



# MASSACHUSETTS BOARD OF Library Commissioners



## Public Library Advisory and Technical Assistance Program

### *FACT SHEET*

The Massachusetts Board of Library Commissioners advises municipal officials, boards of trustees, library directors and others on matters relating to the maintenance, administration and improvement of public libraries in Massachusetts.

#### **PURPOSE AND PROGRAM DESCRIPTION**

The Board established the Public Library Advisory and Technical Assistance program as part of its commitment to assist public libraries in providing effective services to the residents of the community.

The program provides advice and assistance in the following areas:

#### **Laws and Regulations**

- Massachusetts library laws and regulations
- Other State laws and regulations that impact public libraries
- State and Federal legislative proposals that may effect library services
- Provide referrals to appropriate State agencies for technical assistance

#### **Trustee Responsibilities and Library Administration**

- Establishing policies
- Issues related to the governance and funding of public libraries
- Reviewing personnel issues
- Roles and responsibilities of the trustees, library director, Friends of the Library

#### **Community Awareness and Library Support**

- Starting and maintaining a Friends of the Library organization
- Advocating for libraries at the local level and beyond
- Fundraising

#### **Information, Training and Resources**

Board staff develop information sources, training programs and resources in partnership with the Regional Library Systems, the Massachusetts Library Association, the Massachusetts Library Trustees Association and the Massachusetts Friends of Libraries.

#### **AUTHORIZATION**

The Public Library Advisory and Technical Assistance Program is authorized by M.G.L., c. 78, §§ 10 to 13, 15.

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98 North Washington St., Suite 401 • Boston, MA 02114 • 617-725-1860 • 800-952-7403 (in-state only) • fax: 617-725-0140 • [mass.gov/mblc](http://mass.gov/mblc)

## Chapter 78 LIBRARIES

Section 10. A town which raises or appropriates money for the support of a free public library, or free public library and reading room, owned by the town, shall, unless the same has been acquired entirely or in part through some gift or bequest which contains other conditions or provisions for the election of its trustees, or for its care and management, which have been accepted by the town, elect by ballot at a meeting a board of trustees consisting of any number of persons, male or female, divisible by three, which the town determines to elect. When such board is first chosen, one third thereof shall be elected for one year, one third for two years and one third for three years, and thereafter one third shall be elected annually for a term of three years. The board shall, from its own number, annually choose a chairman and secretary and, if the town so votes, a treasurer, who shall give a bond similar to that given by the town treasurer, in an amount and with sureties to the satisfaction of the selectmen. Until the town otherwise directs the town treasurer shall act as treasurer of the board of trustees.

### Section 11 Board of trustees; powers and duties

Section 11. The **board shall have the custody and management** of the library and reading room and of all property owned by the town relating thereto. All money raised or appropriated by the town for its support and maintenance shall be expended by the board, and all money or property which the town may receive by gift or bequest for said library and reading room shall be administered by the board in accordance with the provisions of such gift or bequest. The board of any library, for the purpose of improving the services of said library, may enter into an agreement with the board or boards of any neighboring library or libraries, to pay for services in common, or to manage a facility to be operated jointly by more than one municipality, such payments to be shared in accordance with terms of such agreement.

Section 12. The board shall make an annual report to the town of its receipts and expenditures and of the property in its custody, with a statement of any unexpended balance of money and of any gifts or bequests which it holds in behalf of the town, with its recommendations.

Section 13. The three preceding sections shall not apply to library associations, nor to a library organized under a special act.

# Massachusetts Board of Library Commissioners

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## Massachusetts Public Library Trustees Handbook

### Who Does What?

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### Who Does What?

**Cooperation is the key!** The duties and responsibilities of the library trustee and the library director may appear to overlap. Understanding the differences in function assures teamwork and better library service. Confusion may be avoided by discussing the following clarification of typically separate powers and obligations of the trustees and director.

#### Governance and Policy Making Responsibilities

##### Trustee Board

Has indirect responsibility for administration through employment of director and adoption of policies, plans, and budget.

Adopts by-laws for board procedures. Attends and participates in all regular meetings. Reviews reports; solicits information; obtains feedback from the community and personally uses the library.

Approves goals and objectives of the library, including the methods for annually evaluating progress.

Approves written policies to govern operation, use, and overall program of library service.

Officially approves and adopts library policies; assists in the interpretation of those policies to public and staff.

##### Library Director

Has direct responsibility for administration of total library program including all affiliated libraries within the framework of board plans, policies, budget and materials selection.

Prepares regular written reports and submits other relevant documents. Attends all systems and affiliate board meetings or designates substitute; keeps trustees informed of progress and problems.

Provides assistance and direction to the board. Recommends methods for implementing plans and evaluation.

Recommends policies; supplies examples and sources of information and advises board of implications of various decisions.

Administers policies and maintains policy handbook; interprets policies to staff and public.

#### Legal Responsibilities

##### Trustee Board

**Seeks cooperation with officials of municipality.**

Attends and participates knowledgeably in all board meetings and decisions to assure conformity to legal responsibilities.

Seeks municipal legal counsel for review and approval.

Responsible for custody and management of library facility and holdings unless otherwise provided by municipal charter or special legislation. Private corporations or association library boards may hold title for property.

Knows, studies, and abides by all local, state, and federal laws and regulations which affect public libraries and empower boards of trustees. A copy of Massachusetts General Laws should be available, where space and budget allow, in every library in the Commonwealth.

##### Library Director

Prepares all needed library reports for local government, the system and the Massachusetts Board of Library Commissioners; provides copies to the board and community.

Attends board meetings and suggests legal reviews or counsel on appropriate board actions.

Knows, studies, and abides by all local, state, and federal laws and regulations which affect public libraries and empower boards of trustees.

#### Human Resources Responsibilities

##### Trustee Board

Employs a library director who meets the personnel minimum standards for the State Aid to Public Libraries program. Develops guidelines for staff selection.

Adopts standards for evaluating library director's performance. Reviews director's effectiveness.

Provides adequate salary scale and fringe benefits for all employees.

Adopts personnel policies and personnel manual.

Recommends qualifications for board membership. Notifies appropriate authorities of board vacancies.

##### Library Director

**Hires and supervises staff according to board policy.**

Suggests basis for evaluation criteria. Provides materials for board to study. Maintains personnel records.

Suggests improvements needed in salary and working conditions. Utilizes skills and initiative of staff members to the library's advantage.

Provides board with recommendations and materials to review. Maintains personnel manual.

Assists in developing criteria for and selection of new trustees. Participates in orientation by introducing library staff, explaining procedures, etc.

##### Trustees and Director Together

**Observe all local, state, and federal laws that relate to current employment practices.**

Provide in-service training for professional development of staff members and effective implementation of policies. Provide opportunity for continuing education and advancement of staff and trustees.

Conduct an annual assessment of the board's performance including attendance and committee work.

## Planning Responsibilities

### Trustee Board

Analyzes the community and considers the strengths and the weaknesses of library service.

Approves goals, adopts both short and long-range plans for library growth.

Approves priorities and decides on courses of action to implement plans.

### Library Director

Participates fully in the community analysis process and in the continuing survey of library service.

Recommends plans for library's growth which include measurable goals and objectives. Recommends activities to support these goals and objectives.

Administers library in terms of its plans as adopted by the board; suggests revisions as needed

### Trustees and Director Together

Evaluate the library annually when planning for future development. Review the budget with regard to service, personnel, public relations, policies, regulations, and building maintenance.

Work as a team to develop the plan.

## Financial Responsibilities

### Trustee Board

Actively supports and presents a budget for adequate library funding.

Keeps informed of the financial status, funding sources, and needs of the library.

Scrutinizes preliminary budget request submitted by library director; makes recommendations and officially adopts budget.

May undertake special fund raising programs to raise money for the library.

### Library Director

Maintains complete and accurate records of finances, inventory, and annual reports. Provides information with library reports to the board.

Prepares local, state, and federal grant budgets based on present and anticipated needs, taking into account the board's plan for library growth.

### Trustees and Director Together

Attend budget hearings of funding agencies, including finance committee and town meeting, to answer questions about library growth and administration and to supply facts and figures to defend budget requests.

Explore all methods of increasing the library's income through new sources and cooperation with other libraries or agencies.

Submit an annual report of activities, income, and expenditures to be filed with the appropriate agency.

## Continuing Education Responsibilities

### Trustee Board

Reads trustee materials and library-related publications.

Sees that new trustees have planned orientation.

Attends local, state, and national trustee or library-related meetings whenever possible.

Belongs to professional associations such as MLTA, MLA, and ALA.

Supports continuing education for director and staff and takes advantage of opportunities for trustee education.

### Library Director

Calls significant materials and events to the attention of library board.

Organizes orientation of new trustees.

Informs trustees of important meetings and workshops for them to attend. Encourages financial support for travel in budget.

Belongs to professional organizations and attends local, state, and national library association conferences.

Designs and develops continuing education for staff and board. Develops skills and initiative of staff members to the library's advantage.

### Trustees and Director Together

Plan and implement orientation of new trustees.

Provide in-service training opportunities for professional development of staff members and effective implementation of policies. Provide opportunity for continuing education and advancement of staff and trustees.

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Chapter 2. Board Organization

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Massachusetts Board of Library Commissioners 98 North Washington St., Suite 401, Boston, Massachusetts 02114  
Tel: 617-725-1850 800-952-7403 (in state) Fax: 617-725-0140 [Directions](#)[Contact Us](#)

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## Massachusetts Public Library Trustees Handbook

### Massachusetts Laws Pertaining to Libraries

#### Chapter 3. Legal Responsibilities

#### Massachusetts Laws Pertaining to Libraries

It is advisable for trustees and library director to acquire a familiarity with local, state and federal laws which may have an impact on library management by consulting with local municipal officials and other authorities.

Although there are many Massachusetts laws which could apply to library management, the following table shows a selective index of library laws which have a broad impact on the board of trustees and which are particularly relevant to the general administration of Massachusetts public libraries. Massachusetts General Laws may be accessed online at the Board of Library Commissioner's [MBLC](http://mblc.state.ma.us) web site at <http://mblc.state.ma.us>.

#### A Selective List of Massachusetts Laws Pertaining to Libraries

Subject	Chapter	Section(s)
Anti-Discrimination Law	<a href="#">151B</a>	<a href="#">1-10</a>
Anti-Obscenity Law	<a href="#">272</a>	<a href="#">28, 29, 29B, 31</a>
Charitable Corporations	<a href="#">180</a>	<a href="#">1-11C, 26-26B</a>
Confidentiality of Library Records	<a href="#">4, 66</a>	<a href="#">7(26), 10</a>
Conflict of Interest	<a href="#">268A</a>	<a href="#">17-25</a>
Crimes:		
Destruction or Mutilation of Library Materials	<a href="#">266</a>	<a href="#">100</a>
Theft of Library Materials	<a href="#">266</a>	<a href="#">99, 99A</a>
Disturbance of Libraries	<a href="#">272</a>	<a href="#">41</a>
Dog Tax Law	<a href="#">140</a>	<a href="#">147A, 172</a>
Due Process Legislation	<a href="#">78</a>	<a href="#">33,34</a>
Written Policy for <i>Selection</i> of Materials		
Written Employment Contracts with Library Directors		
Funds, Receipt of Revolving Funds	<a href="#">78</a>	<a href="#">53, 53A, 53E1/2</a>
Handicapped Access to Public Buildings	<a href="#">22</a>	<a href="#">13A</a>
Harmful to Minors Act	<a href="#">272</a>	<a href="#">28, 31</a>
Joint Libraries	<a href="#">78</a>	<a href="#">11</a>
Labor Relations: Public Employees	<a href="#">150E</a>	<a href="#">1-15</a>
Liability	<a href="#">258</a>	
Libraries:		
Establishment of Free Public Libraries	<a href="#">78</a>	<a href="#">1, 7-9</a>
Board of Library Commissioners	<a href="#">78</a>	<a href="#">19</a>
Regional Public Library Service	<a href="#">78</a>	<a href="#">19C, 19D, 19F</a>
Library and Information <i>Network</i>	<a href="#">78</a>	<a href="#">19L</a>
Lost Materials: Use of Recovered Money	<a href="#">44</a>	<a href="#">53</a>
Open Meeting Law	<a href="#">39</a>	<a href="#">23A-C, 24</a>
Public Records	<a href="#">66</a>	<a href="#">1-18</a>
Smoking in Public Places	<a href="#">270</a>	<a href="#">21-22</a>
State Aid to Cities and Towns for Free Public Libraries	<a href="#">78</a>	<a href="#">19A, B</a>
Articles of Amendment to the Constitution of Massachusetts	<a href="#">Art XVIII</a>	<a href="#">2</a>
Trust Funds	<a href="#">44</a>	<a href="#">54, 55B</a>
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Liability

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Chapter 4. Policy Making

## CHAPTER 150E

### LABOR RELATIONS: PUBLIC EMPLOYEES

#### Section 1

##### Definitions

"Employer" or "public employer", the commonwealth acting through the commissioner of administration, or any county, city, town, district, or other political subdivision acting through its chief executive officer, and any individual who is designated to represent one of these employers and act in its interest in dealing with public employees, but excluding authorities created pursuant to chapter one hundred and sixty-one A and those authorities included under the provisions of chapter seven hundred and sixty of the acts of nineteen hundred and sixty-two. In the case of school employees, the municipal employer shall be represented by the school committee or its designated representative or representatives. For this purpose, the chief executive officer of a city or town or his designee shall participate and vote as a member of the city or town school committee; provided, however, that if there is no town manager or town administrator in a town, the chairman of the board of selectmen or his designee shall so participate and vote. In the case of a regional school district, said chief executive officers or chairmen of boards of selectmen, as the case may be, of the member cities and towns shall, in accordance with regulations to be promulgated by the board of education, elect one of their number to represent them pursuant to the requirements of this section. In the case of employees of the system of public institutions of higher education, the employer shall mean the board of higher education or any individual who is designated to represent it and act in its interest in dealing with employees, except that the employer of employees of the University of Massachusetts shall be the board of trustees of the university or any individual who is designated to represent it and act in its interest in dealing with employees. In the case of judicial employees, the employer shall be the chief administrative justice of the trial court or any individual who is designated by him to represent him or act in his interest in dealing with judicial employees. In the case of employees of the state lottery commission, employer shall mean the state lottery commission or its designee. In the case of employees of the Massachusetts Water Resources Authority, the employer shall mean the Massachusetts Water Resources Authority. In the case of employees of the Suffolk county sheriff's department, employer shall mean the sheriff of Suffolk county or any individual who is designated by him to represent him or act in his interest in dealing with such employees. In the case of personal care attendants as defined in section 28 of chapter 118G, the employer shall mean the PCA quality home care workforce council or its designee as defined in section 29 of said chapter 118G. In the case of employees of the Massachusetts Department of Transportation, "employer" shall mean the Massachusetts Department of Transportation or any individual designated by the board of that department to represent it or act in its interest in dealing with employees.

No where is the Library mentioned in the definition of a public employer. It specifically calls out the Chief Executive Officer of a town (who is defined in MGL Chapter 4, Section 7, clause fifth B).

Section 4. Public employers may recognize an employee organization designated by the majority of the employees in an appropriate bargaining unit as the exclusive representative of all the employees in such unit for the purpose of collective bargaining. All notices relative to a representation petition and all elections shall be posted at the request of the commission ten days prior to a hearing in a conspicuous place where the affected employees are employed.

Only the public employer has the authority to deal with a bargaining unit.

## General Laws

### Chapter 4, Section 7. Definitions of statutory terms; statutory construction

Section 7. In construing statutes the following words shall have the meanings herein given, unless a contrary intention clearly appears:

Second A, "**Appointing authority**", when used in connection with the operation of municipal governments shall include the mayor of a city and **the board of selectmen of a town** unless some other local office is designated as the appointing authority under the provisions of a local charter.

Third A, "Board of selectmen", when used in connection with the operation of municipal governments shall include any other local office which is performing the duties of a board of selectmen, in whole or in part, under the provisions of a local charter.

[ There is no clause Fourth.]

Fifth A, "Chief administrative officer", when used in connection with the operation of municipal governments, shall include the mayor of a city and the board of selectmen in a town unless some other local office is designated to be the chief administrative officer under the provisions of a local charter.

Fifth B, "**Chief executive officer**", when used in connection with the operation of municipal governments shall include the mayor in a city and **the board of selectmen in a town** unless some other municipal office is designated to be the chief executive officer under the provisions of a local charter.