consuming process, but it has advantages over majority vote. Building consensus avoids splits among board members and forces a board to discuss an issue more thoroughly. Compromise is at the heart of arriving at consensus on any issue.

### Advisory Board of Trustees

Each municipality and each county that is part of a single county, joint city-county or regional multi-county public library system may also have an Advisory Board of Trustees. The existence of an advisory board is usually dependent upon the development of the library system and local contracts for services. The *MS*

*Code* (§39-3-13 (4)) states “There shall be one (1) board of trustees in each public library system with the administrative powers and responsibilities . . . . Any other board of trustees within such library system shall serve in a purely advisory capacity to said administrative board.”

The Advisory Board of Trustees provides feedback, information, and recommendations on local library service to the Administrative Board of Trustees. Advisory Boards of Trustees have a responsibility to ensure that the local library develops and implements programs and services that benefit all segments of the community, and follows policies established by the system’s Administrative Board of Trustees.

## Trustee Orientation

New board members should be provided with information necessary to feel comfortable with their position. Trustees will function more productively if they fully understand the organization and operation of the public library system and what is expected of them.

Plan a step-by-step orientation program for all new board members whether the appointment is either to the advisory or administrative boards. Responsibility for this orientation should be shared by the director and the current board members. This orientation, besides a meeting with the public library system director, should include the following:

- Tour of the libraries in the library system
- Introduction of the staff
- Explanation of how the library system works internally
- Demonstration of how the programs and services operate
- Overview of duties and responsibilities of a trustee and how the library board functions

Ideally, this meeting should also occur before the new member attends a first board meeting. The discussion may be centered on the following topics:

- Library system's organization and its contracts
- Library system's mission; strategic plan, with goals and objectives
- Policy manual and the procedures for reviewing them
- Board minutes and director's report of the past year
- Sources of funding; budget and expenditures; assets; and the library system's current financial status
- Library system's relationship to local governing authorities
- Library system's relationship to other library systems, the Mississippi Library Commission, and to state and national library related associations

New Administrative Board of Trustees will need the following resources:

- *Mississippi Trustees Handbook (2017)*  
**Note:** Can be downloaded from the Library Commission website.
- Libraries and Library Commission *MS Code (§39-3-1)*
- List of all board members (including officers and terms of office) with addresses and telephone numbers (home and work); e-mail addresses if available
- Board meeting location and schedule of future meetings
- Board bylaws
- List of all branch libraries with addresses, telephone numbers, including fax numbers, and hours of operation
- Organization chart for the public library system, including list of all staff and their duties
- Brief history of the public library system
- Copies of all contracts/agreements between the municipalities and counties that form the public library system
- Written policies of the public library system
- Mission statement of the library system
- Strategic plan of the public library system, including the goals and objectives of the system
- Technology plan, disaster preparedness plan, and facilities plan
- Statistical annual report of the public library system
- Director's report for the past year
- Minutes of board for past year
- Current year's budget and financial reports, with audit of past fiscal year
- Status report on projects in progress
- Application forms to join the Mississippi Library Association and United for Libraries
- Information on the Mississippi Library Commission

## Trustee Continuing Education

No library board is alone, and no trustee should feel isolated. There are approximately 300 talented and dedicated Mississippians who volunteer their time to serve on Administrative Boards of Trustees. Trustees should participate in library related functions by joining the Mississippi Library Association (MLA) and United for Libraries. Memberships for trustees can be funded by the public library system.

Besides keeping up to date by reading *Mississippi Libraries, On the Same Page*, (published quarterly by the Mississippi Library Commission), and other library-related publications, public library board members can meet and talk with other trustees from around the state by attending MLA's annual conference which is usually held in October of each year. Attendance at the annual conference can also be funded by the public library system.

Continued learning and training is essential for effective library trusteeship. Many opportunities are available for trustees to continually update their knowledge and skills, including:

- Setting aside time at each meeting to review an aspect of the library system's administration or services
- Rotating meeting locations at branches of a library system
- Participating in statewide continuing education opportunities that focus on trusteeship and library management offered by the Mississippi Library Commission. MLC will provide annual trustee training if requested.
- Encouraging the library system's director to plan continuing education activities for trustees and then support the activities by attendance. There are opportunities available online through MLC and/or United for Libraries.

## The Trustee and the Law

Mississippi public library systems are based in the public law or statutes as adopted by the Mississippi Legislature. Library Boards and public library system directors should know and understand the law as it relates to the establishment and operation of public libraries and public library systems. Public Libraries are their own “political subdivisions” in this state. This means that public library systems are not part of state, county or city government.

The *Mississippi Trustees Handbook* is not intended to give legal advice for any specific circumstance, but to alert the Administrative Boards to some common legal questions that may arise during a term of office. While the Mississippi Library Commission does not provide legal advice, it does provide public library trustees with notice of changes in the law affecting libraries, and relevant Attorney General’s opinions are sent to each public library system director as they are issued. Attorney General’s Opinions can be accessed at <http://www.ago.state.ms.us/> and the *Mississippi Code of 1972, Annotated* can be accessed at <http://www.sos.ms.gov> . The Mississippi Code, library -specific sections of the Mississippi Code, and access to Attorney General Opinions are all available through MLC’s website here: <http://mlc.lib.ms.us/ms-libraries/library-development/>

The Library Commission urges public library systems to retain an attorney. This person should not be borrowed from the county or a city – you need someone who will advocate for the library’s best interest. An attorney can be very helpful for issues regarding investments and personnel, or for reviewing the minutes, resolutions and policies of the Administrative Board of Trustees before final approval.

### Legal Situations Confronted by Trustees

The following are some of the legal issues that the public library boards confront around the state.

#### Liability

Anyone can be sued. In an Attorney General’s opinion issued November 21, 1990, it states that “. . . Trustees of library administrative and advisory board are ‘public officials’ appointed in the manner prescribed by statute and, in that capacity they are delegated certain powers relating to the provision of public library services. §39-3-1 *et seq.*, MS

*Code*, as amended. As such, they enjoy the benefit of the doctrine of public official immunity.”

In that same opinion, Mr. Samuel Keyes, Special Assistant Attorney General, further summarizes that “. . . under Mississippi law, trustees of a public library administrative or advisory board are immune from personal liability for their action which require them to exercise judgment and discretion, provided of course such actions are within the lawful scope of authority bestowed upon them by statute and are performed in good faith. On the other hand, the trustees are exposed to personal liability for failure to perform acts they are required by law to perform, for acts that exceed their authority, or for commission of an intentional wrong or injury.”

To offset this issue, many public library systems provide liability insurance for their board, and public library system director. This insurance is commonly known as “errors and omissions” or “E&O.” Trustees can also obtain additional liability protection through individual insurance policies. Members of the public library board, particularly those members responsible for signing contracts, invoices, checks, or other similar documents should be bonded.

### Conflict of Interest

As a member of a board of trustees, a board member has accepted an influential position in which it is possible to learn of job openings, bid lettings, land purchases, and building contracts. A trustee may be held liable and prosecuted if the trustee uses his/her position and privileged information for personal benefit or for the premeditated benefit of business associates, friends, or family.

Issues of favoritism or conflict of interest may arise when the bidding is closely contested or when considering purchasing of professional contract agreements. To avoid accusations of conflict of interest or collusion, be sure to follow all state purchasing laws, open meeting laws, and legal personnel regulations. Document all actions taken by the administrative board in the minutes. An individual trustee may be held liable, if the Mississippi Ethics Commission finds that a trustee’s action violates conflict of interest guidelines.

## Nepotism

Acquaintances, friends, or family members often approach trustees to help them secure a job within the library system. Informally called "the good old boy network," it is legally known as nepotism and is against the law to use one's influence to obtain a job for a friend or family member in a public agency of which a trustee serves on the board.

Nepotism is prohibited by Mississippi state law (*MS Code §25-1-53*). This means that it is unlawful for any public official or trustee to appoint or employ any person that is paid with public funds, if that person is related to the public official or trustee by blood or marriage within the third degree as computed by civil law.

Nepotism does not apply to any employee who has been with the library or library system prior to the time his or her kinsman, within the third degree, becomes director of the public library system or a member of the administrative board.

In Mississippi, the Guide to Civil Law Degrees of Kinship is as follows:

**First Degree** – parents, spouse, and children

**Second Degree** – siblings, grandparents, and grandchildren

**Third Degree** – uncles/aunts, nephews/nieces, and great-grandparents

## Library Materials Security

*MS Code* (§39-3-301 to §39-3-313) prohibits unauthorized removal or willful mutilation of library materials.

The following definitions apply in this law:

- **without authorization** - contrary to rules governing access to library materials as set forth by the administrative board of trustees.
- **library materials** - any printed document, recording or graphic material of any nature or personal property that is the property or in the custody of or entrusted to a library.
- **mutilate** - in addition to its commonly accepted definition, includes willful removal or separation of parts of an item causing such item to be exposed to damage; or duplication without authorization.



Violation of this law is a misdemeanor. The *MS Code* (§30-13-313) provides guidelines for the reasonable detention and questioning of persons to determine whether such offense was committed. Library employees are not liable for unlawful detention or other civil action where such employee acts in good faith and in a reasonable manner.

### Confidentiality of Library Circulation Records

*MS Code* (§39-3-395) protects the confidentiality of library circulation records. According to that statute, “. . . by any library funded in whole or in part by public funds, which contain information relating to the identity of a library user, relative to the user’s use of books or other materials at the library, shall be confidential. Such records may only be released with the express written permission of this respective library user or as a result of a court order.”

However, the *MS Code* (§39-3-367) states that a library’s records (registration and circulation) can be used to generate statistical information for research, planning and reporting purposes. It also allows (§39-3-369) the board to implement policies using circulation records to collect the materials as well as fines.

### Americans with Disabilities Act

The Americans with Disabilities Act (ADA) of 1990 is a major piece of civil rights legislation that makes it illegal to discriminate against people with physical, mental, or emotional disabilities. ADA covers both public accommodations and employment issues. The act requires public agencies such as public libraries to provide services in a manner that would be accessible to those with disabilities. The basic concepts of ADA are:

- A government agency is required to operate each program so that, when viewed in its entirety, the program is readily accessible to and usable by people with disabilities.
- Providing architectural access is not required when the program can be made accessible by some other method. However, if the public library board chooses not to make the library physically accessible, it will need to be able to demonstrate that people who do not have access to the building can receive substantially the same services as those who can enter the building. [Note:

Public library systems cannot own land or buildings under the *MS Code §39-3-3*).

- Program access is not required where the government agency can show that providing it would result in:
  - A fundamental alteration in the program.
  - Undue financial or administrative burdens.

While ADA is often seen as requiring major changes, most accommodations can be made relatively easily and inexpensively. It is also important to think beyond physical accessibility. Accommodating other kinds of disabilities, such as visual or auditory impairments, is also required. In most cases, this will mean something as simple as increasing the type size for library brochures, purchasing videos with closed captioning whenever possible, or tying into state-wide services for people with disabilities.

Good faith efforts to accommodate people with disabilities will go a long way toward avoiding confrontation. Demonstrating that money has been set aside to make a building accessible, for example, will help demonstrate that the library is earnestly attempting to become accessible.

It is also important for your library to have a plan for making its service accessible. Without a plan and serious implementation efforts, it will be impossible to show that a sincere effort has been made to comply with ADA.

## **ROLES AND RESPONSIBILITIES OF A PUBLIC LIBRARY SYSTEM BOARD AND LIBRARY SYSTEM DIRECTOR**

According to the *MS Code* (§39-3-17), the administrative board of trustees and the public library system director have specific roles and responsibilities. The roles are complementary in nature – trustees can be seen as having “big picture” responsibilities, while the director manages the day-to-day operations of the library system.

The administrative board, and the public library system director should have a good working relationship -- drawing on the strengths and knowledge of each. Cooperation, based upon a clear understanding of the distinct responsibilities of each, is the key to a successful relationship. If a public library trustee has a concern relating to a public library system’s policy, staff problem, operational activity, or the library system director, the situation can be discussed with the director privately or at the formal board meeting.

## Planning

Administrative trustees are responsible for planning and organizing the library system so that it adequately meets the needs of all segments of the community it serves. Planning is an ongoing task and must address practical needs while considering budgetary, physical, and personnel resources. A plan guides library growth and development as the needs of the library system and the communities its represents change. There is more than one type of plan that is needed for the successful operation of the library system; however, the most important is the strategic plan.

### Strategic Plan

A major responsibility of the public library board is to envision and develop a direction for the public library system. Strategic planning is simply establishing priorities to use personnel and resources effectively to provide services that the community wants and needs from the library system. It is this board's job to keep the mission and goals of the library in perspective and on track--constantly reviewing services and policies to ensure library service is accessible by all segments of the community. The planning function is of vital importance because it is the only way to prepare to meet the changing needs of the communities.

Since planning is a continuous process based upon evaluation and reassessment, a strategic plan is a flexible document directed towards local needs. Most strategic plans include the following essentials:

- A mission statement that indicates the overall purpose of the library system
- Description of the library system's service area and communities
- A *SWOT Analysis* (strengths, weaknesses, opportunities, and threats)
- Summary of data supporting the library system's needs
- Statement of general goals and specific objectives
- Details of services, programs, personnel, collection and facilities desired
- Identification of priorities
- Timetable for achieving goals and objectives, both short and long range
- Assignments and responsibilities for implementing the plan
- Publicity campaign to accompany changes
- Provision for evaluation and reassessment at specific intervals

## The Planning Process

Strategic planning is the process of setting goals for the library system based on research, insight, and background information, and then developing precise objectives to help meet the established goals. Objectives serve as the vehicle which led to the goals. In theory, by accomplishing objectives in an orderly fashion, the goals of the library system should be attained.

## Developing Goals

Goals should be developed that support the mission statement of the library system. These are long-range ideals the library wants to achieve and should be phrased as general statements, with broad aims and points to be attained. Goals should be flexible and describe the end, action, or ideal that the board wants to achieve. As stated before, planning is a continuous process; therefore, goals often change as the library system strives to improve.

While developing the goals of the library system, trustees should keep in mind the practical aspects of attaining them. It is easy to get caught up in the excitement, working toward a goal and expecting immediate results--but this is rarely practical. It is essential that the director, staff, and trustees involved in implementing the plan take part in the drafting of the strategic plan.

## Setting Objectives

Unlike goals, objectives are quite specific. Objectives are short-range goals or actions that must be taken to reach an identified goal. Objectives are carefully detailed and designed to support one or all of the board's overall goals. A specific timetable for the execution of such objectives is necessary.

Library personnel are invaluable when trying to develop a practical timetable for implementation of the planned objectives. Timetables are necessary so that the board has a basis upon which to evaluate the success or effectiveness of the plan's progress.

## Evaluation

During the planning process, trustees should set a schedule for reviewing the strategic plan and assessing whether services and programs are on target. The director should be expected to present evaluations to the full board or board planning committee on programs, projects and services on an on-going basis.

## **Technology Plan**

The biggest role for the library trustee in technology is to develop the funding to sustain current and new technology initiatives, and to set priorities for balancing new technologies and traditional library services.

Beginning in 1997, public library systems in Mississippi have addressed their technology needs with a system level plan as part of its efforts to qualify for the Universal Service Fund (E-Rate) discounts. While a technology plan is no longer required by the E-Rate program, the Mississippi Library Commission recommends that these plans be updated on a regular basis.

All public library systems receiving federal assistance of any kind are also required to have an Internet Safety Policy. As part of the federal compliance a copy of this *Internet Safety Policy* must be on file at the Mississippi Library Commission. **Note:** The *Directors' Resource Guide* discusses the basic issues that must be addressed in an *Internet Safety Policy*.

With the passage of the Children's Internet Protection Act (CIPA) and its upheld constitutionality by the U.S. Supreme Court in 2003, specific restrictions were placed on school libraries and public libraries receiving the benefits of federal assistance. The public library system is required to certify compliance with CIPA every time an application is made for E-Rate funding or an LSTA grant award is received. Public libraries receiving the benefit of E-rate filter Internet access on all computers in the library that are connected to the Internet. The filter must be disabled at the request of an adult patron.

Public library systems can take advantage of the Internet filtering software options provided by the Library Commission. Each public library system chooses the categories of information to block. Contact the Network Services Bureau for further information.

Public library systems should perform an all-inclusive technology audit as part of their technology plan. It's easier to get where you want to go if you know your starting point. Things to consider include:

- Locations
- Personnel
- Bandwidth
- Electronic resources available
- Equipment
- Programming needs
- Online educational demands
- Space demands
- Noise
- Heat
- Electrical needs

### **Disaster Preparedness Plan**

Library systems need Disaster Preparedness Plans for each branch library building. This procedure is necessary to assure that in the event of a disaster, staff and others will be prepared to implement the emergency procedures necessary to safeguard the health and safety of the workers and patrons; and to ensure the maximum preservation of library resources.

### **Library Building Program**

Planning for improvements to library buildings involves accumulating and using the same types of information resources used for planning library services. Although the trustee's most important role in any building project will be to identify and help obtain the funding for the project, trustees must also work with the library staff in determining and documenting what is needed long before engaging an architect.

This procedure can be done by having a written Library Building Program Statement which describes the services, collections, technology, functional relationships needed in a new or renovated facility. It is a guide for the architect to use in beginning the design phase of the project. Numerous resources and samples are available on fund raising for library buildings as well as determining space needs and writing building programs.

## Policy Making

Policies are the instruments through which the library board governs the public library system. In Mississippi, policy development is the sole responsibility of the Administrative Board of Trustees. Policies are written statements that become administrative documents that support the mission, goals and objectives of the library system, and define the responsibilities of the library system staff and library trustees.

Policy decisions merit ample and full concentration to analyze step-by-step the need for policy, options, wording, and ramifications if the policy is adopted. Experienced trustees warn that hastily developed or rubber-stamped policies which are not clearly thought through by the library board are the most likely to result in misunderstanding and problems. Do not wait until the need for a policy is literally knocking at the door.

### Policy Development Process

Policies are written guidelines for actions and decisions which support library system operations. Policies are the basis for procedures but are not detailed courses of action. Policy elements include guidelines for actions and decisions, general statements to support library operations, and rules and regulations.

It is important that policies be reviewed on a regular (rotating) basis to ensure that they are both practical and consistent with state and federal law. While only the administrative board of trustees have the legal responsibility and authority to make policy, experience shows that the policy decision process works best when the public library system director and staff are involved in the process, too. In most instances, the library director drafts the proposed policy and presents the policy to the board for their input and consideration.

### Implementation of Policies

The implementation of adopted policy can follow these steps or those that are outlined in the library system's administrative board's bylaws:

- Formal vote by the board on the proposed policy change
- Vote is then recorded in the minutes
- Number and date when adopted, revised or reviewed
- Explain new or changed policy to public library system staff



- Added to system's policy manual at each branch library and published for community information; or possible inclusion to the library system's website

The implementation role of the public library system director is the administration of library board policy, and the interpretation of board policies to the staff and the community. This role is accomplished by developing and disseminating written procedures for the implementation of the policies as adopted by the board.

### **Recommended Policies**

Adoption of any specific policy is the responsibility of the administrative board. A public library system's local needs and situations will determine content and details of policies. The notable exception to this rule is the *Internet Safety Policy*.

However, there are several public library system policies that the board should consider adopting – Public Service Policy; Acceptable Customer Behavior Policy; Safe Child Policy; Internet Safety Policy; Personnel Policy; and Meeting Room Policy. Consulting assistance on the preparation of these policies is available in the *Directors' Resource Guide* or from the Mississippi Library Commission.

## Funding and Fiscal Management

According to *MS Code* (§39-3-17 (f)), the Administrative Board of Trustees shall “. . . submit annually to the governing body a budget containing estimates for the ensuing year.” Quality library services begin with an adequate budget, and are sustained by good fiscal management and internal controls.

As trustees, it is important that each board member should:

1. Know the library system’s fiscal base and background
2. Know each city’s and/or county’s local annual appropriation that is used to fund the library system and the library system’s Maintenance of Effort (MOE)
3. Know the library system’s percentage share of local funding authorities’ available funds
4. Understand the financial needs of library system operation and plan the necessary funding for needed growth, upgrade costs, and future expansion
5. Understand the basics of legal fiscal regulations and reporting requirements; including responsibilities in the annual audit process (Each library board member should receive a copy of the system’s audit annually.)
6. Investigate other possible sources of funding support (a bond issue, endowment, trusts, memorials, dedicated tax revenue, gifts, foundations, grants, fines and fees)
7. Understand the trustees’ role as library advocates

### Budget Process

A library system budget is the total cost of existing services and of moving the library forward toward pre-determined goals and objectives. The budget process includes:

- Preparation of the proposed budget
- Adoption of the proposed budget
- Presentation of the proposed budget to the local governing authorities who must act upon it
- Adoption of the official, operating budget from the secured funds
- Implementation of the operating budget through evaluation and authorization of expenditures
- Overseeing the annual audit

The budget preparation is a *cooperative process* involving the public library board, the library system director and staff, and the community. The board should consider what process is being used to allocate current resources and secure additional funding as needed.

### Preparation of the Proposed Budget

From a strict interpretation of the law, it could be assumed that the board would prepare the proposed budget for the library system. In fact, the public library system director, with the assistance of the staff, prepares a draft of the proposed budget. The proposed budget is drafted by:

- Reviewing the library system's mission; strategic plan, with goals and objectives, and making preliminary decisions on priorities based on the strategic plan.
- Developing a budget calendar with dates for completion of each phase of the work, definition of tasks and assignment of responsibility.
- Reviewing and evaluating the prior year's actual line item or program costs.
- Developing a proposed budget draft which includes program and/or line item analysis, narratives defining services, and all anticipated revenues and expenditures.
- Presenting the proposed budget draft to the administrative board of trustees for changes and final adoption.

### Proposed Budget Presentation

A proposed budget presentation is a political negotiation with city and county officials to determine the exact scope of the services for the next fiscal year. The trustees should inform themselves on every aspect of the budget request. Depending on the library system, one or two trustees may be part of the budget presentation including the explanation, justification and negotiation. This process can vary between library systems. Every member of the board should be ready to support, clarify, or defend the proposed budget, if needed.

The likelihood of obtaining adequate financial support for the library system and of using this support to the best advantage increases in direct proportion to the trustee's

understanding of the library system's financial needs. Trustees are the library system's **advocates** in the funding process.

The public library board should know how funds are used and exactly what is needed in order to explain the budget request clearly. To help "sell" the budget, remember these points:

- Throughout the year, point out the successes, the services, and the community's response to the library. Point out to the local government officials successful special programs. Invite them to receptions and library activities regularly.
- Offer quality library reference service and assistance to local government officials and departments. Show how indispensable the library is to each of them individually.
- Send copies of letters of appreciation, notice of awards, and newspaper articles on the library system to local government officials.
- Use Friends of the Library and other community library advocates/supporters to help promote the library budget and to speak on the library's behalf.
- Advocate before and after the budget process. Tell the communities what they can expect and what the current funding level will accomplish.

### Implementation

According to the *MS Code* (§39-3-17 (g)), the Administrative Board of Trustees shall ". . . have exclusive control of the finances of the library system." The board fulfills its fiscal responsibilities by adoption of the official, operating budget from the secured funds; and implementation and oversight of the operating budget through periodic evaluation of financial reports as made by the library director at trustee meetings.

Trustees may be asked to contribute specific expertise in fiscal management, but the library system director is responsible for keeping the trustees informed of budget implementation. Trustees set the priorities and review budget implementation, but are not involved with the day-to-day financial operations of the library system.

The public library board should:

- Approve an annual operating budget for the library system

- Ensure that the annual audit is performed and that it meets MLC requirements
- Approve budget amendments or changes as needed to cover unplanned emergencies or to shift unspent funds
- Ensure that a system of internal controls exists to safeguard the assets, assure accuracy of accounting, promote efficiency and encourage adherence to management policies
- Receive at least quarterly financial reports which detail:
  - Total operating budget
  - Current expenditures
  - Year-to-date figures
  - Balance of the operating budget
  - Amendments to the operating budget
  - Explanation of major changes

### Audits

As a public entity, the library board is responsible for safeguarding the receipt and distribution of public funds, including state and federal grant funds. Trustees must hire a third-party to audit the library system's budgetary compliance. This audit must be submitted annually to the Mississippi Library Commission by March 31<sup>st</sup>. The library board decides on the level (compilation, review, or audit) of this annual financial document.

### **Other Sources of Funds**

In Mississippi, public library systems funding is the responsibility of municipalities and counties. (See *MS Code* §39-3-1, §39-3-3, §39-3-5, and §39-3-7). It is part of the duties of the library board to work as advocates for increased local funding of the library system. Advocacy does not just start and end at budget time, but rather should be a year-round activity of the trustee.

### State Aid for Public Library Systems

To supplement local funding sources, the Mississippi State Legislature allocates state aid to the public library systems through the Mississippi Library Commission. MLC's Board of Commissioners has the responsibility to adopt rules and regulations regarding the expenditure of these funds (*MS Code §39-3-107*). State aid, which consists of three programs, is provided to public library systems and libraries that meet eligibility requirements as described in the individual grants.

1. The **Personnel Incentive Grant Program** when combined with local funds enables public library systems to hire and maintain qualified personnel to meet the public library service needs of Mississippians. Local governments must maintain and expand local funding levels to qualify for this program.
2. The **Health Insurance Program** provides health insurance benefits to all public library staff who work twenty (20) hours or more per week.
3. The **Life Insurance Program** provides life insurance benefits to all public library staff who work twenty (20) hours or more per week.

### Mississippi Public Library Accreditation Program

Mississippi's Public Library Accreditation Program is designed to assist public library systems in insuring all Mississippians have access to quality library services. Using levels of service as a starting point, administrative boards of trustees and library directors can use these measures to direct local long-range planning and service efforts. Specific measures are recommended in the areas of governance, administration and funding; staffing; collections; services; patrons and community; and access.

The guiding principles of the Mississippi Public Library System Accreditation Program are:

- Accredit public library systems not individual public libraries.
- Establish tiered service measures from Level A to Level AAA
- Seek increased funding for Level A to ensure continuity of program and incentive funding for public library systems attaining Level AA or Level AAA.
- Require the library system to submit a "self report" each year on achievement of the service measures.
- Review & revise service measures.

The eighty-eight (88) services measures in the program are cumulative - meaning to be accredited at Level A, all of the measures in Level A must be accomplished by a public library system. To be accredited at Level AA, all of the measures of Level A and Level AA must be met. Level AAA accreditation requires all of the measures in Level A, Level AA, and Level AAA be achieved.

Where appropriate, measures are progressive from Level A to Level AA to Level AAA. An example in the Access category:

- X1.** Service hours of each library location are fixed, posted, and based on patron needs.
- XX1.** One or more library locations in each county within the library system is open until at least 5:30 p.m. or later at least one day a week or offers weekend hours.
- XXX1.** In each county, the library system provides a minimum of 40 unduplicated hours of public service per week, including morning, afternoon, evening, and weekend hours to meet community preferences.

To be accredited and thereby remain eligible to participate in the Personnel Incentive Grants Program, a public library system must submit a report with supporting documentation to the Mississippi Library Commission by May 31<sup>st</sup> of each year. In addition to determining eligibility and funding level status for the Personnel Incentive Grants Program, the report can also assist a public library system in benchmarking local library services.

A Mississippi Public Library System Accreditation Program Manual has been developed that will assist public library staff and the Administrative Board and Advisory Board of Trustees in guiding the public library system in attaining these service measures. It is at: <http://mlc.lib.ms.us/accreditation-program/> . There is a sample "Individual Trustee Report Card" included in the Accreditation Program Manual for trustees inclined to rate their own performance.

### Federal Funds for Public Library Systems

Federal funds for libraries are authorized by the Library Services and Technology Act (LSTA). These funds are administered and distributed through the Institute of Museum and Library Services.

The Mississippi Library Commission is the sole distributor of these funds in the state. Each state must have a five-year long-range plan on file with the Institute of Museum and Library Services that address the program's goals and priorities.

Subject to funding availability, MLC offers competitive and/or non-competitive LSTA grants to public library systems. Like most grant processes, competitive may require some local cash match. Public library system directors are informed about the application procedures, guidelines and evaluation criteria. It is important that trustees are aware of the need to review the library system's technological requirements considering this source of funds.

### Other Grants

There are other sources of grant revenue for libraries to consider. Grant funds are available from corporations and foundations. Most of these funds will require an application process and are targeted toward a special interest of that organization. When looking at additional funds, be sure to consider local funding groups, too. Many companies are interested in helping their local communities.

Public libraries can obtain limited support for innovative library programs in the humanities from the Mississippi Humanities Council and the National Endowment for the Humanities. Additional funding for the visual and performing arts are available from the Mississippi Arts Council and the National Endowment for the Arts. These organizations usually have an annual grant process and may or may not require local cash match.

The Mississippi Library Commission informs public library system directors about library related grant opportunities on a regular basis. Additional information on grants is available from the Foundation Center at its website: <http://foundationcenter.org/>.

### Library Foundations

In Mississippi, there are a growing number of public library systems that have created a foundation, joined a community foundation, or are considering the possibility. A foundation, designated as a 501(c) (3) charitable organization by the U.S. Internal Revenue Service, can seek funds and use them to enhance a library system. The library-based foundation receives donations and invests them to provide additional resources for the library system.



Mississippi has specific laws that regulate establishment of a foundation. The administrative board may wish to consult an attorney familiar with foundations as they begin the consideration process.

### Friends of the Library

Friends of the Library chapters in Mississippi besides being advocates for quality library services in their communities also assist in local fund-raising efforts. These grassroots groups work together with the public library system director and trustees to meet the special needs of the library system. Usually, Friends organizations are involved with innovative fundraising activities that benefit the local library.

## **Other Fiscal Concerns for Library Boards**

### Purchasing Laws in Mississippi

To make maximum use of funds for supplies and equipment, a library board should know that as units of government, public library systems are eligible to make purchases from suppliers with whom the State of Mississippi has negotiated a contract purchasing agreement following the competitive bidding process.

Public library systems are tax exempt as part of the governmental structure in Mississippi. This means they are “exempt” from paying Mississippi sales tax on all purchases. They are not classed as “non-profit” since they are a unit of government. Public library systems are often allowed to apply for grants offered to non-profits.

The Department of Finance and Administration (DFA) is responsible for Mississippi’s purchasing laws. Updates to these laws and changes to Mississippi’s competitive bidding procedures are published annually each July. Changes can be found on the at: <http://www.dfa.ms.gov> .

Public library system management and purchasing staffs should be encouraged to attend Office of the State Auditor training seminars. Programs are offered in the areas of accounting policy and procedure, legal compliance, statutory changes and other requested topics. For more information please see the Department of Technical Assistance at the Office of the State Auditor (<http://www.osa.ms.gov/>).

### Disposal of Equipment and Materials

The *MS Code* (§39-3-17 (j)) designates that the administrative board are responsible for the lawful disposal of discarded equipment and library materials. Procedures for disposal of such property are prescribed by Mississippi law. Most public library systems have a policy that provides guidelines for the disposal of equipment and library materials.

## Personnel

The success of the public library system depends upon the effective management of the system's personnel. It is one of the most complex activities in any library system – balancing legal, humanistic, ethical, fiscal, organizational and political issues.

### Selecting a New Director

The hiring of a public library system director is one of the hardest, but most important duties of the public library board. The board must be sensitive to equal employment opportunities and affirmative action provisions in addition to the requirements of the Americans with Disabilities Act in the selection process.

Before advertising for a new director, the library board should consider a reassessment of the library system's goals and objectives, role in the community, services offered, and current trends in libraries. This process will help in determining the type of director the library system needs.

The process for selecting a director includes:

- Review of the job description and the development of the advertisement
- Advertisement of the position
- Development of interview questions and rating sheets
- Interviews
- Evaluation of the candidates interviewed
- Checking the references of candidates
- Decision making

### Job Description

A job description is a written narrative of the duties and responsibilities of a position. A formal job description enables the public library board to define the essential duties and responsibilities of the library system director. A detailed job description can also provide a mechanism for the director's performance appraisal review. If it is, the job description should be reviewed annually to better reflect the expectations of the board.

The director's job description must include those duties and responsibilities as outlined by *MS Code* (§39-3-17 (2)):

- Administer and establish procedures according to policies established by the administrative board of trustees
- Employment of staff with the approval of the administrative board
- Prescription of staff duties
- Removal of staff for cause
- Preparation of the budget
- Financial and statistical management
- Reporting to the board of trustees
- Other acts necessary for the orderly and efficient administration of the library system

The public library board can include other duties and responsibilities in the job description besides those quoted in the law. Assistance crafting the library director job description can be obtained from the Library Services staff at the Mississippi Library Commission.

#### Advertising the Position

The new job description should be used in composing the advertisement which includes:

- Description of the position
- Starting salary and/or salary range
- Fringe benefits
- Information about the library system and communities served
- Required education, experience, and personal qualifications
- Application deadline including resume and references
- Non-discrimination statement

Remember, according to the *MS Code* (§39-3-17 (2)), a public library system director's educational qualification is prescribed by the Mississippi Library Commission.

In addition to advertising in the local newspaper, the position may be listed in the *Mississippi Library Job Opportunities* (<http://mlc.lib.ms.us/>), or in such national publications as *Library Hotline*, *Library Journal*, *American Libraries*, and the vacancy list on the Internet at <http://www.ala.org/> .

## Interview Process

The trustees should develop, prior to the interview session, a written standard list of questions to be asked of each candidate. Along with this list, devise an evaluation sheet for the board to note the candidates' responses and to rank each candidate. Allow time between interviews to complete the evaluation sheets while board members' reactions to candidates are still fresh.

Remember, it is illegal to ask questions relating to citizenship, marital status, age, religion, or an actual disability (the diagnosis). This handout prepared by the Indiana CPA Society provides an overview from the employer's and the applicant's viewpoints (<http://www.incpas.org/> ).

As part of the interview process, the board may wish to have the candidates also meet staff members, library supporters (such as Friends groups, community officials) and tour library facilities.

Now, comes the hardest part: selecting the appropriate candidate based upon the questions asked in the interview. Along with those responses, the administrative board may wish to also consider the following criteria:

- Ability of the candidate for the job (education, competence, experience)
- Service attitude
- Successful record of working with library boards, community leaders, and supervising staff

## Hiring the New Director

Based on the criteria established and the ratings, the public library board should be able to select the successful candidate. The position may be offered by telephone and confirmed in writing by a formal letter of agreement.

**The formal offer and acceptance thereof should be contingent upon the results of background and reference checks.** In Mississippi, the library system is prohibited from hiring or continuing to employ anyone who has pled guilty or been found guilty of *any felony in which public funds were unlawfully taken, obtained or misappropriated in the abuse or misuse of the person's office or employment or money coming into the person's hands by virtue of the person's office or employment MS Code (§25-1-113 (2)).* Public Library Systems may engage in a formal background check for the above or

require the applicant to sign an affidavit that they have never been found guilty or pled guilty to the misuse of public funds. The Mississippi State Personnel Board maintains a vendor list for background checks (<http://www.mspb.ms.gov/>).

Pursuant to *MS Code* (§71-11-3), the library system participates in E-Verify, the federal government's voluntary employment verification program. The Library must register for and utilize the Department of Homeland Security's E-Verify System by submitting social security numbers of new hires to verify their immigration status and employment eligibility. The E-Verify program is used to verify new hires only after an I-9 form has been completed.

One last piece of paperwork is suggested for all new hires at library systems with library system vehicles. Initial, and then annual, verification of a valid Mississippi Driver License should be executed. The library system could model a usable form after the one found in Appendix B of the Department of Finance and Administration's Fleet Manual (<http://www.dfa.ms.gov/>).

The public library board should provide an orientation for the new director. The orientation should include the history of the library system and communities; the library system's mission and services; the library system's short-range and long-range plans; the library system's goals and objectives; the library system's policies; and the library system's budget and financial situation. News releases and photographic coverage should be arranged in all communities in the system. An open house or reception hosted by the administrative board would also be a courtesy.

It is also necessary to inform the Grants Services Division Director of the Mississippi Library Commission about changes in library system directors. There are specific requirements regarding the employment of a public library system director that may impact a public library system's ability to receive state aid funds.

### Appraisal of Director

Another important task of an Administrative Board of Trustees is the periodic appraisal of the public library system director. This is not a simple or easy task with either a new director or one who has many years of service.

Ideally, a probationary period of six (6) months to one (1) year allows time for the administrative board and the library system director to develop a working relationship and to evaluate the director's administration of the library system. Keep in mind that

Mississippi is an “at will” state and employees may be terminated at any time for any non-discriminatory reason. For further information on this please see <http://mdes.ms.gov/>.

Trustees should continuously evaluate the director by what they see in the facilities and by what they hear from the public and staff. Early in the probationary period, short and long-term goals and objectives should be agreed upon. Midway through the probationary period, it can be helpful if a review of the director’s performance is conducted. This mid-term review allows for course corrections, if necessary.

### **Duties and Responsibilities of the Director**

The director’s personnel duties and responsibilities include:

- Hiring library staff members based on the personnel policy and with approval from the public library board
- Managing and supervising staff
- Encouraging staff members to perform to their highest potential
- Providing opportunities for professional growth, continuing education, promotion, and increased benefits and compensation
- Conducting performance appraisals of staff
- Terminating employees for cause

### **Personnel Policy**

The Administrative Board of Trustees may face their greatest challenge when handling personnel issues. It is imperative that personnel policies are consistent with state and federal personnel and employment laws. Having a written, board approved personnel policy, enables a public library system to simplify hiring procedures, provide continuity in handling procedural questions and establishes standard to evaluate performance. Personnel policies define the roles and responsibilities of library system employees and provide a structure for the review of employee performance, employee reprimands, and employee termination.

The library director and the library board should work together to develop a personnel manual. The manual should include:

- Attendance at professional meetings

- Benefits available, such as insurance, retirement, worker's compensation
- Classification and job descriptions for each employee
- Disciplinary actions
- Grievance procedures
- Hiring and promotions
- Leaves of absence, with or without pay
- Organizational chart
- Performance evaluation
- Probationary work period
- Resignation and termination
- Responses to legislation such as Family Medical Leave Act, Fair Labor Standards Act, Americans with Disabilities Act
- Salary scale
- Training and continuing education
- Use of substitute staff and volunteers
- Working conditions and hours of work

Upon employment, every new staff member should be provided with access to a personnel manual. New staff should sign a document that they have received access and have read the personnel policy.

Trustees are charged with setting equitable compensation for all staff based upon duties, education and years of service; providing fringe benefits; maintaining a safe work environment; and enabling the director and staff to attend continuing education opportunities and library-related conferences.

### **Important Employment Laws**

Although this handbook cannot cover in detail all the employment laws that might affect a public library system, it is important to provide essential laws with a short annotation. These descriptions are not intended to fully explain the law, rather to send up some "warning signals" of areas for the administrative board.

- **Minimum Wage -- Federal and State**  
Almost all public library system personnel will fall under these minimum wage laws.



- **Fair Labor Standards Act (FLSA)**  
This act includes the federal minimum wage, and it also lists requirement for overtime pay and compensatory (comp) time. This law prohibits employees from contributing volunteer hours doing the same thing that they get paid for as part of their job. This law includes child labor provisions, which set certain limitations on the use of juveniles as employees. If your public library system uses students under 18 years of age as pages, be aware of the restrictions.
- **State and Federal Civil Rights Laws**  
These laws prohibit employers from discriminating on the basis of race, color, religion, sex, or national origin, in hiring, promotion, and other employment roles.
- **Age Discrimination in Employment Act (ADEA)**  
This act prohibits employers from discriminating on account of age. The protected age group is 40 years old and older.
- **Americans with Disabilities Act (ADA)**  
This law strengthens prohibitions on discrimination against the disabled, requires employers to make their facilities accessible, and to make reasonable changes in their accommodations for the employment of disabled people.
- **Immigration Reform and Control Act**  
The act requires that employees complete an I-9 form within three (3) days of starting to work, verifying their identity and authorization to work. Employers may make an offer of employment based on the successful applicant's completing the form, but may not specify what documents must be used to complete the form.
- **Drug Free Workplace Act**  
This law prohibits employees from the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance in the workplace.
- **Family and Medical Leave Act (FMLA)**  
This law entitles eligible employees who have been employed for at least a total of twelve (12) month and have worked at least 1,250 hours over the prior twelve (12) months, to take up to twelve (12) weeks of unpaid, job-protected leave during a twelve (12) month period after the commencement of leave.

## Due Process

The library director is charged with the employment of the library staff with the approval of the library board, prescribing staff duties and removal of staff for cause. Should it become necessary to remove a staff member for cause, written notice of such decision must be given to the staff member. According to state law (*MS Code §39-3-17 (3)*), a staff member who receives such notice is entitled to:

- Written notice of the reasons for such action, together with a summary of the factual basis therefore, which notice shall be given at least five (5) days prior to any hearing;
- An opportunity for a hearing before the Administrative Board of Trustees at which time the employee may state his case, including reasons alleged by the employee to be the reason for such action;
- Receive a fair and impartial hearing before the administrative board; and
- Be represented by legal counsel at the hearing at his/her own expense.

If the staff member does not request a hearing, the decision of the director will be final.

## Terminations

Terminations can be frequently contested. The public library board must ensure that library system employees receive notice of due process and the opportunity to contest the decision at a hearing. Written personnel policies and documentation of an employee's work record and performance are the basis upon which employment termination decision must be made. It is the board's responsibility to make sure that an employee is not terminated because of personal malice, but based on job performance.

## Sabbaticals

State law (*MS Code §39-3-20*) provides that professional library staff members of a public library system may be eligible for sabbatical leave for professional improvement after six (6) or more consecutive years of library service. Leave shall not exceed one (1) year. *MS Code (§39-3-20)* has specifics on how sabbatical leaves are to be granted.

## **Continuing Education**

Library trustees should encourage library directors and library staff to participate in training and continuing education (CE) programs. Involvement by the library system staff in professional library organizations is beneficial to all. As staff development increases, so should the operating efficiency and service of the library system. The advent of webinars, many of them free, negate two primary reasons (cost and travel) for ignoring continuing education. MLC publishes a CE catalog annually and other opportunities are publicized via e-mail.

## **Public and Community Relations**

Communicating to the population represented by the library system about library services and programs is very important. The library system is established to serve the people, but if citizens are not aware of this resource, then the service is not being used to its potential. Trustees along with the system director should be “advocates” for improved and expanded library services.

Public relations is more than sending press releases announcing board meetings or operating hours. Public relations involves educating and informing distinct groups in the population about the programs, services, and opportunities offered by the public libraries in the system.

Across the state, many people take libraries for granted. It is important that the director, staff, and library boards work to keep libraries and library services up front in the community’s mind. A strong library is an important part of the infrastructure of any community. A proactive communications plan, based on a strong advocacy role of the library system to their communities, helps business leaders, economic developers, public officials, and the public remain aware of library services and resources.

### **Public Relations Policy**

Developing specific assignments and responsibilities is vital when drafting a public relations policy. The trustees and library director should review the long-range and short-term goals of the library and look at ways that public relations tools and activities can help attain them.

This strategy is called marketing. Most public library boards annually develop a plan detailing how it intends to promote the organization. The library system’s public relations policy should be formal, list specific responsibilities, and be used as a positioning and information tool within the communities.

Further, many library boards (whether in a municipality or in a county) choose among themselves and name one trustee (usually the board chair) to serve as board spokesperson when dealing with news media personnel. This provides the media with one contact person and makes sure the board “speaks with one voice.” The library director can also be designated as a library contact.

## Library Target Audiences

When developing a public relations policy, look around your community and identify specific important groups and develop ways to communicate with them. Some library target audiences include:

- Local politicians
- Business community
- Chamber of Commerce
- Schools
- Civic clubs
- Churches
- Adult literacy advocates
- Senior citizens
- Physically or visually challenged individuals
- Children
- Online users

Look for opportunities and ways that the library system can tell these groups about the programs, services, and available resources that the library system can provide.

## **Public Relations Activities**

The administrative board, together with the library director, should consider:

- Hosting "business after hours" for the local Chamber of Commerce at appropriate intervals
- Developing a speaker presentation and operating a speaker's bureau for the library to address civic groups or organizations
- Inviting local television news, radio or newspaper personalities, public officials, and civic leaders to be the guest storyteller at children's story hour
- Hosting a variety of information exhibits in conjunction with nationally recognized weeks or months.
- Introducing services such as Beehive Resource Sharing and MAGNOLIA to the community
- Hosting an "open house" for the library

## Public Relations Tools

The board and library director should consider:

- Establishing “web pages” detailing library services and providing links to other community information resources
- Preparing a service brochure for new users describing services and library locations
- Working with local newspaper, radio stations, and television broadcasters in the area to highlight library activities
- Developing a schedule of press releases regarding new programs, exhibits, and services
- Developing and distributing a flyer-type newsletter to send to public officials, business leaders, and teachers
- Using any opportunity to publicly support the library and library services
- Using word-of-mouth publicity to encourage friends and acquaintances to visit the public library
- Utilizing social media to connect with new and established customers

On several levels--funding, advocacy, library awareness, usage--increasing library visibility is valuable. If the library is considered an essential, active part of the community, library support and use among its citizens, including politicians and business leaders can continue to grow.

## Advocacy

Being an advocate means direct communications, as an individual or group, with decision makers in support of or opposition to specific issues. Advocates can approach decision makers in person, by telephone, by fax, by letter, by e-mail or on a social media platform.

Trustees can be effective library advocates because:

- Trustees are not paid staff of the library system.
- Trustees see the library system from the user's viewpoint.
- Trustees represent a broad base of consumers.
- Trustees are volunteer participants in government.
- Trustees are knowledgeable about their community's power structure.
- Trustees vote.

As an advocate, it is important for trustees to:

- Speak out about how libraries benefit constituents
- Get to know decision makers and help them learn about libraries
- Provide reliable, accurate information to decision makers on library concerns and issues
- Attend state and federal library "Legislative Day" activities

Tips on being an advocate:

- Timing is important. Keep in touch with officials all year and keep on top of political developments that affect the library. Don't wait until it is too late.
- Credibility is crucial. Make clear who you represent and have a clear purpose in mind.
- Be persistent, clear and consistent.
- Know the personality and interests of the official you are trying to persuade; relate your goals to their interests.
- Be prepared to substantiate your opinion; avoid repetition and overkill.
- Orchestrate your advocacy effort carefully with that of others.
- Thank officials for their consideration even when they do not agree to what you want.
- When an official supports you, follow up with praise and positive reinforcement.
- Take a positive approach, be considerate and polite.

## Library Organizations and Associations

### Mississippi Library Commission

Established in 1926, the Mississippi Library Commission was created (*MS Code §39-3-101*) to advocate and encourage growth, development, and cooperation among all libraries in the state.

#### Governance

The Library Commission (<http://mlc.lib.ms.us/>) is governed by a Board of Commissioners composed of five (5) members who are appointed by the governor. The Board of Commissioners (*MS Code §39-3-105*) is charged with employing an executive director who oversees the Library Commission, organization of new libraries and library development across the state.

The commissioners and executive director have the responsibility to guide and plan the best possible access to library services for every citizen and resident of the state of Mississippi. In addition to the executive director, the Commission employs other staff as necessary to carry out the duties of the agency.

#### Duties

The Commission was established to serve as a resource for the development, establishment, progress, and improvement of libraries and library systems across the state. Specifically, the Commission (*MS Code §39-3-107*) is the designated advisory entity for all libraries in Mississippi. In addition, the Commission monitors and commits available funds and consultation resources to take a proactive role in the development of effective library management practices.

It is the duty of the Commission to obtain reports (*MS Code §39-3-107*) from all public library systems in the state showing the growth, operation, development, and other facts and statistics pertaining to library usage in the state. Further, the Commission must make an annual report to the legislature of the facts of public interest and proper use of library funding.



## **Mississippi Library Association (MLA)**

The Mississippi Library Association (<https://mla42.wildapricot.org/>) was organized on October 29, 1909, by Whitman Davis, librarian at Mississippi A&M College, to establish and develop effective library services in the state. MLA's mission is to provide professional leadership for the development, promotion, and improvement of library and information services and the profession of librarianship in order to enhance learning and ensure access to information for all.

### Executive Board

The official governing board of MLA is composed of the elected officers – President, Vice-President/President Elect, Secretary, Treasurer, ALA Councilor, SELA Representative, the immediate Past President, and the Section Chairpersons.

### Sections

Each of the five (5) sections represents a special field of library interest and is organized in accordance with the bylaws. Each section elects officers, meets to conduct business, allocates funds and keeps records. Specifics of each section can be obtained from MLA.

- Association of College and Research Libraries
- Public Libraries
- School Libraries
- Special Libraries
- Trustees

For more information on the Mississippi Library Association, you may contact the Executive Secretary at [www.info@misslib.org](mailto:www.info@misslib.org), 601-981-4586 or P.O. Box 13687, Jackson, MS 39236-3687.

## **Friends of Mississippi Libraries, Inc.**

Friends of Mississippi Libraries, Inc. (FML) is a statewide non-profit organization of volunteers, trustees, librarians, literacy advocates, local chapter and individual members who purpose is to support and facilitate the development of public, academic, school, and special libraries.

FML was organized to encourage both public and private sector support of libraries and to promote reading. The state organization serves as a source for communities seeking to organize local Friends of the Library chapter, to develop projects or programs to benefit the library and to promote volunteer support of libraries throughout Mississippi. FML also sponsor National Library Week activities; legislative activities, Literary Landmark Dedications, and grant opportunities.

### Governance

FML is governed by board comprised of active volunteers from local chapters, and one representative each from the Mississippi Library Commission, and the Mississippi Library Association. FML represents more than 125 local Friends of the Library chapters throughout the state.

For more information on the Friends of Mississippi Libraries, Inc., access the Mississippi Library Commission's website.

### **National Organizations**

#### American Library Association (ALA)

50 East Huron Street  
Chicago, IL 60611  
312-944-6780 or 800-545-2433  
FAX 312-440-9374  
[www.ala.org](http://www.ala.org)

ALA advocates for the public's interest in a free and open information society; develops innovation programs that support libraries in acquiring new information technology and trains people in its use; supports libraries as center for culture, literacy and lifetime learning; and promotes excellence in libraries and librarianship.

#### United for Libraries

50 East Huron Street  
Chicago, IL 60611  
312-944-6780 or 800-545-2433  
FAX 312-440-9374  
[www.ala.org/united](http://www.ala.org/united)

A division of ALA devoted to the needs of library trustees, advocates, friends and foundations.

Public Library Association (PLA)

50 East Huron Street

Chicago, IL 60611

312-944-6780 or 800-545-2433

FAX 312-440-9374

[www.ala.org/pla](http://www.ala.org/pla)

The Public Library Association enhances the development and effectiveness of public libraries and public library services.

## Important Dates

March 31<sup>st</sup> - Audit is due

May 31<sup>st</sup> - Annual Accreditation Report is due

December 31<sup>st</sup> - LSTA Mid-year evaluations due

July 1 to June 30 – State fiscal year (MLC uses this for everything we do)

August 31<sup>st</sup> – LSTA Final evaluations due

October 1 to September 30 – Federal fiscal year (library systems and federal government use this)

## Internet Resources

### MLC Resources

Library Development - <http://mlc.lib.ms.us/ms-libraries/library-development/>

Library specific sections of the Mississippi Code and relevant Attorney General's Opinions (page 17)

*Directors' Resource Guide* (page 24)

Mississippi Public Library System Accreditation Program –

<http://mlc.lib.ms.us/accreditation-program/>

Manual (page 33)

### Mississippi Government

Attorney General - <http://www.ago.state.ms.us/>

Open Meetings and Executive Session (page 6)

Attorney General's Opinions (page 17)

Department of Employment Security - <http://mdes.ms.gov/>

"At will" employment (page 39)

Department of Finance and Administration (DFA) – <http://www.dfa.ms.gov>

Purchasing Laws (page 35)

Department of Finance and Administration's Fleet Manual (page 39)

Office of the State Auditor – <http://www.osa.ms.gov/>

Accounting and other technical seminars (page 35)

Secretary of State - <http://www.sos.ms.gov>

*Mississippi Code of 1972, Annotated* (page 17)

State Personnel Board - <http://www.mspb.ms.gov/>

Background check vendor list (page 38)

## **Library Organizations and Associations**

American Library Association - [www.ala.org](http://www.ala.org)

ALA Job Postings (page 35)

American Library Association (page 50)

Public Library Association (page 50) - [www.ala.org/pla](http://www.ala.org/pla)

Mississippi Library Commission - <http://mlc.lib.ms.us/>

*Mississippi Library Job Opportunities* (page 35)

Mississippi Library Commission (page 47)

Mississippi Library Association (page 48) - <https://mla42.wildapricot.org/>

United for Libraries (page 50) - [www.ala.org/united](http://www.ala.org/united)

## **Miscellaneous**

The Foundation Center (page 34) - <http://foundationcenter.org/>

Indiana CPA Society (page 37) - <http://www.incpa.org>

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