



**Maryland Association of  
Public Library Administrators**

**Trustees Guide for Maryland Libraries  
2019**

## Introduction

Thank you for serving your community as a public library trustee! It is a great honor and responsibility to serve on the board of a public library. Public Libraries are a cornerstone of our democracy. Your guidance, participation and advocacy support the library's efforts to serve the needs and interests of the community.

It is imperative to ensure that Maryland's libraries have the capacity to evolve to maintain their status as 21st-century libraries capable of ensuring access to the expanding world of resources through collections of traditional and digital content, employing highly-trained and customer-oriented staff, providing cutting edge technology infrastructure, and maintaining a physical presence in the community and a virtual presence on the Web.

Maryland libraries build real and virtual connections to enable children, families and communities to learn, grow and prosper in the 21<sup>st</sup> century. Maryland libraries provide resources for literacy, lifelong learning, and linkages to Maryland's past, present and future through information in a variety of accessible formats. Maryland libraries ensure that all residents and communities have equitable access to library resources.

The **Maryland State Library Agency (MSL)** leads and connects Maryland's diverse library communities for broader impact through grant making, professional development, statewide programs, and new technologies. MSL's vision, ***Maryland Libraries: Inspiring Library Innovation***, guides the administration of State and Federal funds to support Maryland libraries in their mission to offer outstanding resources, programs and excellent customer service.

This guide is designed to give library trustees quick access to major issues and laws that impact public libraries in Maryland. Read it, take it with you to board meetings, use it to become a more effective board member for the library you support and value.

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## New Trustee Checklist

Twelve important things you should have:

- Board bylaws
- Schedule of meetings
- Packets from three previous meetings
- Current library budget
- Recent annual report and web address to find online
- Copies of Open Meeting and Ethics Laws
- Contact information for board members and director
- Library's mission statement and strategic plan
- Library's policies and procedures or web address to find online
- Library's organizational chart(s)
- Information about Friends of the Library and/or Library Foundation
- Copy of Laws of Maryland Relating to Public Libraries

**Note:** If you were not given these items up front, ask your Director or Board Chair for copies.

Three essential things you should know:

- What is your role/relationship to the library as an organization?
- What is your role as an elected or appointed official in your county, town, or city?
- What state laws and community policies affect the library?

## Golden Rules for Board Members

### Eight Essential Tips for Success:

1. Be an active, informed, and responsible trustee.
2. Understand roles and responsibilities.
  - a. The library director manages the library, the staff, and daily operations.
  - b. The trustees support and evaluate the director.
3. Include the library director in all board meetings and library related issues.
4. When there is a majority vote by the board, accept it. Do not criticize it publicly.
5. Respect confidential information and keep it confidential.
6. Be the library's eyes and ears. Listen to the people in your community, communicate with your local officials, and be an active advocate for the library.
7. If a staff member or library user has a complaint, refer them to the library director. Resolution of specific concerns falls under the responsibility of the director and not the board.
8. Acknowledge successes of the staff and library director. Be their champions.

## Process of Appointment and Removal

Public library trustees are appointed to library boards by the county governing body from nominees submitted by the board of library trustees. To qualify for appointment, a member of the board shall be representative of the area the library serves and a resident of the county the particular library serves.

Composition of Boards of Library Trustees is covered in the Maryland Code, Education Article § 23-403. Generally, each library board consists of seven (7) members and serves for a term of five (5) years, however, there are a few county library boards that vary in composition and term.

State law provides that if a board member fails to attend at least half of the scheduled meetings during a calendar year, the board member is considered to have resigned. The chairman of the board must report the member and nonattendance to the county governing body, which may reject the resignation if the member provides a satisfactory explanation for the nonattendance. Education Article § 23-404.

## Overview of Duties and Responsibilities

Trustee boards adopt general operating and administrative policies. The library director supervises the internal management, daily operation, and procedures of the library. The board acts as an agent of public trust governing the library. The library director exercises professional judgment under the direction and the review of the board to implement the direction and policies adopted by the board. A trustee board and the library director work together as partners.

A governing board is legally responsible for administrative policy making in areas such as budget, personnel, and as specified by state law and local ordinances.

Trustees, library personnel, and government officials must clearly understand the role and duties of the board. The following chart highlights the duties and responsibilities of the Library Board and the Director related to general administrative, policy, planning, fiscal, and advocacy issues.

## Duties and Responsibilities Chart

	Library Board	Library Director
<b>General Administrative</b>	<ul style="list-style-type: none"> <li>• Recruit and employ a qualified library director; maintain an ongoing performance appraisal process for the director in accordance with state and/or local laws.</li> <li>• The board may delegate to the Library Director the authority to appoint other employees.</li> </ul>	<ul style="list-style-type: none"> <li>• Act as the general executive officer of the library and be responsible for the management of its daily operations in accordance with policies approved by the board. This includes aspects of personnel, collection development, fiscal, physical plant, and programmatic functions.</li> <li>• Act as advisor to the board and provide support to the Friends and community groups.</li> </ul>
<b>Policy</b>	<ul style="list-style-type: none"> <li>• Identify and adopt written policies to govern the operation and program of the library, to include staff classification, salaries, benefits, work conditions, disciplinary actions and termination.</li> </ul>	<ul style="list-style-type: none"> <li>• Apprise library board of need for new policies, as well as policy revisions.</li> <li>• Implement the policies of the library as adopted by the library board.</li> </ul>
<b>Planning</b>	<ul style="list-style-type: none"> <li>• Ensure that the library has a strategic plan that meets the wants/needs/interests of the community.</li> </ul>	<ul style="list-style-type: none"> <li>• Coordinate and implement a strategic plan with input from library board, Friends, staff, and the community.</li> </ul>
<b>Fiscal</b>	<ul style="list-style-type: none"> <li>• Examine preliminary budget developed by the director, make revisions as needed, and officially adopt the budget.</li> <li>• Review expenditures and annual audit for accuracy.</li> <li>• Ensure annual report is completed.</li> </ul>	<ul style="list-style-type: none"> <li>• Prepare and submit to the library board an annual budget based on present and future needs.</li> <li>• Maintain complete and accurate records of finances.</li> <li>• Expend funds based on approved budget.</li> </ul>
<b>Advocacy</b>	<ul style="list-style-type: none"> <li>• Promote the mission of the library within the community.</li> <li>• Attend local government meetings.</li> <li>• Advocate for the library to legislators.</li> </ul>	<ul style="list-style-type: none"> <li>• Promote the mission of the library within the community.</li> <li>• Attend local government meetings. Prepare annual report.</li> <li>• Advocate to secure adequate funds to carry out the library's services.</li> <li>• Educate the library board, Friends, and community regarding local, state, and federal issues that impact the library.</li> </ul>



## Administrative and Policy Responsibilities

### Trustee Board

- Hires and evaluates the director unless otherwise dictated by local laws.
- Adopts library policies and plans, and board by-laws.
- Approves and supports budget.
- Reviews reports; stays informed; represents the community.
- Notifies appropriate authorities of board vacancies.

### Library Director

- Is responsible for administration of library services, personnel where delegated, and facilities.
- Prepares reports and other relevant documents.
- Keeps trustees informed of progress and problems.
- Researches and recommends policies.
- Provides assistance and direction to the board.
- Administers policies; interprets policies to staff and public.

### Board and Director Together

- Develop and review direction and priorities for the library.

## Fiscal Responsibilities

### Trustee Board

- Reviews director's budget proposal; makes recommendations and officially adopts budget.
- Reviews annual audit for accuracy and ensures annual report is submitted to the county governing body and the State Librarian by November 1 of each year, or January 1 for counties with populations of 500,000 or more.
- Actively supports and advocates for budget.
- Keeps informed of the financial status, funding sources, and library needs.
- Accept, own, and dispose of any gift, grant or appropriation for library purposes from any person under any appropriate terms and conditions.
- Make contracts for any library service with any person.

### Library Director

- Prepares and develops the proposed budget.
- Maintains complete and accurate records of finances and inventory.
- Keeps board apprised of library's financial situation.

### Board and Director Together

- Present and defend budget requests to municipal funding authorities.
- Attend all budget hearings.
- Identify additional possible sources of funding (grants, private, other).

## Library Personnel Responsibilities

### Trustee Board

- Each board of trustees has the authority to appoint a professional librarian as director of the library and may delegate to that individual the authority to appoint “any other necessary employees.” Education Article § 23-406(1)-(2).
- The library board of trustees is required to establish personnel policies for staff to include classification, salaries, work conditions, suspension with pay, grievance procedures.
- Per § 23-406 of the Laws of Maryland Relating to Public Libraries, conducts hearings upon employee request for suspensions without pay.
- Upon written recommendation by the library director, the board of trustees is responsible for dismissal of library employees under its jurisdiction. If the employee requests a hearing, the board must provide the employee an opportunity to be heard publicly before the Board.
- May conduct an annual review of board performance.

### Library Director

- If delegated by the Board, hires, supervises, and evaluates library staff, to include professional, clerical, maintenance or other support staff.
- Has the authority to suspend an employee for a period of up to ten (10) days for misconduct in office, insubordination, incompetency or willful neglect of duty.
- Recommends dismissal of employees to the board of trustees and provides the employee with a written copy of the charges against him or her prior to removal.
- Recommends optimal salary and working conditions to the Board.

### Board and Director Together

- Observe all local, state, and federal laws that relate to current employment practices.
- Orient new trustees.

## Specific Statutory Sections Related to Board Meetings

### **Meetings Generally – Education Article § 23-404(c):**

- Each board shall meet at least once every 3 months.
- Any final action of a board shall be taken at a public meeting.
- The minutes of board meetings shall be open to the public.

### **Officers – Education Article § 23-404(a):**

- Maryland law specifies that each board of library trustees shall annually elect a chair, and may elect any other officer it requires for the library. Typically, Maryland library boards elect a president, vice-president, secretary, and treasurer. Regardless of their specific duties, an elected treasurer must be bonded.
- The library's bylaws will name the officers and outline the respective responsibilities. Officer responsibilities vary in the different libraries. Usually, duties are similar to those of most civic or non-profit organizations.

### **Attendance – Education Article § 23-404(d):**

- Any member of a board of library trustees who fails to attend at least half of the scheduled meetings of the board during any calendar year shall be considered to have resigned from the board.
- The chairman of the board of library trustees shall report the member's name and nonattendance to the county governing body (unless it is a self-perpetuating board) by January 15 of the following year.
- The county governing body may reject the resignation if the member explains his nonattendance satisfactorily.
- The resignation is effective from the date of the final review by the county governing body, which shall be within 10 days after it receives the report from the chairman of the board of library trustees.

## Open Meetings Act

### Required Training – General Provisions § 3-213:

- The training requirement is set forth in § 3-213 of the General Provisions Article. It applies to entities that meet the Act's definition of a "public body." It has four elements:
- **Each public entity subject to the Open Meetings Act must designate at least one employee, officer, or member to receive training on the requirements of the Act.** When a sole designee retires, resigns, or otherwise loses his or her position with the public body, the public body must designate a new trainee.
- **The designee must take the training within 90 days of the designation.** Training received before October 1, 2013, will not satisfy the requirement. The training must be taken in one of two ways:
  - An "online class on the requirements of the Open Meetings law offered by the Office of the Attorney General and the University of Maryland's Institute for Governmental Service and Research," or
  - A "class on the requirements of the Open Meetings law offered by the Maryland Association of Counties or the Maryland Municipal League through the Academy for Excellence in Local Governance".
- **As of October 1, 2017, a public body may not meet in a closed session that is subject to the Act unless the public body has designated a *member* to take the training.** A designated member must attend the open meeting at which the public body votes to hold the closed session, or, otherwise, the public body must complete the Compliance Checklist and attach it to the open-session minutes.
  - **Each public body should retain its own records of compliance with the training requirement.** As of July 1, 2017, designees' names are no longer to be submitted to the Compliance Board unless the Compliance Board requests them. Public bodies should maintain records of the designation and of the designee's completion of a course. Particularly, the online class does not collect trainees' names, so the only record of completion of that class is the certificate that trainees may print out at the end of the class.
- For the Compliance Checklist and a link to the online class, go to "Other Resources"  
at: <http://www.marylandattorneygeneral.gov/Pages/OpenGov/Openmeetings/default.aspx>.

### **Open Sessions Generally Required – General Provisions § 3-301:**

- According to Maryland’s Open Meetings Act, all meetings, except those held in closed session, must be held in an open session.
- Any communication where a quorum of board members is simultaneously engaged in a matter of public business is subject to the Open Meetings Act.  
*This standard also applies to email exchanges and telephone calls.*

### **Notice – General Provisions § 3-302:**

- Before meeting in a closed or open session, give reasonable advance notice.
- Whenever reasonable, a notice should:
  - Be in writing;
  - Include the date, time, and place of the session; and
  - If appropriate, include a statement that a part or all of a meeting may be conducted in closed session.
- Notice may be given as follows:
  - If a unit of State government, by publication in the Maryland Register
  - By delivery to representatives of the news media who regularly report on sessions of the library or the activities of the government of which the library is a part.
  - If the board/library previously has given public notice that this method will be used:
    - By posting or depositing the notice at a convenient public location at or near the place of the session; or
    - By posting the notice on an Internet Web site ordinarily used by the library to provide information to the public; or
  - By any other reasonable method.
- A copy of a noticed provided shall be kept for at least 1 year after the date of the session.

### **Availability of Agenda to Public – General Provisions § 3-302.1:**

- Before meeting in an open session, make an agenda available to the public:
  - Containing known items of business or topics to be discussed at the portion of the meeting that is open; and
  - Indicating whether the board expects to close any portion of the meeting in accordance with § 3-305.
- If the agenda has been determined at the time notice of the meeting is given, make the agenda available at the same time.
- If an agenda has not been determined at the time notice of the meeting is given, make the agenda available as soon as practicable after the agenda has been determined but no later than 24 hours before the meeting.

- The method used to make available the agenda may be different from the method used for giving notice.

#### **Closed Session – General Provisions § 3-305:**

- A board may meet in closed session or adjourn an open session to a closed session only to consider, discuss or prepare one of fourteen (14) specific exceptions to the Open Meetings Act, outlined in § 3-305 (b).
- While in closed session, a board may not discuss any item not among the fourteen (14) specific exceptions as articulated prior to moving to closed session.
- Before meeting in closed session, the presiding officer shall:
  - Conduct a recorded vote on the closing of the session; and
  - Make a written statement of the reason for closing the meeting, including a citation of the authority within this section of the law, and a listing of the topics to be discussed.
  - If someone objects to the closing of a session, the library will send a copy of the written statement to the Board.
  - The written statement shall be a matter of public record.
  - A copy of the written statement shall be kept for at least 1 year after the date of the session.

#### **Minutes – General Provisions § 3-306:**

- Prepare minutes as soon as is practicable after the meeting.
- Minutes of the meeting are public records and shall be open to the public for inspection.
- Keep a copy of the minutes and any recording made for at least 5 years after the date of the meeting.
- To the extent practicable, post online the minutes or recordings required.
- If the board meets in closed session, the minutes for its next open session shall include:
  - A statement of the time, place, and purpose of the closed session;
  - A record of the vote of each member as to closing the session;
  - A citation of the authority under § 3-305 for closing the session; and
  - A listing of the topics of discussion, persons present, and each action taken during the session.

## Best Practices for Board Meetings:

- Set meeting dates, times and places six to twelve months in advance, in coordination with the library director who attends all board meetings.
- Post notices of all meetings (including committee meetings) at least one week in advance. Be aware of municipal requirements for meetings.
- Distribute the agenda and related materials at least one week in advance.
- Adopt and follow a procedural guide, such as *Robert's Rules of Order*.
- Ensure a quorum is present at all meetings.
- It is vital that all trustees attend all board meetings. If you must miss one, inform the chairperson in advance.
- Be prepared and productive. Adhere to the agenda.
- Distribute draft minutes to board members and director.
- Rotate leadership for a stronger board.



## Know Your State Laws

### Education Article

#### Title 6. Teachers and Other Personnel, § 6-204

#### Title 23. Libraries, §§ 23-101 to 23-614

Title 23 is the statutory authority for public libraries in Maryland. Trustees should be familiar with it, especially Subtitle 4. County Public Libraries. On July 1, 2017, the MSDE Division of Library Development and Services (DLDS) became the State Library Agency under the direction of the State Library Board as a result of changes to the Maryland Code made during the 2017 General Assembly session (Senate Bill 587/House Bill 1094). The Assistant State Superintendent for Libraries at MSDE is the State Librarian and head of MSL. The powers vested in the State Board of Education related to libraries were transferred to the newly formed State Library Board. This action statutorily transferred all responsibilities of the laws for libraries from the Department of Education to the Maryland State Library. Agency statute remains in Title 23 Libraries §§ 23-101 to 23-614. Existing public library regulations were recodified to Title 14, Maryland State Library Agency, Subtitle 38 Libraries.

Of particular importance:

§ 23-107 – Circulation Records

§ 23-108 – Deaf Cultural Digital Library

§ 23-202 – Regional Resource Centers

§ 23-403 – Composition and Qualifications for a Board of Trustees

§ 23-405 – Powers and Duties of Board

§ 23-408 – Theft or Mutilation of Books or Other Property

§ 23-501 – Financing for County Public Libraries

#### Title 25. Educational Compacts, §§ 25-301 to 25-303

### General Provisions Article

Title 3. Open Meetings Act, §§ 3-101 to 3-501

Title 4. Public Information Act. § 4-308

Title 5. Maryland Public Ethics Law, §§ 5-501-5-508

## **Public Safety Article**

Title 14. Emergency Management, § 14-110.2

## **State Government Article**

Title 10. Governmental Procedures, §§ 10-501 to 10-502

## **State Personnel and Pensions Article**

Title 2: State Employment Generally, § 2-515.1

Title 22. Employees' and Teachers' Retirement Systems, § 22-205

Title 23. Employees' and Teachers' Pension Systems, § 23-206

## **Public Ethics Laws**

The Maryland State Ethics Law contains general types of prohibitions for conflicts of interest and applies to relatives as well as employees and officials. Please refer to Md. Code Ann., General Provisions §§ 5-501 through 5-508 for the specific prohibitions.

Additionally, most local jurisdictions have their own ethics laws. Please request a copy of those laws from the Director.

All Trustee boards should adopt and abide by an ethics policy.

The American Library Association provides a [Code of Ethics](#) that should be reviewed.

## Intellectual Freedom

Intellectual freedom is the right of every individual to have access to information.

Policies supporting intellectual freedom in the library include:

- Collection development/selection policy.
- Internet use policy.
- Policy on use of library meeting rooms.
- Policy on displays, bulletin boards/handouts, and exhibits (by public or by staff).

Consult these American Library Association resources for guidance:

- Library Bill of Rights.
- Freedom to Read Statement.
- Collection development resources page.

Collection Development/Selection Policy and Procedure should cover:

- Criteria used to select materials.
- How collection will be reviewed to ensure that it is meeting the community's needs.
- What role customer requests will play.
- How gifts and memorials will be handled.
- Role of networks, consortia, or cooperative relationships.
- Weeding or deacquisition.
- How complaints will be handled and what are the responsibilities of staff, the director, and board members in responding to complaints.

Remember to incorporate the principles of intellectual freedom into these documents.

Internet access:

- To the extent possible in your community, allow adults unfiltered access to the Internet.
- Maryland Code § 23-506.1 requires county libraries to prevent minors from obtaining access to online materials that are obscene or constitute child pornography.
- Develop and post an Acceptable Use Policy regarding Internet use in the library.

## Speak Up: You Can Make a Difference!

- Know the key issues, needs, facts, and statistics of your library.
- Keep the library visible with major local boards.
- Get to know your municipal officials and state legislators. Encourage them to use the library and invite them to library events.
- Establish an ongoing relationship with local media.
- Keep abreast of statewide initiatives and participate in advocacy efforts, such as Library Legislative Day.

## Know Your Resources

Laws of Maryland Relating to Public Libraries (each print copy of this publication includes access to a free electronic copy in the form of an eBook).

[United for Libraries: Association of Library Trustees, Advocates, Friends and Foundations](#)

[Maryland State Library](#)

[Maryland Library Association](#)

[MAPLA: Maryland Association of Public Library Administrators](#)

[Citizens for Maryland Libraries](#)