



November 28, 2023

7:00 pm

Committee Members: Suzanne Dugan, Chair; Megan Brown; Steve Meyer;
Purushothaman Srinivasan

Staff: Jim Foster; Alex Gutelius

1. Policy 7.3 Check Signing Procedures
2. Policy 4.2 Materials Selection Policy
3. Policy 5.4 Calendar for Board of Trustees
4. Other

POLICY 7.3 CHECK SIGNING PROCEDURES

Need for this Policy:

A policy is needed to achieve a system of internal fiscal control and stipulate counter-signature requirements.

Policy:

Disbursement checks written for \$~~2015~~,000 or more will require the signature of the President and Treasurer of the Board. In the event either the President or Treasurer is are not available, the Vice-President may sign in their place of one of them.

Responsibilities:

The ~~Director President, Treasurer, Vice-President,~~ and Business Manager will ensure that two signatures appear on all disbursement checks which are written for \$~~2015~~,000 or more.

Initial Adoption Date: 9/19/2005

Modified Date	Description of Modification
11/20/2017	Changed position title
2/27/2023	Reviewed, made minor wording change
<u>12/18/2023</u>	<u>Increased the requirement for two signatures on checks to \$20,000 and added the Vice-President as a signatory in the event the President or Treasurer is are not available.</u>

POLICY 4.2 MATERIALS SELECTION POLICY

Need for this Policy:

The Collection Development and Materials Selection Policy is necessary to provide a framework for the growth and development of collections in support of the Library's mission to provide the space and resources for patrons to be educated, entertained and enriched. The policy is needed to guide staff and inform the public about the principles on which selection is based.

Policy:

The Library's goal is to provide the community with materials that reflect a wide range of views, expressions, opinions and interests. The Library provides free access to materials in a variety of formats to all patrons. Library patrons make their own choices as to what they will use based on individual interests and concerns. Responsibility for a child's use of library materials lies with his or her parent or guardian.

The Library Board endorses and declares that the Library will adhere to the principles of intellectual freedom adopted by the American Library Association, enumerated in:

- Library Bill of Rights
- Freedom to Read
- Freedom to View
- Interpretations of the Library Bill of Rights

Scope of the Collection

The scope of the collection refers to the range and type of materials selected including the formats offered and the level of difficulty. The scope is as broad as possible to allow for free expression and free access to ideas. The Library's collections will focus on the general patron rather than the researcher. Materials of local significance or value may be digitized to expand access. The collection is not archival. No extraordinary efforts are made to retain or preserve last copies or out of print titles.

Objectives of Selection

Selection may be defined as the decision that must be made to add materials to the collection or to retain materials already in the collection. The primary objectives are:

- To maintain a well-balanced and broad collection of materials for information, reference and research. Emphasis will not be placed on scholarly works, but on materials which will be considered accessible to the general public.
- To provide materials which support educational, cultural and civic activities in the community.
- To collect materials of contemporary significance as well as permanent value.
- To provide materials for recreation and enlightenment.

Criteria for Selection

Resources are evaluated as a whole and not on the basis of a particular section or sections. A resource will not be excluded from the library's collection because it presents an aspect of life realistically or because of frankness of expression.

While a single standard cannot be applied, potential resources are judged by appropriate criteria. In some instances, these criteria include artistic or literary merit, scholarship or the value of the resource to the informational needs of the community. The Library's decision to acquire material does not constitute endorsement of the material's content.

General criteria for selecting library materials are listed below. An item need not meet all the criteria in order to be acceptable.

- Relevance to community needs
- Public demand, interest or need
- Contemporary significance, popular interest or permanent value
- Attention of critics and reviewers
- Prominence, authority and/or competence of author, creator or publisher
- Timeliness of material
- Relationship to present collections
- Statement of challenging, original or alternative point of view
- Accessibility for multiple users of electronic formats
- Availability and accessibility of the same resources in other Southern Adirondack Library System member libraries or through interlibrary loan.

Responsibility for Selection

~~Per library policy, the Director, or an employee designated by the Director, has authority and responsibility for the selection of library resources. Authority and responsibility for the selection of library resources is delegated to the Library Director by the Board of Trustees. At the discretion of the Library Director, staff who are qualified by reason of education, training and experience are given the responsibility to select resources within the framework of this policy.~~

Budget

The materials budget is recommended by the Library Director and approved by the Board of Trustees annually.

Suggestions for Additions to the Collection

Patron suggestions are always considered for addition to the collection. Suggested materials are subject to the above selection criteria.

Collection Maintenance, Replacement and Weeding.

The process of removing items from the collection is an integral part of collection development. Materials that are worn, obsolete, unused, old editions or unnecessarily duplicated are removed in order to maintain the collection's usefulness, currency, relevance and condition. The Library Director and designated staff members are responsible for collection maintenance and for the disposition of withdrawn resources. Withdrawn items may be offered to the Friends of the Library for fundraising purposes, offered to other libraries or non-profit organizations, recycled or discarded.

Gifts

Gifts of books and other resources are accepted with the understanding that they may be used or disposed of at the Library's discretion. Gift materials are subject to the same selection criteria as purchased materials.

When a cash gift is given to the Library for the purchase of memorial books or other tributes, the selection will be made by the Library Director or designated staff with consideration given to the donor's wishes.

Responsibility:

It is the responsibility of the Director to maintain adequate procedures to implement this policy.

Initial Adoption Date: 3/13/1985

Modified Date	Description of Modification
2/15/1993	
4/7/1999	
9/19/2005	
12/18/2017	Expanded the policy to include details on scope, objectives, criteria, responsibility, budget, recommendations, collection maintenance, gifts, and request for reconsideration; removed Library Bill of Rights documents as attachments and referenced them in policy.
9/18/2023	Removed the section on Requests for Reconsideration of Materials to new Policy 3.20 reconsideration Policy and Procedures; made minor wording changes.

Ask the Lawyer

A CDLC member service

RAQ Reply to Member

"Ask the Lawyer" was developed and piloted by the Western New York Library Resources Council in 2016 and is now a service to members of all nine regional library councils in New York. All "Ask the Lawyer" answers are the copyright of author Stephanie Adams. This service, and its content, are in service of the missions of New York State's libraries. Reproduction of this content, other than for internal use by a council member organization, can only be done with permission. For all other inquiries to reproduce this content, please write to the hosting library council, who will reach out to the author, or write info@losapllc.com. "Ask the Lawyer" is a trademark of the Empire State Library Network whose members include the Western New York Library Resources Council and the eight other participating library councils: Capital District Library Council, Central New York Library Council, Long Island Library Resources Council, Metropolitan New York Library Council, Northern New York Library Council, Rochester Regional Library Council, South Central Regional Library Council, and Southeastern New York Library Resources Council.

MEMBER QUESTION

Topic: "Delegation" of collection development responsibilities

Member: Clifton Park Halfmoon Public Library

Date submitted: September 28, 2023

The [NAME REDACTED] Public Library has a materials selection policy in place. When recently updating the policy, trustees had questions about the "responsibility" section which states:

"Authority and responsibility for the selection of library resources is delegated to the Library Director by the Board of Trustees. At the discretion of the Library Director, staff who are qualified by reason of education, training and experience are given the responsibility to select resources within the framework of this policy."

The question we have is should the word "delegated" be used in this context. The Handbook for Library Trustees includes sections stating that the board is legally responsible for all aspects of the library as an institution and have broad and almost exclusive powers and authority to administer the library. We wonder if the delegated section is correct, or if the responsibility section should just say that the Library Director is responsible for the selection of library resources.

WNYLRC ATTORNEY'S "RECENTLY ASKED QUESTIONS" RESPONSE (for publication)

From: Stephanie A. Adams, Esq.

Date: November 16, 2023

What an insightful question.

*Please Note: "Ask the Lawyer" is a service to the Capital District Library Council and its members, **but it is not legal representation**. Your initial question was subject to an attorney-client privilege shared with CDLC and you, the member. Since you consented to a published answer, and the question was suited to creating general audience, the reply is being given as general guidance, and is obviously not confidential. Thank you for helping us create this service, which is a collaborative learning exercise designed to alert librarians in our region to the legal issues that impact their work. –The Law Office of Stephanie Adams, PLLC www.stephanicoleadams.com*

Here is my answer: no, "delegate" is not quite the right word in this context. A more suitable phrase could be:

"Per library policy, the Director, or an employee designated by the Director, has authority and responsibility for the selection of library resources."

Here is why:

The word "delegate", in the context of a board operations,¹ pertains to outsourcing very precise responsibilities (such as managing investments²).

Many board responsibilities can't be delegated. For instance, a library board has a legal responsibility to hire the library director,³ and a legal responsibility to pass policy related to library operations.⁴ Neither of these can be outsourced (or "delegated").

But having responsibility to hire the library director and a legal responsibility to pass policy related to library operations is not the same as performing professional duties required of that director, per that policy.

Just as with other work performed by a credentialed professional, collection management should be governed by board-approved policy, but that policy should not "delegate", but rather authorize, those duties to the person qualified to perform them.

If this seems a little obstruse, here is a small poem to illustrate the point:

A board hire a lawyer
But cannot practice law.
A board can hire an architect
But plans it cannot draw.

A board can hire a CPA

¹ Meaning, as it is used in the Not-for-Profit Corporations Law (see Section 717).

² To go down one large tunnel connected to this rabbit hole, visit <https://ag.ny.gov/sites/default/files/regulatory-documents/mifa-funds.pdf>, and search for the word "delegate."

³ See Section 260 of the Education Law.

⁴ See 8 NYCRR 90.2 (a)(4) .

Ask the Lawyer

A CDLC member service

RAQ Reply to Member

But can't audit on its own.
A board can hire a barber
But can't cut hair alone!

When a job requires credentials,
When it's licensed or certified,
The duty's not "delegated,"
Instead the action's "authorized."

So when selecting books to add
Or choosing what to weed,
The policy's set by the board,
But the director does the deed.

For these reasons, a collection management policy should emphasize that the board passes the policy governing the process, but the policy empowers the Director to set and apply the selection criteria. The sample language above is not the only way to articulate this, but it is one way; to see another sample, ask your library system director for the model policy created last year by PULISDO and ESLN.

Thank you for a thought-provoking question.

*Please Note: "Ask the Lawyer" is a service to the Capital District Library Council and its members, **but it is not legal representation**. Your initial question was subject to an attorney-client privilege shared with CDLC and you, the member. Since you consented to a published answer, and the question was suited to creating general audience, the reply is being given as general guidance, and is obviously not confidential. Thank you for helping us create this service, which is a collaborative learning exercise designed to alert librarians in our region to the legal issues that impact their work. –The Law Office of Stephanie Adams, PLLC www.stephaniecoleadams.com*

POLICY 5.4 CALENDAR FOR BOARD OF TRUSTEES

Need for this Policy:

A calendar of regularly scheduled Board and Committee activities shall be prepared, reviewed annually, and affixed hereto.

Policy:

An ongoing calendar shall be maintained by the Policy Committee, structured as follows:

<u>DATE/ ITEM</u>	<u>RESPONSIBILITY</u>
<u>JANUARY</u>	
Submit committee preferences	Board
Organizational Meeting	
Elect new officers to the Board	Board
Administer Oath of Office to Trustees	Counsel
Appoint Counsel, Clerk, and Board Secretary	Board
Set date for the Annual Budget Vote and Trustee Election	Board
Review and approve Board Calendar	Board
Sign Conflicts of Interest statements	Board, Director and Admin. Staff
Assign monthly claims review responsibilities	Board
Assign monthly FOL Board Meeting attendance	Board
Designation of depositories	Board
Resolution to allow electronic transfers	Board
Resolution to change authorized users on Fidelity account	Board
Approve Board meeting schedule	Board
Trustee Training and Education (as necessary)	Board
Make Board committee assignments	President
Send letter to Saratoga County Board of Elections requesting support for Annual Budget Vote and Trustee Election	President
Set committee goals	Committee Chairpersons
Update Library operations calendar	Policy Committee
Prepare NY State Annual Report	Director
<u>FEBRUARY</u>	
Approve investment plan for tax levies revenues	Director & Finance Chair
Approve the NY State Annual Report	Board
Review annual financial audit report	Board
<u>FEBRUARY/MARCH</u>	
Attend Library Advocacy Day	Legislative Committee
<u>APRIL</u>	
Make recommendations for budget by May 1 to Finance Committee	All Standing Committees & Director
<u>MAY</u>	

Attend annual SALS dinner meeting (optional) Board
Develop next year's budget Finance Committee & Director

JUNE

Conduct mid-year evaluation of Director Personnel Chair & President
Approve budget for next year Board
Recruit candidates for Board Board

JULY

Review & make adjustments as required to current budget Finance Committee & Director
Appoint election coordinator Director
Announce date for election President
after Labor Day

AUGUST

Accept completed petitions for Trustee candidates Director
Hold joint meeting with FOL Board Board
Prepare communication plan to encourage voting Public Relations Committee

SEPTEMBER

Complete plans for vote by District residents on election of Trustees and budget referendum President

OCTOBER

Present draft Board meeting schedule for next year Director
Annual Board Retreat Board

NOVEMBER

Set Board goals for next year Board
Complete Board self-evaluation Board
Appoint Ad Hoc Nominating Committee to recommend Officers of the Board for next year President
Policy Committee reviews Annual Calendar Policy Committee

DECEMBER

Present slate of Officers Nominating Committee
Accept floor nominations for Officers of the Board Board
Conduct year-end evaluation of Director Personnel Chair & President
Prepare annual committee summaries and suggest next year's goals / activities Committee Chairs
Submit trustee training self-assurance form to Director Board

Responsibilities:

The Policy Committee will review calendar annually and transmit suggested calendar to the Board in January of each year. The Board President is responsible for monitoring the timely completion of the stated tasks.

Initial Adoption Date: 3/28/1990

Modified Date	Description of Modification
1/4/1994	
5/4/2001	
9/19/2005	
4/18/2008	
12/16/2016	
12/18/2017	Reviewed, no changes
12/17/2018	Added send letter to BOE; revised the date of election announcement; added Annual Board Retreat
12/16/2019	Added audit; minor revisions
1/3/2022	Minor revisions
11/21/2022	Added need to submit trustee training form.