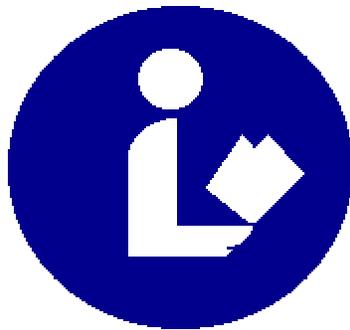


A HANDBOOK

For Public Library Trustees



FIFTH EDITION

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COMMONWEALTH OF PENNSYLVANIA
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December 2003

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Text Telephone TTY: (717) 783-8445



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INTRODUCTION

Commonwealth Libraries is committed to helping the trustees of public libraries in the Commonwealth to enjoy their responsibilities, while becoming more comfortable and skilled in the job of working toward more visibility for their libraries and better service for their communities.

This handbook, originally published in 1977, was developed by a committee of librarians and trustees to provide information, tools, ideas and procedures useful to both experienced and novice trustees. Since its inception, the handbook has proved to be a valuable and ready source of help, answers and direction for Pennsylvania's 4,361 trustees.

ACKNOWLEDGMENTS:

Commonwealth Libraries wishes to thank the members of the committee, who developed the original handbook, the Pennsylvania Library Association Trustee Division, which played a major role in its initial publication, and the members of the several revision committees.

OBJECTIVES OF THIS HANDBOOK:

- To heighten the awareness of library trustees to their importance in the service and success of the local library.
- To encourage trustees to become more expert in their responsibilities.
- To suggest useful practices and to share successful and desirable methods of representing the community through the library board.
- To provide an up-to-date and reasonable comprehensive source of legal and general information for practicing and potential trustees.
- To supply material as background for discussion and decision-making by local boards.

WHO'S RESPONSIBLE FOR PUBLIC LIBRARIES IN PENNSYLVANIA?

Many people are involved in creating, maintaining and improving library service in Pennsylvania. The General Assembly provides the legal framework and alters and amends laws as needed. It also appropriates the funds for the operation of the State Library, state aid for district library centers and the statewide library resource centers, and state aid for local libraries.

Within the Department of Education, the Office of Commonwealth Libraries has these purposes stated in The Library Code, Act of June 14, 1961, P.L. 324, as amended:

For Library Code, see Appendix I

To provide information and foster continuing education by:

- 1) Making available all library materials of the State Library for use by libraries, agencies of state and local government, and to the public;
- 2) Coordinating a statewide system of local libraries;
- 3) Providing advice and counsel to local libraries, district library centers and statewide library resource centers, municipalities and groups on the development and improvement of library service; and
- 4) Monitoring local libraries, district library centers and statewide library resource centers.

The Office of Commonwealth Libraries has additional responsibilities. The Office provides a professional staff for consultant services, holds workshops and other meetings to assist librarians and trustees, writes and revises a state plan for the progress of libraries, encourages leadership, and serves as a resource for all types of libraries and the librarians, lay persons and trustees working for good library services.

The Office of Commonwealth Libraries has two divisions: Bureau of Library Development, and Bureau of State Library. The Bureau of State Library serves as one of the four statewide library resource centers. It has a number of legal responsibilities to make rules and standards and is a nucleus for interlibrary loan activity for the Commonwealth.

Municipalities are defined by The Library Code as any county, borough, city, town, township or school district. Such municipalities establish and maintain public libraries and provide funding from local money. Municipal officials may levy a special tax for libraries or make funds available from other municipal revenue. They may also issue bonds for building by referendum or on their own initiative. Municipalities appoint the trustees of the local libraries.

MUNICIPAL OFFICIALS are important to the local public library and should be kept informed about the library's progress, programs and problems. Library trustees will find that regular contact with the elected officials takes advantage of the experience, knowledge and community relationships that elected officials use to make decisions. Officials who are supportive of the library's services can translate that support into extra opportunities for the library to increase its ability to serve.

TRUSTEES are responsible for the well being of their libraries, as well as making most of the policy decisions and to act as representatives of their community.

NOTE: Some libraries established prior to 1961 retain the board structure under which they were organized. Most are "association" libraries originally created by groups of interested citizens. Municipalities appropriating funds for these libraries name some members of the board (THE LIBRARY CODE: Sec. 411). Otherwise, the boards have various methods of appointing trustees.

LEVELS OF PUBLIC LIBRARY SERVICE IN PENNSYLVANIA

Public libraries in Pennsylvania are organized for four levels of service:

- Local libraries
- Library systems
- District library centers, designated by the State Librarian
- Statewide resource centers, specifically named in the law

For Library Code, See Appendix 1

The Library Code, Act of June 14, 1961 P.L. 324, as amended, established these levels of service, and provides the legal basis on which public libraries in the Commonwealth are organized and governed.

THE LOCAL LIBRARY

The local community public library has the responsibility for providing a basic collection of currently useful educational, informational and recreational materials, including books, pamphlets, magazines, newspapers, recordings (including audio cassettes, books on tape and compact discs), computer related materials and services (including Internet access, CD ROM products, database searching and software), pictures, microforms, and videos. Quantity and quality of materials vary with the size of the community and the amount of money it invests in library service. The library also provides a variety of services such as reference, children's activities, programs for older Pennsylvanians and services to the underserved. The community library provides the services most needed and requested by the local citizens. The local library may call upon the library system or the district library center to borrow materials, or for assistance and advice in planning for, or initiating new services.

LIBRARY SYSTEM

Library systems are groups of libraries that join together for financial support and to improve the level of service provided to all users within the system. Examples of such services are coordinated activities to increase financial support for system members from all available sources, coordinated planning for and evaluation of services, resources sharing among the libraries in the system, in-service training for system libraries and trustees, and services to the unserved areas in the system.

DISTRICT LIBRARY CENTER

There are 28 district library centers located in the Commonwealth. The district center is a strong local library serving the people of its community and a source of assistance to the citizens and local libraries within its district. Patrons may use resource materials at the district center or

have them sent to the system or to their local library. If the district center materials collection is not sufficient to meet a specialized need, a request is forwarded to a statewide resource center or to other libraries holding the needed materials.

Advisory assistance is provided by the district center to local librarians, municipal officials, interested citizens and trustees within the district through periodic visits, district meetings and workshops. The Bureau of Library Development provides back-up advisory services to the district centers by assigning a staff member liaison to each district center. This liaison works with the District Consultant in each district center to provide services to the local public libraries. The liaison helps channel and interpret information from the State in order to improve services to the community. The consultants also help the local libraries to develop long range plans for each public library and for the district.

STATEWIDE RESOURCE CENTER LIBRARY

There are four statewide resource center libraries in Pennsylvania. The Carnegie Library of Pittsburgh, the Free Library of Philadelphia, the library of Pennsylvania State University and the State Library in Harrisburg comprise a vast research resource capable of meeting the needs of most Pennsylvanians. Materials are sent to the district centers via delivery services or may be used at the regional resource center library.

Then What Is A Good Public Library?

A good public library includes an easy to use and readily accessible collection of materials and services. It is organized and administered by persons competent to bring the community and these resources together in a productive and satisfying manner.

The good public library is adequately supported by the community. In turn, the library can meet the needs and interests of the entire public with information, recreation and enrichment. To do this, the good library uses its own resources to the limit, cooperates to share resources with other libraries and seeks ways to give the best possible service.

Does your library have goals and objectives like these? (See Planning. Page 22)

The good public library encourages the broadest use of its resources by the community, institutions, individuals and groups, and constantly evaluates its contribution to the quality of life in its community.

To accomplish effective planning and evaluation, libraries should employ various techniques to involve the users in determining needs and interests. The good public library needs to change as the community changes. Valued public libraries meet the applicable state standards of service and, knowing that these standards are minimum, strive to exceed the standards to provide the best possible program.

GOOD, GOOD, GOOD?
Yes, we've used good many times in this section. The repetition emphasizes that the goal of every trustee is to participate in bringing the library to a standard of excellence that causes the community to say, "We have a good library."

OUTPUT MEASURES: Tools to help determine needs of the community and use of library services. (See Page 25.)

THE COMMUNITY AND THE LIBRARY

The most important role of a library trustee is to represent the community from which comes the authority to govern and to lead. The role is difficult because communities are composed of varied interests and concerns, groups and organizations, needs and attitudes. Successfully representing the total community is the greatest achievement to which a board can aspire.

Effective representation begins with the openness of the board to new people and new ideas. Library boards need to be visible in the community through open meetings, publicity on decisions and activities, personal appearances and public relations by board members. Opportunities should be available for participation by the public. For example, some boards schedule time for public comment on meeting agendas.

Many boards establish advisory groups: local artists to help plan the art collection and events; businessmen and women to evaluate and suggest services for industry and commerce; and teenagers to help develop the young adult collection and services. Such committees tap into the thinking and creativity of the community and result in greater awareness and use of the library as well as recognition of the library as a community asset.

Successful library boards work with their communities. In times of financial constraint, the community can help work toward a better monetary base. When there is need for facility renovation, addition or perhaps a new building, the community members may sit on the planning committee and help to secure financing. When new programs are considered, community groups can offer ideas and can lead the way in using the new services.

Incorporation of the library: If it was not established by a municipality, the library should be incorporated as a nonprofit corporation to insure continuity of the institution, to enable it to receive tax exempt status of the U.S. Internal Revenue Service, to encourage the donation of gifts, and to limit the liability of individual board members. Under Act 271 of November 15, 1972, for a fee of \$100 a charter of incorporation must be filed with the Pennsylvania Department of State. Employment of a lawyer to draw up and file the papers is advisable.

BE A SURVEYOR

- Ask your friends what they think of the library and what they want in services.
- Encourage organizations to which you belong to hold a discussion or use a questionnaire at a meeting.
- Ask the editor(s) of the local press to meet with the board and then to solicit public ideas through an editorial.
- Carry promotion pieces about the library's services with you and distribute them.
- Place "Talk to the Library" suggestion boxes in public places.
- Be on the lookout for a professional pollster or questionnaire-deviser that would volunteer to design surveys.

NEED TO KNOW YOUR COMMUNITY?

Collect:

- Census figures that tell economic levels, family sizes, ethnic backgrounds, ages, education, and occupations.
- Names of persons who work with the community in direct service (teachers, clergy, politicians, social service workers).
- Names of school, community and business organizations giving service and wanting to help.
- Ideas expressed, problems and issues raised relevant to the library.

WHY LIBRARY TRUSTEES?

Following the American tradition of direct public participation in government, the Commonwealth of Pennsylvania provides for public libraries to be governed by a board of directors or trustees. These board members are appointed from the community.

The word director is used in the law and gives "control" of the local library to a board of library directors. The more popular use of the word trustee implies a trust that individuals will perform exemplary service. Trust that the Board will appoint good representatives from the community and trust that the Board will perform their legal responsibilities correctly.

Library trustees are also advocates and exponents of responsive and creative library services.

Libraries as public institutions need the connections to the public that trustees provide. Trustees safeguard and enhance the public's financial interest.

Library trustees thus represent the public's interest in achieving good public library services.

Who Should Be A Library Trustee?

YOU! If you can meet certain requirements, if you come to the position with an open mind, if you have respect for the opinion of others, if you can learn on the job and give adequate time, then you should be a trustee. Trusteeship is not only an honorary position; it is a working relationship with the community, the library staff and fellow trustees. "...the welfare of the library is too important for service on its board to be considered merely in the light of a status symbol."¹

The basic characteristics to be sought in a person considered for appointment as a library board member are simple:

- Commitment to the importance of library services
- A willingness to devote the time and effort required
- The ability to visualize library development for the future
- The desire to build a close relationship with other organizations within the community

A potential candidate for a trustee position should be given a written statement of the duties and responsibilities of the office and should be willing to sign a letter of commitment to serve the library for a designated period of time. An interested candidate should not accept the position if lack of time or other commitments prevent full participation. Trustees should be able to attend Board meetings without interference from prior or conflicting commitments.

The board as a whole should represent a broad spectrum of community interests, occupations and areas. Over the years this representation should rotate to include as many segments of the population as possible. To gain this diversity, relatively untried candidates must be considered. A well-balanced board can bring in less-experienced members who will provide new viewpoints and learn while serving.

BASIC READING
THE LIBRARY TRUSTEE
edited by Virginia Young and
published by ALA

Competencies needed to fulfill board functions ought to be present in the total board make-up.

¹ Young, Virginia G. *The Library Trustee: A Practical Guidebook*, 5th ed. Chicago: ALA, 1995. Pg. 16

THE TOTAL BOARD COLLECTIVELY has:

- Skills in board management and cooperative functioning
- An awareness of libraries and of the library profession
- A sense of fiscal responsibility and an understanding of funding
- Relationships with the funding agency or agencies
- A rapport with the entire community
- Political awareness, acumen and influence
- An ability to relate to the public and to make public appearances
- Flexibility for relevant meetings inside and outside the community
- A knowledge of the legal powers and responsibilities of the board

Expert knowledge in a professional or technical discipline may be useful for specific undertakings. Some boards rely almost entirely on their members for advice in the fields of construction, finance and law. Others make extensive use of consultants, advisory committees or volunteers. The board should be aware of its obligation to avoid any appearance of conflict of interest.

The less tangible individual qualifications needed to produce a dynamic and harmonious working board, such as enthusiasm, creativity, objectivity, flexibility, courage and responsibility, are more difficult to identify. Care and discernment in the selection process will achieve the balance that the board requires.

To insure that a qualified person will have the desire to join the board, the library board should function so efficiently and professionally that board membership is known to be a satisfying experience. A board that functions well enjoys its work, and produces excellent library services will be its own best recruiter.

TALENT SCOUTING

Many boards feel an obligation to produce a supply of potential trustees by identifying talent and using those skills in Friends Groups, on special projects and events, and on committees.

Board members can be held liable for not fulfilling these legal responsibilities.

Trustees should be careful to:

- Avoid conflicts of interest
- Adhere to all governmental requirements related to personal practices
- Properly manage the library's money
- Have written policies, rules and regulations, and to abide by them
- Have open meetings
- Thoroughly understand every issue before the board before casting a vote

LEARNING AND MASTERING THE JOB OF TRUSTEE

The Orientation

If new trustees are to be effective and comfortable in their position, it is important that they have a well-planned and well-executed orientation session. The board should provide for this orientation through a committee working with the librarian and the president of the board.

Orientation should include introduction to some of the functions trustees perform. It should *not* be a "here's the way we've always done it" session.

Try a two-part orientation: First, a tour of the library and a personal introduction to the staff, and secondly, a kit or notebook of useful materials which a new trustee can read.

THE CONTENTS OF AN ORIENTATION NOTEBOOK:

- A copy of this handbook
- Names, addresses and telephone numbers of board members
- Committee responsibilities of board members
- A staff list, including titles and responsibilities
- Bylaws of the library
- Written statement of duties and responsibilities of the board and librarian
- Policies of the board, such as personnel, materials selection and library use
- History of the library, as well as its current goals and objectives
- The library's plan
- The library's latest annual report (and prior years for comparison)
- The current budget (and prior years for comparison)
- Minutes of the last several board meeting and copies of other current documents, such as written reports by the librarian or committees
- The Library Code of Pennsylvania and accompanying regulations

See Appendix I for copy of The Library Code

Regulations are available from your district center or Commonwealth Libraries - ask your librarian.

A SAMPLE ORIENTATION

- Assemble a kit of materials and present it to the new trustee, preferably in advance of the first meeting or orientation.
- Discuss the library's general objectives and directions.
- Tour the library (a good time to ask if signs are adequate) and meet the staff in natural habitat. (Nametags are great!)
- Hold the regular board meeting at a slower pace than usual so the newcomers can ask questions or just absorb. (A good time to note if the agenda is adequate and the background material complete.)
- Adjourn—but carry on with a personal orientation from the board's vantage point. Touch a few benchmarks, air a few issues and honestly ask for the new trustee's opinion.
- Have some refreshments. Be sociable and make the first meeting relaxing.
- Offer the new trustee further help, like a chance to revisit the children's department or go back over the agenda for better understanding or time to discuss contents of the kit.
- Make certain the new trustee feels free to meet with the librarian or other board members if there are questions.

Mastering The Job

After the amenities of a warm welcome and a "short course" in what goes on, new trustees will want to move rapidly to full competence. That means access to reading material—a special shelf or file for trustees to consult on the techniques of trusteeship.

Suggested References for Trustees:

- THE LIBRARY TRUSTEE: A PRACTICAL GUIDEBOOK, 5th ed. Virginia Young, editor. American Library Association, Chicago, 1995
- PaLA BULLETIN of the Pennsylvania Library Association
- AMERICAN LIBRARIES, official publication of the American Library Association
- PUBLIC LIBRARY TRUSTEE, official publication of the American Library Trustee Association
- ANNUAL TRUSTEE INSTITUTE WORKBOOK
- PENNSYLVANIA LIBRARIES DIRECTORY
- PENNSYLVANIA PUBLIC LIBRARY STATISTICS
- PENNSYLVANIA PUBLIC LIBRARY ACCOUNTING MANUAL
- THE LIBRARY CODE
- THE PENNSYLVANIA CODE. Title 22. EDUCATION. Includes standards for local libraries, District Library Centers and library systems
- Articles that librarians and trustees find interesting and want to share
- The library's public relations scrapbook
- Publications of the library press such as LIBRARY JOURNAL
- Library conference tapes

CONTINUING EDUCATION

To continue the comfortable introduction to the job, put these items on the next few agendas:

- What is policy?
- What is the role of the librarian?
- How do we get and use money?
- How do we plan?
- What are our legal responsibilities?
- What are the roles of our trustees as conduits to the public?

PAYING THE BILL

Most libraries want to pay for the continuing education of their trustees. It is legal and a wise investment to budget for:

- Expenses of district regional meetings,
- Expenses of state conferences,
- Expenses of short courses on trustee topics,
- Expenses of reading materials, and
- Memberships in:
 - ALA and ALTA
 - Pennsylvania Library Association
 - and the Trustee Division

The listed publications, or information about them, may be obtained from your district library center.

You may also be interested in the following web sites:

Commonwealth Libraries

<http://www.statelibrary.state.pa.us>

American Library Association

Library Trustee Division

<http://www.ala.org/alta/>

KEEPING UP-TO-DATE

The nature of libraries is rapidly changing and trustees must be informed. All trustees should act like sponges, soaking up information and ideas. Nothing is more comfortable than knowing the lingo and having the confidence of background briefings. Local board agendas should include time to talk about evolving ideas and what is going on across the mountains.

Attendance at district library meetings, regional workshops, the Annual Trustee Institute, state conferences and chapter meetings of the Pennsylvania Library Association provides easy access to ideas and discussion of mutual problems and directions for library service. Trustees can share the load of attending meetings and should bring back reports and handouts.

Memberships in the Pennsylvania Library Association, Trustee Division, the American Library Trustee Association (ALTA) of the American Library Association (ALA), and the Pennsylvania Citizens for Better Libraries (PCBL) help support services and publications designed with trustees in mind.

PENNSYLVANIA LIBRARY ASSOCIATION

220 Cumberland Parkway, Suite 10

Mechanicsburg, PA 17055

1-800-622-3308

717-766-7663

Fax 717-766-5440

Jobline 717-766-6122

www.palibraries.org

PENNSYLVANIA CITIZENS FOR BETTER LIBRARIES

604 Hunt Club Drive

Greensburg, PA 15601

1-800-870-3858

Fax 724-832-9503

<http://trfn.clpgh.org/pcb/>

AMERICAN LIBRARY ASSOCIATION

50 East Huron Street

Chicago, IL 60611

1-800-545-2433

312-944-6780

www.ala.org

The Board Educates Itself

With these elements, a good board provides a process for learning and an on-going program of trustee education:

- Time on the board's agenda for the review of programs and services offered by the library so that each board member is aware of these activities
- Time on the agenda for brainstorming and for exploring the backgrounds and talents of the board members (and staff) to identify strengths
- Access to and discussion of current state and national professional literature, as well as information and reports provided by the district library center and Commonwealth Libraries
- Visits to other libraries in and out of the state and attendance at board meetings of other libraries (Visits and reverse-visits are especially helpful when evaluating potential new services and in planning.)
- Attendance at district, state and national workshops and seminars designed for trustees such as the Annual Trustee Institute, as well as other professional meetings (These conferences provide opportunities to talk to other trustees, to keep up with the library activities in Pennsylvania and to look at mutual and developing problems. And if the subject matter isn't right or useful, trustees should plan their own workshops!)
- Participation in District Advisory Council meetings to stay aware of statewide activities and to help direct the cause of district library services for member libraries

Pennsylvania Library Association and the Trustee Division

The Pennsylvania Library Association (PaLA) was organized in 1901 out of concern for the needs of the libraries in the Commonwealth. It now has nine chapters organized along regional lines and is an active chapter of the American Library Association.

PaLA is governed by a board of directors, the majority of whom are elected by the membership, and an executive committee composed of the officers and three members elected from the board. PaLA publishes a BULLETIN and holds an annual conference featuring outstanding speakers, more than 100 exhibits and relevant programs. A leadership workshop is held annually to assist new board members in expanding their leadership abilities and to bridge the transition between old and new officers.

The objectives of the Trustee Division of PaLA are to work for good library service for all in Pennsylvania; to provide an avenue for communication and cooperation among librarians, trustees and other lay persons interested in the development of library services; to promote effective and farsighted trusteeship and boards of public and other libraries; to foster awareness of trustee obligation to inform others of library development needs, legislation and problems in order to develop a common stand on library issues.

Pennsylvania Citizens For Better Libraries

Pennsylvania Citizens for Better Libraries (PCBL) is a statewide organization made up of friends and advocates of libraries. Its purpose is to foster and promote public awareness of all types of libraries and to serve as a sounding board for the people of Pennsylvania on matters pertaining to local, state and federal library information. PCBL publishes a newsletter, provides workshops on

issues and concerns of library advocates, and has a speaker's bureau of people experienced in public relations, lobbying, and establishing friends of the library groups. For more information, contact your district center.

THE RESPONSIBILITIES OF TRUSTEES

Responsibilities of trustees usually divide into three categories: legal, policy-making and planning, and evaluation. Using the powers granted under the law, library boards make operating and administrative umbrella policies, one of which is to select a librarian and give that person charge of the day-to-day functioning of the library. After they have determined how to run the library, trustees must then evaluate results so they can change policies and move the library in desired directions.

LEGAL obligations include securing funds and directing the finances of the library. In most communities, where municipal officials must scrutinize expenditures and justify funding, constant campaigning and powerful initiative on the part of the board may be necessary to maintain local government funding. The preparation of budgets is an important obligation in the administration of funds. As representatives of the people, board members must protect the use of public monies and serve the best interests of the people.

POLICY-MAKING AND PLANNING are essential to quality library service and require a library trustee's effort and time. Policy-making follows from the library's goals and objectives, and provides the framework around which the day-to-day work of the library is carried out. It demands knowledge of the library's plan, personnel, community interests, library programs and best practices in the field. (See Page 15). Through the use of a planning process, the board sets goals and objectives for library service over a period of time, usually five years. Planning results in well thought out and defined service directions

EVALUATION follows naturally from planning. Each year the board should review its plan to assess progress toward meeting the established goals and objectives and make any changes that are appropriate to the current situation in the library or community. (See Page 22).

On these issues, the library board must function as a whole. Individual board members must not take policy action on their own. Still, trustees have individual roles as well – in public relations beyond the base provided by the library, in legislation advocacy, in association participation to keep trustee issues pertinent, in political activity which makes libraries part of the public service spectrum and in leadership as a voice for the needs of libraries.

Legal Responsibilities of Pennsylvania Library Trustees

Pennsylvania trustees have legal rights and responsibilities under the provisions of The Library Code.

The major responsibility is to maintain a free, public, nonsectarian library which serves the informational, educational and recreational needs of all the residents of the area for which its governing body is responsible, by providing free access (including free lending and reference services) to an organized and currently useful collection of printed items and other materials and to

the services of a staff trained to recognize and provide for those needs. (The Library Code: Article I, Section 102)

Within that framework, the library board has powers of its own. In addition, the officials of the unit of government, which supports the library financially, have certain powers to exercise on behalf of library service.

See Appendix I for copy of
The Library Code

The library board has the power:

- To control all funds and disburse all money
- To adopt rules and regulations for the library's operations
- To prosecute those who steal or damage library materials
- To contract for cooperative services
- To accumulate excess funds and turn them over to municipal officials for use in building
- To determine non-resident use and fees

The appropriate municipal officials have the power:

- To appropriate funds for the library
- To appoint the members of the library board and fill vacancies
- To hold property on behalf of the library
- To exercise eminent domain on behalf of the library
- To purchase or lease lands or buildings for library purposes

The library board is required by law:

- To elect at least a president, secretary and treasurer from among board members
- To provide for bonding of the treasurer
- To submit an annual report to the funding agency. The report must itemize receipts and expenditures; show the condition of the library; give numbers of volumes, maps, etc. held, lost or withdrawn; and added; give the number of registered borrowers and readers; provide a statement of the circulation of material; and include other information and suggestions as seem desirable. (See The Library Code: Sec. 414)
- To submit a copy of the annual report and required audit or financial review to the Office of Commonwealth Libraries
- To make the accounts of the treasurer available for audit
- To follow the provisions of the Sunshine Law (See Page 40)

See Appendix I

See Page 35 for information
on the Audit Requirements

By law, library trustees receive no salary, serve three-year terms, and may receive reimbursement for necessary expenses.

The municipality must submit to referendum the question of issuing bonds for purchasing grounds and/or erecting a building when 5% of the registered voters so petition.

In practice, library boards have many "legal" responsibilities. The rules and regulations they make may carry the force of law. They may enter into insurance arrangements, including policies for their own protection in liability cases.

Board members must also be alert to conflicts of interest. In personnel matters, they may act as the final appeal from a decision of the librarian.

Finally, rules and regulations of Commonwealth Libraries require certain levels of financial effort in order to qualify for state aid under the provisions of *The Library Code*. Trustees should make sure their library meets those requirements. (See Page 26).

The Policy-Making Responsibilities of Pennsylvania Library Trustees

Written policies are essential to the successful operation of the library. Library policies are developed by the library board to carry out the goals and objectives of the library's program and to provide a framework around which the library staff carries out the day-to-day operations of that program. Policies should be flexible and not overly rigid, and should be reviewed on a regular basis to see if they continue to be workable in the current situation.

Libraries should have the following kinds of policies:

- Mission Statement (The foundation of the library is its mission statement)
- Personnel (See Page 16)
- Materials Selection (See Page 43)
- Use of facilities
- Operating, such as hours open, fines
- Cooperation with other libraries/systems and district participation
- Continuing education for board and staff
- Publicity and public relations (See Page 37)
- Internet/Computer Use
- Services to specialized groups (Americans with Disabilities Act)

Your library's policies should be available to all boards and staff, and to anyone in the community who wishes to see them.

Library Board Members Code of Ethics

Today's library trustees have the responsibility for a quickly changing institution. Board members have an obligation to do more than just meet legal, moral and ethical standards.

Below is a sample Code of Ethics from the 1993 Connecticut Public Library Trustee Handbook for use when considering writing a Code of Ethics for your Library Board.

As a member of this board, I will:

- Represent the interests of all people served by this library and not favor special interests.
- Do nothing to violate the trust of those who elected or appointed me to the board or of those we serve.
- Not use my service on this board for my own personal advantage or of my friends.
- All rules and policies directed to the library director must be approved by a quorum of the board at a regular meeting. The chairman should abide by this rule.
- Keep confidential information confidential.
- Not publicly criticize policies adopted by the board.
- Not hold board meetings without the library director.
- Observe Publicity and information policies of the board and library and refer requests to the director.
- Not accept complaints from the public or staff on library matters. These complaints are the director's responsibility. Continued dissatisfaction and problems should be taken up at the board meeting ONLY if policy revision is necessary or legal ramifications are involved.
- Attend meetings regularly, or otherwise resign so that an active member can be appointed.

Your Signature

Date

PERSONNEL MATTERS

Policy

A written personnel policy becomes necessary when the first library employee begins to work. The process of putting policies in writing helps to clarify the library's objectives, defines the roles of the board, administration and staff, and develops methods of dealing with future problems. A written statement also simplifies future hiring, gives continuity and provides some measurement of performance.

A personnel policy should vary from library to library, but at the least, should contain statements on the rights, privileges and obligations of employees. Rights are granted by law, privileges by the board and obligations assumed by joint agreement at the time of employment.

Initially, a preliminary statement of employment may be enough, but soon, the board, librarian and staff should develop a complete staff manual and keep it up-to-date.

Important elements of a personnel policy include, but are not limited to:

- A statement of the library's objectives
- A definition of the role of the board and of the administration
- A job description for the librarian and for other positions, as developed
- Staff appointment procedure (standards or requirements, promotions, dismissal, grievance procedure)
- Benefits (requirement, medical, insurance, education, vacation, sick leave and others)
- Obligations of the staff (regulations pertaining to staff and any service policies staff members are expected to observe)
- Privileges ("extra" granted by the board)
- Staff development policy (provision for workshops, credit courses, released time, library contributed tuition, etc.)
- Work schedule (hours of work, holidays, leave with or without pay)
- Background material for staff (explanation of financial support and budget, map of the library service area, library history)
- Staff association provisions, if any

The personnel policy is a guide for board and administration and a source of security to employees. New employees should have access to a copy and should be given time to read it and ask questions. Staff should also review other policy statements, such as the board's plan and its policies on the use of the library by groups, acceptance of gifts, etc.

SAMPLE POLICIES

Sample policy manuals on personnel and other subjects are available from the district library center.

Responsibilities Of The Board And The Librarian

Sometimes it is difficult to differentiate the responsibilities and functions of the library board from those of the librarian, but by keeping the responsibilities clearly defined, both the trustees and the library director will understand their separate roles. The chart on the next page outlines these responsibilities of both the board and the librarian.

THE BOARD

THE LIBRARIAN

Governance and Policy Making

Engage in long range and short-term planning

Determine the goals and objectives of the library and methods of evaluating progress toward meeting them. Review goals and objectives annually and evaluate progress.

Relate the library and its programs to the community and its needs, discovered through systematic study of the community and analysis of library service. Use data from output measures in analysis.

Determine and adopt written policies to govern the operation, use and program of the library. Adopt bylaws for board procedures.

Seek a cooperative basis with officials of the municipality or other governing unit, keeping in mind the special legal responsibilities of a library board.

Attend all board committee meetings to which assigned. Carry out all special assignments promptly.

Be actively involved in planning.

Provide assistance and direction to the board in setting goals and objectives and determining methods of evaluation.

Assist the board by knowing the needs of the community and how to respond to these needs through the library.

Participate fully in the community analysis process and in the continuing library survey. Implement use of output measures to analyze service.

Prepare regular reports on current progress and future needs.

Recommend needed policies to the board and supply examples and sources of information. Carry out the policies as adopted by the board.

Interpret policies to staff and public.

Provide the board with recommendations and materials for study.

Administer the library within the framework of the library's goals and objectives, policies and budget.

Prepare all needed library reports for the local unit of government, the system and Commonwealth Libraries. Provide copies to the board and community.

Attend all board and committee meetings, except those meetings or parts of meetings in which the librarian's salary and tenure are discussed.

Shared Governance and Policy Making Responsibilities

Know local, state and national laws which affect libraries and play an active role in initiating and supporting beneficial library legislation.

Participate fully in the Pennsylvania library system and make use of the consultants at the district library center and at the Office of Commonwealth Libraries.

Participate in the work of the District Advisory Council.

Attend district library center meetings. Also attend regional, state and national library meetings and workshops when possible. Join appropriate organizations working for improved libraries.

Study library publications.

THE BOARD

THE LIBRARIAN

Financial

Keep abreast of the financial status of the library and SECURE ADEQUATE FUNDS.

Supply facts and figures to the board to aid in interpreting the library's financial status and need.

Work with the librarian to formulate and adopt a budget to carry out the library's goals and objectives, within any limitation of the local, state and federal laws.

Prepare an annual budget in consultation with staff and board.

Keep within the budget.

Present the budget to public officials and the general public; explain and defend it.

Work with the board in interpreting budget and financial needs of the library to public officials and the public.

Shared Financial Responsibilities

Investigate means of cooperation with other libraries to make effective use of funds and develop services.

Keep complete and accurate records concerning finance, personnel, property inventory and annual reports on file at the library.

THE BOARD

THE LIBRARIAN

Personnel

Develop policies to guide staff selection.

Hire and direct subordinate staff members in line with library personnel policies. (The chain of command should always flow from library employees, through the director, to the board.)

Employ a competent and qualified librarian and pay an adequate salary.

Utilize skills and initiative of staff members to their own and the library's advantage.

Provide adequate compensation and reasonable fringe benefits for all employees. Provide agreeable working conditions and opportunities for professional growth.

Work for needed improvements in working conditions, salary scale and fringe benefits.

Shared Personnel Responsibilities

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

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

This spirit of cooperation will help the library to organize efficiently and will reflect in its service to the public.

Evaluation Of A Librarian

As trustees fulfill their legal and policy-making functions, they become aware that evaluation of progress by the library and the librarian is an on-going process. Evaluation takes place when choosing new programs, assigning budget amounts, granting salary increases, and discussing success and failures.

The most difficult evaluation, and one only the board can do, is the job performance rating. Major criteria include: how well the librarian has dealt with the staff and the public; how well administrative matters are handled; how well records are kept; how well the library budget has been followed; and how the librarian's strengths and talents are demonstrated in the library's service.

Boards should approve a personnel policy for the librarian and include a time schedule for an annual review of job performance. The librarian and board should develop an annual plan against which to measure the progress made over the evaluation period.

There is a need for continual evaluation, so problems can be caught before they grow into big issues. There is a need to agree on performance standards and the setting in which the board will work to arrive at personnel decisions. A good device is for a board to ask the district library center to suggest a volunteer consultant to sit in with the board and help to develop an evaluation process.

Evaluation can be difficult because it may involve criticism and dissatisfactions! Nevertheless, the process offers the opportunity to reinforce outstanding contributions. Trustees represent the public and need to perform these duties to insure competence and effectiveness in their libraries.

Volunteers In Libraries

Volunteers can be very useful in libraries by: shelving returned materials, assisting with circulation service, working with outreach programs, storytelling, teaching literacy skills, collecting historical material, planning and creating exhibits, delivering materials to the homebound, convalescent homes and hospitals, preparing picture files, updating clipping files, writing press releases, taking pictures, conducting surveys, hosting programs, working with senior citizen groups . . . From the small volunteer library association, to the volunteer corps of the large city library, volunteers help provide library services in our communities.

When planning a volunteer program, however, the board SHOULD NOT supplant or replace established staff positions with volunteers to cut costs. A volunteer program should be based on a written policy approved by the staff and the board. Certain guidelines can help assure the success of your volunteer program:

- Provide orientation and training sessions.
- Be clear about the work descriptions, the status of the volunteers and the expectations of them, including regular hours and consistent service and supervision. *Volunteers are most valuable and dependable when they have specific jobs and regular schedules.*
- Be clear about technicalities such as insurance, use of library vehicles and paid expenses for library-related activities.
- Keep in mind the need for recognition and appreciation of volunteer work.
- Be realistic in expectations of hours donated, types of work to be done and training required.
- Be open to the members of the community who express an interest in volunteering.
- Develop specific job descriptions for work to be done by volunteers and fill those jobs with volunteers who have the capabilities to do the work.

Friends Of The Library

"Friends" are civic-minded patrons who recognize that a good library is central to a good community. Friends often organize into support groups, which raise library funds, help promote library awareness, and help expand and improve library service. Some libraries have groups of Friends who help on special fund drives projects, but do not form a structured club.

Whether formal or informal, a Friends group should be organized separate from the library and have its own bylaws, officers and organization. Naturally, a good Friends group might serve as a training ground for future trustees. Friends and trustees should have a liaison to the library board, though not usually an officer. However, it is important to keep Friends and boards distinct. *Friends groups work with the trustees and the librarians in planning activities, but are not involved, except as interested citizens, in the governance of the library.*

Activities of the Friends include:

- Creating public support for expanding the library's program, including support for funds
- Encouraging gifts, endowments and memorials
- Raising funds for specific purposes
- Providing assistance in purchasing special items for the library, such as furniture, special collections, photographs or local art
- Working for library legislation and appropriations
- Informing the community of library programs and needs
- Campaigning for new facilities
- Sponsoring special programs such as book sales and art shows
- Aiding the library's public relations program in promoting library awareness
- Volunteering to work in the library in specific tasks designed by the librarian and the board.

Friends can provide the wide community base, which is essential to the library's success.

Join other Friends

Pennsylvania Citizens for Better Libraries (PCBL)
604 Hunt Club Drive
Greensburg, PA 15601
Friends of Libraries, U.S.A.
50 E. Huron Street
Chicago, IL 60611

For more information

Packages of material on organizing Friends groups are available from Commonwealth Libraries, Library Development Division or the American Library Association. Ask your district center.

Human Relations And Affirmative Action

Libraries need to abide by federal and state laws that prohibit discrimination in relation to hiring, promotion, salaries and wages, and all other working conditions of employment. It is illegal to discriminate on the basis of sex, race, creed, color, religion, age, country of national origin, individual life style and physical disability. The laws apply to all positions in the library. Stated policies and practices of the library should demonstrate that the library board and staff make every effort not to discriminate. Further, library boards have responsibility for determining deficiencies in their policies and adopting and implementing a plan to make corrections. The Pennsylvania law governing this is the Human Relations Act, 1955, October 27, P.L. 744, as amended (43 P.S. 956 et seq.), and Title 16, Chapter 49 of the Pennsylvania Code. Title VI of the Civil Rights Act of 1964 (P.L. 88-352), as amended et seq. is the federal law governing human relations. Title I of the Americans with Disabilities Act of 1990 (ADA P.L. 101-336) includes libraries as employers.

Board members should be aware that Section 504 of The Rehabilitation Act of 1973 outlines requirements for making libraries accessible to persons with disabilities. Titles II and III of the ADA include libraries not only in terms of building accessibility, but also covers polices, services and programs.

PLANNING AND EVALUATION AS A TRUSTEE RESPONSIBILITY

What Is Planning?

“Planning is a way of making sure that there is a strategy for library development always interpreted in terms of people”.² All library boards PLAN as they make decisions on money, building, allocations for programs and the development of staff. The challenge is to make these decisions on the basis of a guide, a written PLAN that sets forth the library's role, aspirations, judgment and future.

The board should not allow the library to drift from year to year. The purpose of planning is to help the library move forward effectively. It should anticipate both opportunities and problems. A PLAN is a tool on which to base decisions. A written plan is a temporary document, one step in the continuing process of evaluation, addition and subtraction. For example, you might develop a five-year plan with annual updates—it should never be final!

² Young, Virginia G. *The Library Trustee: A Practical Guidebook*, 5th ed. Chicago: ALA, 1995. Pg.52

The basis of planning is the adoption of goals and objectives for library service. While the board and the librarian take the initiative in writing and revising goals and objectives, staff and community should have opportunities to make suggestions and discuss ideas before the board adopts the goals.

Boards can name advisory committees, sponsor public meetings, encourage staff discussion and use public relations tools in the planning process to ensure that the total community is involved in thinking ahead. Participation of this kind leads to better use of the library, understanding of its directions and problems, and support for its goals and financial needs.

What's In A Plan?

Planning is a continuous process based on evaluation and reassessments. A plan should be a flexible document. It should be specific to the local library and need not cover every possible point. Most formal plans will have:

- A statement of community needs incorporated into the library vision statement
- A statement of the library's mission, which describes the services it will provide to meet community needs
- A statement of the library's goals with the objectives which convert to action
- A timetable for achieving goals, both short and long range
- Details of the services, programs and developments desired
- Data supporting the needs included in the plan: surveys, census data and studies
- A plan-within-a-plan for implementation:
 - General assignments for the sections of the plan (Example: The plan suggests closer liaison to community groups. The assignment would be to the board and the staff to develop ways to do this.)
 - Examination of the budget for ways to begin implementation (Example: Consider shifting some budget amounts from one purpose to another AND think of ways to support a new project from the plan.)
 - Work with public officials to achieve financial needs development of a public relations and publicity plan to accompany changes as they are made
 - Reasonable priorities which recognize the capacity of the library and the community

Tools For Planning

Planning is an individualized approach for the local library; however, planning also involves exposure to new ideas, a look at what is going on in other libraries and an assessment of community needs. One recommended tool which has been used in whole or part by many libraries is Planning for Results: A Public Library Transformation Process, copyright 1998, published by the American Library Association.

Elements of a planning process include:

- Data-census figures, results of surveys, scans or studies made by the library, and /or other community agencies and institutions
- Community composition and the existence of growing groups of newcomers to the community
- Lists of library activities and services in other communities and areas to include in the opening brainstorming sessions
- People--community leaders, personnel from the district library center and Commonwealth Libraries
- Groups--municipalities, schools, regional cooperatives, colleges and universities with information to share
- Current library users, as well as those not currently using the library
- Staff meetings-to find out what goes on and should go on in the library; to receive feedback about what patrons say
- Professional consultants to give professional expertise
- Media-press, radio and TV willing to help you spread the word and find exciting ways to convey information
- Other libraries to visit and consult; who is involved in the planning process
- Commonwealth Libraries and District Library Center - resources and consultants
- Workshops and conferences-addressing the responsibilities of trustees and ways to do the job well

Also consider –

- What services are currently being offered?
- How have usage patterns changed in the past few years?
- What is the age of the collection?

Some CONSULTANTS may come from the community. They can include an architect who advises without expecting a contract, or the municipal managers, business leaders and experts who are willing to take on parts planning and evaluation process.

What is Evaluation?

As was stated earlier, planning is a continuous process. Once you have a plan, it should be implemented. However, because libraries and their environments are fluid and changing, and because plans are not meant to be written in stone, boards must evaluate the progress being made toward fulfilling the goals and objectives they have set for their library. Objectives are designed to be measurable; therefore, boards can more easily determine if progress is taking place. Evaluation helps determine if the initial plan is indeed still valid. If revision is needed, don't be afraid to change direction.

Output Measures for Public Libraries, copyright 1987 and published by the American Library Association is a useful tool to help in evaluating service. It explains the measures in detail, how to collect them, and how to use them. The measures are explained in the following section.

You should plan to evaluate at least once a year. A good time to do this is in January, after the data from the previous year's work is available.

Output Measures

Public libraries are meant to be used. The efforts made by trustees, librarians and friends groups to provide an adequate collection of materials, to staff the library, to maintain hours of service appropriate to the community, and to procure adequate space are all undertaken to make the library useful and beneficial to its community.

BUT HOW DOES A TRUSTEE KNOW THAT HIS/HER LIBRARY IS USEFUL AND BENEFICIAL TO THE COMMUNITY?

The application of OUTPUT MEASURES can help answer this question. They measure use, effectiveness and extensiveness of services. Several of the measures are designed to help you determine the extent to which your community uses the library's services:

- Circulation per capita
- In-library use of materials per capita
- Library visits per capita
- Program attendance per capita
- Registration as a percentage of population
- Reference transactions per capita
- Internet use
- Online databases/CD use
- Off-site use of the library's website

Other measures tell you how well the library provides reference services and library materials that people want:

- Reference fill rate
- Title fill rate
- Subject and author fill rate
- Browser's fill rate

Stock turnover rate indicates the activity of a collection. Document delivery measures indicate how well materials not readily available in the library are provided to patrons.

Output measures are management tools which help trustees and librarians make decisions about which services to provide, based on the needs of the community.

FOR MORE INFORMATION, CONTACT YOUR DISTRICT LIBRARY CENTER

OUTPUT MEASURES FOR
PUBLIC LIBRARIES, Second Ed.
by Nancy A. Van House,
Mary Jo Lynch and
Charles R. McClure
American Library Association, 1987

PLANNING FOR RESULTS: A
PUBLIC LIBRARY
TRANSFORMATION PROCESS
by Ethel Himmel, William James
Wilson with the ReVision
Committee of the Public Library
Association, 1998

STATISTICS AND PERFORMANCE MEASURES FOR PUBLIC LIBRARY
NETWORKED SERVICES

by John Carlo Bertot, Charles R. McClure and Joe Ryan
American Library Association, 2001

COMMON CENTS - Money for Pennsylvania Libraries

Where Does The Money Come From?

Money to pay for library services comes from the local, state and federal levels. The local level has the greatest responsibility for funding, with approximately 60% of library income coming from local government resources. State funds account for about 23% of the income, and the federal government, through the Library Services and Technology Act grant program, about 1%. Other local sources account for about 16%.

Income Sources: July 2002

Local Government – 60%
State – 23%
Federal – 1%
Other Local – 16%

Local Government Income:

Local municipalities are authorized by The Library Code to appropriate general operating funds to the public library, which is designated to provide library service to its residents. The Library Code defines a municipality as any county, city, borough, town, township or school district.

The library board must secure this financial support through requests to local officials. Such requests should include a budget representing the needs of the library and description of services the community receives from local government support.

State Funds:

Statewide Card Program of ACCESS PENNSYLVANIA. This program compensates participating libraries for extending borrowing privileges to Pennsylvania residents who live in direct service areas of other participating libraries.

State Aid. Pennsylvania has established by The Library Code a system of state aid for public library service. Categories of aid as described in Section 303 of The Library Code are:

Quality Libraries: Aid granted to a local library or library system on a per capita basis, as provided in Sections 303(2) and 303(3) of The Library Code.

Incentive for Excellence Aid: Aid granted to a local library or library system that meets additional qualifications as provided in Sections 303(4) and 303(5) of The Library Code.

County Coordination Aid: Aid granted to a county library or county library system as a percentage of the county appropriation as provided in Section 303(7) of The Library Code.

District Library Center Aid: Aid granted to the 28 libraries designated as district library centers as provided in Section 303(8) of The Library Code.

Statewide Library Resource Center Aid: Aid granted to the four libraries designated as statewide library resource centers as provided in Section 303(9) of The Library Code.

Equal Distribution Grant: Grants of equal amounts paid to each qualifying library, branch and bookmobile as provided in Section 303(11) of The Library Code.

Equalization Aid: Aid paid to a library serving economically distressed municipalities as provided in Section 303(10) of The Library Code.

LOCAL FINANCIAL EFFORT

Local effort is the amount of local funds expended for annual public library operating costs. Libraries may gain local effort credit for the value of gifts to the library and may earn credit for a portion of library expenses paid by their supporting municipality.

Libraries are required to expend a minimum of \$5 per capita to maintain their eligibility for state aid. The local financial effort requirement is only one of the standards a library must meet or exceed to qualify for state aid.

There are two levels of standards for libraries: Basic Standards and Minimum Standards. Minimum Standards are the higher level of standards. (For definition of these standards see page 70, section 302(1) and page 71, section 302(6) Libraries providing service at the Basic Standards level and meeting additional criteria listed in Section 303(3) of The Library Code are eligible for Quality Libraries Aid, which is paid on a per capita basis, and an equal distribution grant, which is used to assist in collection development. The library may also be eligible for equalization aid if it meets the criteria provided by Section 303(6) of The Library Code.

Libraries providing service at the Minimum Standards level and Library Systems meeting system standards are eligible for the above forms of aid plus Incentive for Excellence Aid, providing they also meet criteria listed in Section 303(6) of The Library Code. Incentive for Excellence Aid stimulates local support of the library by providing matching funds for libraries spending more than \$5 per capita of local monies.

A library or library system designated by the county to provide free library service throughout the county is eligible to earn county coordination aid. This aid is paid on a percentage of the county appropriation. The percentage is based on the class of county according to the following schedule:

<u>Class of County</u>	<u>Percentage of Aid Calculated on County Library Appropriation</u>
2	5%
2A and 3	30%
4	50%
5	50%
6	100%
7	100%
8	100%

A county library or library system is not required to meet state standards to earn county coordination aid. It only needs the county designation and a county appropriation. However, a county library or library system must complete a countywide plan for library service that includes a budget for expenditure of County Coordination Aid. If a county library or library system also meets or exceeds the standards and criteria described above, it may earn the state funds that correspond with the level of standards the library achieves.

Other Sources Of Revenue

When local support and state aid are not sufficient to maintain good library services, it is the responsibility of the trustees to work for a better local base and increased state funding.

Library boards are responsible for developing a realistic budget to reflect the needs of the library. This budget should then be presented to the local government as part of the board's responsibility for securing financial support.

Pennsylvania has 10 cooperating collections that are affiliated with the Foundation Center of New York City. These centers will provide information on foundations that may be sources for funding for a special project. Contact www.fdncenter.org for a current list of participating libraries. In addition, copies of The Pennsylvania Foundation Directory are available from your district library center.

The National Endowment for the Humanities and The Pennsylvania Humanities Council also have funds available for certain types projects and programs in the humanities.

For more information, contact your district center.

LSTA–The Federal Contribution

Federal support for libraries began in 1956 as the Library Services Act, which was designed to provide public library services to rural areas lacking them and to improve the quality of services offered. In 1963, it was renamed the Library Services and Construction Act and was extended to include urban areas. In 1996, it was renamed LSTA, replacing the word "Construction" with "Technology" to emphasize this growing means of obtaining information.

Through Congressional allocations, funds have been distributed to each state for purposes deemed important in that state. The Federal Institute of Museum and Library Services (IMLS) distributes these funds, based on a population formula, to meet IMLS goals. To receive funds, each state develops an LSTA *Five-Year Plan* for IMLS approval. Commonwealth Libraries' *Five-Year Plan for 2003–2007* emphasizes four basic goals:

- Pennsylvanians of all ages have increased access to information, services for learning and educational resources in a variety of formats, from all types of libraries.
- Library services will provide all users access to information via electronic networks, as well as electronic and other linkages among and between all types of libraries.
- All Pennsylvanians, regardless of geographic, cultural, socioeconomic background, disability, or limited functional literacy or information skills will have opportunity and equitable access to library information and collections.
- State-level leadership and services will strengthen and improve library services.

These goals are the basis upon which competitive grants are awarded and state directed programs are implemented. Libraries that demonstrate a need to implement projects that will meet one or more of the goals are most likely to receive LSTA funds. Information on how to apply for Pennsylvania's LSTA funds is sent to all libraries annually by Commonwealth Libraries. Additional information is available from the district library centers and on the State Library's web site at www.statelibrary.state.pa.us. This website can also be checked for updates to the Five-Year Plan.

Keystone Recreation, Park and Conservation Fund Grants for Public Library Facilities

The Pennsylvania General Assembly passed legislation (Act 50) in 1993 to establish the Keystone Recreation, Park and Conservation Fund. The fund was developed from a state bond issue and continued through a dedicated portion of the realty transfer tax. Commonwealth Libraries annually issues information about available grants in memoranda sent to all public libraries and municipalities in the state.

Grants are provided to municipalities applying in conjunction with public libraries.

Grants are available as:

- Major Grants for projects over \$50,000 to assist in the construction of new library buildings, and major renovations or additions to existing buildings
- Mini Grants of \$50,000 or less to make libraries accessible to persons with disabilities and for non-routine maintenance such as replacement of roofs, furnaces, etc.

Grants can provide up to 50% of the costs of eligible projects. This is a matching funds grant program.

Developing A Budget

When funds are scarce, many librarians simply rework the previous budget, adjust some items and hang on!

The making of a budget can be exciting, instructional and productive. Trustees can make the budget process what it should be—a realistic spending plan for a year of advancement toward the goals and objectives of the library.

Using the budget form is the final step in budget development - after all the discussion, dreaming, wrangling and decision-making. The form will not reveal the depth of debate, the weighing of priorities and the difficult dropping of good ideas. The board's records should show some of the process of reducing plans to figures.

Here's a suggested procedure for developing the budget:

- Begin well in advance of deadlines related to your fiscal year.
- Evaluate the old budget. Did it "buy" what the public needed? Did it support the plans of the board? How much was needed and for what reasons?
- Provide for the public and staff to help the board with the budget. The staff should be encouraged by the librarian and board to bring up ideas for new programs services. The public should be asked to contribute its thinking.
- Set up several meetings at which to talk about the library's progress and how it is related to the next budget. Look at new programs, estimate costs and let them compete with older services.
- Talk about salaries early in the process. Make the basic decisions so you will know how much money is really available.
- Look at every item as though it were to be purchased by a user. How essential is a new water fountain compared to extra copies of popular fiction? Is a new parking lot essential to convenient use of the library? Are nonreaders well served through programs and events?
- Earmark a small sum for a new program some staff member wants to try.
- Compare your budget decisions to your library's plan and its goals and objectives.
- Project next year's problems. If you must have more money, where is it to come from? Does the need for a new building become suddenly sharp? Is it going to be possible to increase staff? To be open longer hours?
- Review the completed document for its "selling points". Be prepared to explain and interpret it in terms of community needs and expectations.
- Don't hide the budget. Tell the community what the budget will accomplish. Remind them how difficult it is to arrive at a balanced budget when there are so many activities and services the library is expected to do, wants to do.
- Make a professional budget presentation to your funding authorities. Be sure to talk with appropriate officials before the meeting and be certain that the library budget is on the agenda. Be prepared with facts, figures and justifications. Be organized and to the point.
- Prepare for next year. Do you need an earlier start? Are there better ways to consult staff and public? Should projects be studied throughout the year so they can be plugged in as funds are available?
- Consider the extra time well spent; trustees now have a better understanding of money matters, staff is happy to have been involved and the picture of services is clearer.
- Don't wait until budget time to talk with your funding authorities. Let them hear from you all year long about how well you're spending their money.

HOW TO DO IT
<ul style="list-style-type: none"> • Ask the librarian to hold a staff meeting at which the board sets out its procedure and encourages "input." • Look at the surveys you have taken and analyze them for new ideas and priorities. • Consult municipal and school officials. Let the library's publicity call for public participation. Hold a public meeting based on goals. • Recheck the annual report and the conclusions that went into it. • Encourage the staff to write out ideas, estimate their cost and present them to the board.

The following budget form can be used for planning purposes. This form is based on the financial section of the annual report required by Commonwealth Libraries.

BUDGET FORM

Use the following budget form to report the anticipated general operating income and expenditures of the library. General fund incomes from state, federal and local sources are to be included. This does not include the beginning balance from the previous year, income for capital expenditures, the value of in-kind service or the value of gifts.

INCOME

FEDERAL INCOME

LSTA		
Other (specify)		
Total Federal Income		

STATE INCOME

State Aid		
Statewide Card		
Other (specify)		
Total State Income		

KEYSTONE GRANTS

LOCAL GOVERNMENT INCOME: Include School District, employment program income, etc.

Name of Municipality or <u>School District</u>	<u>Amount</u>
Total Local Government Income	

INCOME FROM OTHER LOCAL SOURCES

Dividend and Interest Income	_____
Income from Merchandise Sold	_____
Income from Fund Drive	_____
Income from Contracted Services	_____
Monetary Gifts and Donations	_____
Grants	_____
Non-Resident Fees	_____
Fines	_____
Lost Book Charges	_____
Library Use Charges and Rentals (Not Fines)	_____
Other Charges and Rental of Property	_____
Miscellaneous (Do Not Include Sales Tax)	_____
 Total Income from Other Sources	 _____

TOTAL INCOME _____

OPERATING EXPENDITURES

SALARIES AND WAGES EXPENDITURES

Library Personnel	_____
Maintenance, Security	_____
Total Salaries and Wages	_____

BENEFITS EXPENDITURES (Library's Share Only)

Unemployment Tax	_____
Social Security Tax	_____
Retirement	_____
Medical and Life Insurance	_____
Disability Income Protection (Workman's Compensation)	_____
Unemployment Compensation	_____
Other (specify)	_____
Total Benefits	_____

COLLECTION EXPENDITURES

Books	_____
Periodicals	_____
Audio-Visual Materials	_____
Microforms	_____
Library Materials in Electronic Format Available for Public Use. Include software and data on CD-ROMs, magnetic tapes and magnetic discs.	_____
Electronic Information Services Available to Public on Internet	_____
Connection fees to an Internet provider or communications company used SOLELY for Internet access	_____
Library Supplies and Collection Maintenance	_____
Total Collections Expenditures	_____

OTHER OPERATING EXPENDITURES

Furniture and Equipment	_____
Office and Computer Supplies	_____
Computer Equipment and Software, Administration and Automation	_____
Lease of Other Types of Equipment	_____
Maintenance on:	
Computer Equipment	_____
Computer Software	_____
General Office Equipment	_____
Rent to Private Landlord	_____
Insurance	_____
Maintenance on Building and Grounds	_____
Utilities (actual, not shared costs)	_____
Postage and Freight	_____
Printing	_____
Telephone and Other Telecommunications	_____
Bibliographic Utilities	_____
Public Relations and Library Programs	_____
Contracted Services	_____
Training, Travel and Conferences	_____
Dues and Memberships	_____
Audit or Financial Report	_____

Interest Paid on Loans and Mortgages	_____
Bookmobile Purchase	_____
Bookmobile Insurance and Maintenance	_____
Miscellaneous Operating	_____
Mortgage Principal Paid	_____
Rent to Supporting Municipality	_____
Cost of Raising Money	_____

Total Other Operating Expenditures _____

TOTAL OPERATING EXPENDITURES _____

CAPITAL EXPENDITURES

Land	_____
Building _____ New	_____
_____ Addition	_____
_____ Major Alteration	_____
Furniture and Equipment	_____

Total Capital Expenditures _____

What Are Standards?

In Pennsylvania, standards are minimal level of service that libraries must provide in order to qualify for state aid. They were designed to suggest a base from which libraries can grow.

The library Code charges the State Librarian and the State Librarian "... to counsel local libraries on minimum standards for number and quality of library staff, resources of books and other materials, location of new library staff, resources of books and other materials, location of new libraries, hours and physical facilities." The Code charges the Governor's Advisory Council "to promulgate rules and regulations for the approval of plans for the use of state funds."

In accordance with The Code, standards have been established for local libraries, district centers and library systems.

**THE GOVERNOR'S
ADVISORY COUNCIL ON LIBRARY
DEVELOPMENT**

The Advisory Council on Library Development has 12 members appointed by the Governor. Three members must be trustees of local libraries, three professional librarians and six laypersons. THE SECRETARY OF EDUCATION and the COMMISSIONER FOR LIBRARIES serve ex officio. Members serve four-year terms and meet as a Council at least four times a year. The council also advises on the use of LSTA funds. The Secretary of Education appoints five additional members for this purpose.

The standards relate to library governance, materials, expenditures, staff, service, facilities and participation in the Pennsylvania library plan. The standards are minimal, and libraries are encouraged to be attentive and work toward meeting the needs of their communities. Overall, the standards establish a floor for library service across the commonwealth. Attaching eligibility for state aid to the achievement of standards ensures minimal local support and service in order to be supplemented by state funds. State aid is not intended, nor can it be used, to replace local support. For full text of standards, see PA code, sections 141(21) through 141(28). Additional criteria are found in The Library Code, Sections 303(3) and 303(6).

SPECIFIC INFORMATION ON STANDARDS IS AVAILABLE
FROM YOU LOCAL LIBRARY OR DISTRICT LIBRARY CENTER

Public Library Audits

A new regulation took effect in 1993 requiring public libraries, as part of their proof of eligibility for State Aid, to file audits with Commonwealth Libraries. The audits must be performed by independent auditors, that is, someone who is not on the library board or a member of the staff. The audits must be performed in accordance with Generally Accepted Auditing Standards (GAAS). Depending on the amount of state income, some public libraries are required to file audits every year, others every third year with financial review in intervening years. The following chart demonstrates how frequently an audit is required.

<u>Annual State Income</u>	<u>Audit Requirement</u>
\$50,000 and over	Every year
under \$50,000	Audit every third year; financial review in intervening years.

The regulation does not specify qualifications for the person who performs the audit. However, he or she must be able to perform an audit according to Generally Accepted Auditing Standards. This usually requires training in the field of accounting.

FOR MORE INFORMATION ABOUT AUDIT, PLEASE CONSULT THE
PUBLIC LIBRARY ACCOUNTING MANUAL

RELATING TO THE PUBLIC (or PR, if you prefer)

Public relations are so much more than flash, pizzazz and hoopla, that it seems sensible to turn the topic into “relating to the public.” This means rethinking the typical dedication to getting inches in the press and minutes on TV and radio. The topic should be the public first, relationships second and techniques last.

When relating to the public is seen as an important function for trustees, staff and even the inanimate library, PR can be seen as a handy title for a large job.

Whatever it is called, the job is more than information. It's a person-to-person effort to promote *library awareness*. It is a powerful management tool. A PR program that is successful will evaluate public attitudes towards the library, develop responsive policies to those attitudes, and be related to statewide PR goals and objectives.

Trustees have an individual and group role in the job.

AS INDIVIDUALS, trustees represent the library in their public contacts. Wearing the title of trustee confers the obligation to:

- Know what is happening at the library and spread the word
- Listen to the community and ask questions about what people know of the library
- Appear before organizations of the community to talk about the library
- Convey the progress and plans of the library to individuals and groups outside of the library
- Ask the opinion-makers whom the trustee knows to be library supporters
- Spot gaps in the library's information program and suggest ways to fill them
- Work closely with municipal and other officials to put libraries in the public service circle
- Let people know about library trustees-who they are, when they meet, how they can be reached
- Learn about other libraries and other services
- Be vocal and visible library exponents

As a GROUP, library trustees serving as a board have responsibility to:

- Help to plan a positive public relations program for the library; include PR as a continuous function of the library under the direction of a designated staff member
- Include funds in the budget for the PR program
- Plan for trustee participation in the library's public relations plan
- Ask the librarian to involve the entire staff in the PR program
- Evaluate, with the staff, the effectiveness of the program and how it can be improved (Output measures are useful for this analysis.)
- Look at the library itself as a public relations function: How are people treated in the library? Is the library a welcoming place, a service operation, a place where users matter and are helped?
- Can patrons easily find their way to the reference desk, the children's room, or the meeting room?
- Can patrons easily locate the books and materials they're looking for?
- Are the shelves neat and not over-crowded, with books attractively displayed?
- Find funds or other forms of support for public relations activities
- Allocate funds for staff or find volunteers to help with graphic designs, advertising, posters and promotional ideas
- Expand the board's thinking about public reactions and thus identify the groups and individuals who should be reached, the many overlooked opportunities to reach people, the knowledge of public needs

A Planned Public Relations Program – What Does One Look Like?

Puzzled about planning for PR? Here's a simple sample of a one-year plan:

The GOALS of this library's public relations plan this year are:

- To expand our ways of informing the public about library services
- To reach more members of the community
- To prepare the staff and the trustees to serve as public relations representatives

TO MOVE TOWARD THESE GOALS, this year we will:

- Allocate additional money in the budget for the costs of production, mailing, etc. of information
- Locate volunteers to help with designs, slogans, writing and reaching people
- Hold a special meeting of board and staff to talk about how to have better relations with the public
- Set up a speakers bureau and tell the community it exists
- Assign trustees to make certain public contacts, especially with municipal officials and media
- Plan several "social" events at the library to educate our elected representatives, appointed officials and media persons
- Plan and issue an exciting annual report

NOTE that this is a one-year plan that can be achieved, not a complete plan to develop PR activities over the years.



National Library Symbol

The national library symbol, launched at the 1982 American Library Association conference, is for use by libraries of all types, to promote awareness of their services. The Symbol is designed primarily for use on exterior library signs appearing on streets, highways, and buildings to help direct residents in a community to their library. It can also be used by individual libraries on newsletters, posters, booklists, library cards, bookmarks, letterheads and other promotional materials.

The symbol – the reader with a book - triggers instant recognition of a library through a graphic representation that people instantly associate with libraries. It does not attempt to capture the essence of the modern library or represent the range of its resources. This would be impossible to do in a clean, easily recognizable image. Once the public is cued to the presence of a library by the basic symbol, additional symbols, signs, and promotional materials can be used to further educate users about the full range of library resources.

For information and ideas about how you might use the symbol in your community and in your library, contact your district center.

TRUSTEES AND THE LEGISLATIVE PROCESS

Library board trustees should remember that in a sense, they are legislators, for they make decisions and pass on policies, which have the effect of controlling and directing aspects of the library. Trustees, like legislators, are public officials, seeking and accepting responsibility for public institutions and funds.

Trustees encounter the political process once that same process has given them seats on a board. In Pennsylvania, the board must work with various layers of control-municipal and county and other officials who have certain powers in the process through which libraries gain support, especially financial support. Trustees need to cultivate frank and open relationships with these officials, working with them to produce the best possible climate for libraries.

Most trustees will think of the legislative process as beginning with the state legislature, where laws on libraries are made, and where state support is determined. Getting to know how that political process works is fascinating and absolutely necessary for an effective trustee.

LSTA: Library Services and Technology Act. A federal program providing funds to states for use in certain library programs.
See Page 28

At the national level, many broad decisions are made that affect the state and ultimately, local libraries. Congress has supported libraries through the Library Services and Technology Act. Members of Congress need to hear from their home constituents as to how funds are used and what programs are needed.

COMMUNICATION is where the trustee shines for libraries. At every level, the trustee can lobby for libraries.

Speaking Out For Libraries

The process of expressing opinions to the decision-makers and urging support of one's opinions is called LOBBYING. It comes from the time-honored custom of talking with legislators in the lobbies of city halls, state houses and Congress.

People who speak out with knowledge and experience, with enthusiasm and commitment, and with facts and figures are equipped to lobby in the best meaning of the word.

LOBBYING IS COMMUNICATION. It is assembling the facts and translating them into action. It is researching plans and presenting them as evidence of need for a law or an appropriation. It is getting to know legislators and helping them to know about libraries and what libraries do for constituents.

Lobbying is an important job of trustees. They see the library from the user's viewpoint, they have perspective on the full range of public services, they speak for the consumer, they volunteer participants in government and they know that without their involvement, a significant service would not have an advocate or a voice.

Legislative days are organized lobbying efforts for library advocates to meet with legislators. As a trustee, you may be asked to participate in Legislative Day activities sponsored by The

Pennsylvania Library Association, The Pennsylvania Citizens for Better Libraries or The American Library Association. Your participation is essential to their success!

How Ideas Become Laws

There is a general method for ideas to work their way into law. For example, a local library realizes it cannot meet standards on its tax base and needs more state aid. Other libraries may reach the same conclusion at the same time and turn to neighboring libraries, the library associations and the Office of Commonwealth Libraries

A study is begun, statistics flow, and alternates are explored. The ideas coalesce into a legislative draft. The proposal is presented to key legislators. Is it too soon? Will it work? What is the competition? Are solutions being sought at the right level of government?

The draft may receive various opinions, but with a great need and a good prognosis, a legislative sponsor is found. The bill now enters the General Assembly's legislative procedure. Supporters of the bill need to work hard to explain and promote the bill to all legislators. Local library supporters work with the legislative committees of The Pennsylvania Library Association and The Pennsylvania Citizens for Better Libraries on planning, providing facts and documents, preparing testimony to a committee, marshalling visitors to Harrisburg, home base visits, and numerous phone calls. When the bill comes out of committee, work begins on both houses of the Assembly to answer objections that may have arisen in committee and to help the sponsor line up votes.

The process moves the bill from committees to votes in each house, and then on to the Governor for signature. If the bill becomes law, possibly it may be a version of the idea that was originally presented. The law may be a new approach to funding, but will need an appropriation to bring it to fruition. There is more work needed to make the case for increased funding.

When the process concludes, library trustees should remember that legislators took a chance. The trustees and other supporters should say "thank you," continue contacts and report on the benefits of the legislation in the legislator's home communities.

Trustees should see lobbying as a continuous information and education process, a necessary ingredient in the information bank that legislators assemble, and the right of every citizen to be heard and to express opinions. They will be comfortable with the political-legislative process and develop skills in lobbying that will benefit all libraries and the public they serve.

THE BOARD'S BUSINESS

In Pennsylvania, a library board has an important first step: to develop a written statement to differentiate the function of the library board and that of the librarian/staff. (See page 17.) The clarity of this policy statement helps the board and the librarian to develop meeting agendas that clearly abide by the board's functions.

The business of the board at its regular meeting should be:

- To discuss and decide policy issues
- To carry out legal responsibilities

- To hear and ask questions about what the library is accomplishing in its day-to-day functions
- To assist the librarian in solving problems, especially those which relate to community needs and opinions
- To review financial progress and the implementation of the budget
- To work toward excellent library services

THE ROTATING TRUSTEE – is a provision many libraries use to bring new trustees to the board. Many local bylaws provide that trustees serve a limited number of terms and may return after a designated interval.

Bylaws

Library boards need to have written bylaws. They are the internal rules to establish board structure and operational procedures. The language used when writing bylaws must be clear and unambiguous.

Bylaws provide for:

- Regular and special meetings that are open to the public
- Board officers – titles, duties, terms of office
- Regular board members’ terms of office
- Establishing a quorum
- Election procedures
- Procedures for standing and special committees
- Conduct for board meetings (Robert’s Rules of Order)
- How bylaws are amended

Bylaws should regularly be reviewed and, if necessary, amended.

Special Meetings

Special meetings of the board may be called as determined in the bylaws or by setting them at a regular meeting.

The Sunshine Law

The Pennsylvania law on open meetings (the so-called “Sunshine Law”), Act 84 of 1986, requires public libraries which have been designated by municipalities as their agencies to make meetings of the boards of directors open to the public. Meeting notices must be advertised in the newspaper at least three days prior to the meeting and also be posted at the principal office of the agency, or wherever the meeting will take place.

POTENTIALTRUSTEES should have access to this handbook and the library's collection of additional materials for trusteeship. A member of the community interested in being on the board can read about the duties of serving as trustee, and potential appointees can explore and prepare for the job.

Sample Agenda For The Meeting Of A Local Library Board

Board functions translate neatly into this sample agenda for a board meeting. *(The board's agenda is developed by the board president and the librarian, and arises from custom and suggestions from board and staff. The agenda is prepared in advance and mailed or distributed with written reports prior to the meetings.)*

(NOTE: Many boards include a special agenda item for any comment from the audience. Others allow the public to participate as items are considered.)

ORDER OF BUSINESS	COMMENTS
1. Call to order and recording of attendance. Determination that a quorum exists.	If there is an audience, it is a courtesy to call the roll or to have nameplates.
2. Minutes of the previous meeting. Call for any corrections or additions. Motion to accept.	Copies should have been mailed with the agenda. It is not necessary to read the minutes aloud. Corrections should be carefully recorded and read. Remember that actions cannot be changed or any subsequent happenings added.
3. REPORT OF THE LIBRARIAN <ul style="list-style-type: none"> a. Library activities and general progress. b. Problems to share with the board. c. Feedback from the community. 	<ul style="list-style-type: none"> a. This "reporting" should be early on the agenda because it is basic to discussion. b. Problems requiring background information, such as repair estimates or budget shifts or staff requirements should be explained as part of the mailed agenda.
4. REPORT OF THE TREASURER	The board should receive standardized financial reports regularly with the agenda so that questions can be spotted.
5. REPORT OF THE PRESIDENT AND TRUSTEES	Trustees should report on their activities, including meetings attended and community contacts made.
6. POLICY PROBLEMS: operating problems that may require board actions, a shift in policies, new policies or policy interpretation.	Librarians and trustees should be encouraged to evaluate existing policies and to recommend changes and updates.

- | | |
|---|--|
| 7. PLANNING: report of committees (Example: The board wants to consider bookmobile service in the next budget. A staff/community/trustee committee wishes to make a preliminary report of its feasibility study...) | Future concerns identified as part of the planning process should be worked on by committees or the board as a whole and reported to meetings as the work progresses. |
| 8. OLD BUSINESS (Example: The board has deferred an evaluation of the public lecture series until a staff report can be made.) | Usually a category for finishing off an item, or completing action. Each item of old business should be listed by "title" and status. |
| 9. NEW BUSINESS (Example: Mr. North suggests we determine how many trustees will be attending Tuesday's workshop. The Chief of Police will be with us to discuss the laws on theft of library material.) | Courteous trustees will tell the president what item of business is to be raised. |
| 10. BUSINESS FOR THE NEXT AGENDA | This agenda listing can be used to suggest new topics or ask for answers to questions requiring some research. |
| 11. ANNOUNCEMENTS | |
| 12. ADJOURNMENT to a date, time and place | The meeting should be adjourned to a certain time. If the regular meeting is running long, it can be adjourned to a time earlier than the next regular meeting, at which time the agenda would be completed. |

The Role Of The Boards Officers

Each member of the library board is co-equal with the other members. Officers are named for the purposes of expediting the board's work, but even the officers cannot speak for the board without permission. The bylaws should specify the general duties of officers. The following are examples:

President (or Chairperson): The president shall preside at the meetings of the board and shall, with the librarian, prepare an agenda and mail it to members of the board in advance of the meeting. The president shall serve as discussion leader during the board meeting and shall encourage all members to participate. The president shall sign official documents requiring signature and may represent the board in public and official capacities as instructed by the board. The president has one vote as a member of the board.

Vice-President (or Vice Chairperson): The vice-president shall preside in the absence of the president and shall perform such other duties as are assigned by the board. (This position is not required by law.)

Secretary: The secretary of the board shall take the record of the meetings of the board and see that the minutes are prepared and mailed with the next agenda. After minutes are approved, the secretary shall see that a permanent and correct copy is made available for the archives of the library. The board shall determine, in a policy statement, how minutes are to be distributed to

those other than board members. Minutes shall be made available for public inspection as soon as they are given to the board. The secretary shall sign such documents that require the signature of the position and perform such other duties as are assigned by the board.

(NOTE: Some boards name the librarian or a staff member to serve as secretary. In that case, the board member secretary should keep check-notes. The board should ask if it wants its librarian to be burdened with this job unless a tape recording is made and minutes taken from it. VERBATIM minutes are used only in rare circumstances. Minutes should represent a simple record of the meeting, with clear identification of the actions taken.)

Treasurer: The treasurer's role varies with the size of the library. In small libraries, the treasurer may keep the books, deposit funds, prepare reports and even write checks or vouchers. In larger libraries, the treasurer is a legal officer named to assure that financial operations are being properly handled. Bylaws should outline the specific job, and the law requires appropriate bonding.

Committees Of The Board

Most boards will at some time wish to have some detail work done by a committee to save the time of the full board. Meetings of board committees may come under the Sunshine Law; so it is best to follow legal requirements for calling and posting such meetings.

Committees need to remember that they do not make decisions for the board, but instead prepare recommendations for the board's decision.

Written reports are best and should, whenever possible, be distributed in advance of the board meeting. Examples of committees are: Personnel, Finance, Building, and PR-Library Awareness.

All trustees should feel free to introduce any items of interest or questions for discussion. Being new is no excuse for being quiet!

Collection Management

Book And Materials Selection

The selection of materials for a local library should be guided by the needs of the community it serves. The first step in collection development is to formulate a selection policy that delegates to the librarian the responsibility for selecting and acquiring materials. The policy should also include the principles upon which collection management is based, including such areas as criteria for selection, reviewing tools, gifts and memorials, weeding, disposal of weeded materials, a statement on intellectual freedom and a procedure for handling complaints.

Pennsylvania law delegates book and materials selection to the local library. For example, the law prohibits the Office of Commonwealth Libraries from making any rule that would "prohibit the inclusion of a particular book, periodical or material, the works of a particular author or the expression of a particular point of view." However, the Office of Commonwealth Libraries does include materials requirements in the basic and minimum standards for libraries. Libraries are expected to have collections that are currently useful. This means that the library has books and

other materials that people want to use. It is important to regularly weed the collection so that the shelves don't become crowded with old, unused books. Crowded, cluttered shelves make it very difficult for patrons to find what might be of interest to them. Care should be taken to display materials in ways that make them attractive to potential users.

Sample selection policies are available through the district library centers and the Office of Commonwealth Libraries.

Intellectual Freedom And Library Trustees

Intellectual Freedom is the concept of access to many kinds of thoughts, ideas and information.

Libraries are the traditional custodians of history and intellectual expressions of men and women, both popular and unpopular. To safeguard access to the widest possible variety of resources, libraries usually adopt in their selection policies the following two documents from the American Library Association.

Library Bill Of Rights

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

1. Books and other library resources should be provided for the interest, information and enlightenment of all people in the community the library serves. Materials should not be excluded because of the origin, background or views of those contributing to their creation.
2. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
3. Libraries could challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
4. Libraries could cooperate with all persons and groups concerned with resisting abridgement of free expression and free access to ideas.
5. A person's right to use a library should not be denied or abridged because of origin, age, background or views.
6. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

Adopted June 18, 1948.

Amended February 2, 1961, June 27, 1967, and January 23, 1980,

Inclusion of "age" reaffirmed January 23, 1996

by the ALA Council.

The Freedom To Read

A joint Statement by the American Library Association and the Association of American Publishers originally issued in May of 1953, revised in January 1972, January 16, 1991 and July 12, 2000.

(The complete text is available from ALA, 50 E. Huron St., Chicago, IL 60611, or the Association of American Publishers, Inc., 1 Park Ave., New York, NY 10016.)

1. It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those which are unorthodox or unpopular with the majority.
2. Publishers, librarians and book sellers do not need to endorse every idea or presentation contained in the books they make available. It would conflict with the public interest for them to establish their own political, moral or aesthetic views as a standard for determining what books should be published or circulated.
3. It is contrary to the public interest for publishers or librarians to determine the acceptability of a book on the basis of the personal history or political affiliations of the author.
4. There is no place in our society for efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents or to inhibit the efforts of writers to achieve artistic expression.
5. It is not in the public interest to force a reader to accept with any book the prejudgment of a label characterizing the book or author as subversive or dangerous.
6. It is the responsibility of publishers and librarians, as guardians of the people's freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large.
7. It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality and diversity of thought and expression. By the exercise of this affirmative responsibility, bookmen can demonstrate that the answer to a "bad" book is a good one; the answer to a "bad" idea is a good one.

NOTE: "Books" as used in this statement include all kinds of materials acquired for library use.

What If The Censor Comes?

Libraries need a simple method of dealing with any selection challenges. Every library should have a policy that describes the procedure by which a patron may request reconsideration in writing. Discussion of the situation may follow with the librarian and then, if necessary, with the Library Board. Assistance in handling any censorship attempts can be obtained from the district library centers, the Pennsylvania Library Association Intellectual Freedom Committee or the Intellectual Freedom Office at the American Library Association.

Confidentiality Of Library Circulation Records

Information on the materials a library patron chooses to use is private. Section 428 of the Library Code prohibits the release of records relating to the circulation of library materials, except by a court order in a criminal proceeding.

Information on all Intellectual Freedom matters, including restricted access, use of meeting rooms, confidentiality of library records, sexism, racism and other -isms related to library materials, is outlined in the Pennsylvania Library Association's *Intellectual Freedom Handbook*.

What Is Weeding?

An important part of collection management is regular “weeding,” or removal of old, worn or damaged materials that are no longer useful to your library’s collection. This concept may challenge the thinking of some trustees, librarians, and patrons who think that books and magazines should never be discarded, or that you dare not “throw away public property” in the form of library materials.

While it is true that many old materials should be retained for historical or research value, there are space limitations, especially in a small library, where storage area is limited. Periodic weeding is important to keep a collection fresh and attractive and thus useful to the community. Regular review of the collection keeps the librarian aware of “gaps” that need to be filled when purchasing new materials.

An excellent manual on the why’s and how’s of weeding is *Evaluating and Weeding Collections in Small and Medium Sized Public Libraries: The CREW Method* by Joseph P. Segal, ALA, 1980.

How Good Is The Collection?

Evaluation of your library’s collection is an ongoing process. Measurement of the use of your collection fill rates, turnover and in-library use can be accomplished by collecting data using *Output Measures for Public Libraries* by Douglas Zweizig, ALA, 1987. This manual of simple, easy-to-apply performance measures will yield more meaningful information than the traditional statistics normally kept by libraries. Begin with one or two performance measures and look for usable information from the results.

E-rate: Universal Service Discount Program for Schools and Libraries

As a result of the Telecommunications Act of 1996, the Federal Communications Commission (FCC) adopted an Order on May 8, 1997, creating the E-rate program to ensure that schools and libraries have affordable access to advanced telecommunications services. Under the program, discounts ranging from 20% to 90% on Telecommunications Services, Internet Access, and Internal Connections are provided to eligible schools and libraries, subject to a \$2.25 billion annual cap. Since 1998, Pennsylvania’s schools and libraries have received more than \$370 million in E-rate discounts.

The E-rate program is a highly complex, deadline-sensitive application process, which can reap schools and libraries substantial savings on their technology and telecommunications investments. Information on applying for E-rate funds is available through the district consultant, Commonwealth Libraries and through numerous websites.

CIPA

The Children's Internet Protection Act (CIPA) was signed into law on December 21, 2000. Under CIPA, no school or library may receive E-rate discounts unless it certifies that it is enforcing a policy of Internet safety that includes the use of filtering or blocking technology (Technology Protection Measure). This Internet Safety Policy must protect against access, through

computers with Internet access, to visual depictions that are obscene, child pornography, or in the case of use by minors, harmful to minors. The school or library must also certify that it is enforcing the operation of such filtering or blocking technology during any use of such computers by minors. The law is effective for Funding Year 2001 (07/01/2001 to 06/30/2002) and for all future years. Schools and libraries receiving only Telecommunications Services are excluded from the requirements of CIPA.

Under CIPA, a "Technology Protection Measure" is a specific technology that blocks or filters Internet access. It must protect against access by adults and minors to visual depictions that are obscene, child pornography, or with respect to use of computers with Internet access by minors, harmful to minors. It may be disabled for adults engaged in bona fide research or other lawful purposes.

The Internet Safety Policy must address the following issues:

- a. Access by minors to inappropriate matter on the Internet and World Wide Web;
- b. The safety and security of minors when using electronic mail, chat rooms and other forms of direct electronic communications;
- c. Unauthorized access, including so-called "hacking" and other unlawful activities by minors online;
- d. Unauthorized disclosure, use and dissemination of personal information regarding minors; and
- e. Measures designed to restrict minors' access to materials harmful to minors.

Libraries that do not receive e-rate discounts, but do receive LSTA funds to purchase computers to access the Internet or to pay for the direct costs associated with accessing the Internet must certify that they have an Internet Safety Policy as outlined above.

Contact your District Consultant for more information on CIPA requirements.

THE U.S.A. PATRIOT ACT

On October 26, 2001, President Bush signed the U.S.A. PATRIOT Act into law. This act expands both domestic law enforcement and international intelligence agencies' investigative and surveillance powers. The Patriot Act amended over 15 federal statutes to include the laws that govern criminal procedure, wiretapping, computer fraud and abuse, immigration and the laws governing privacy of students' records. The FBI and law enforcement agencies now have expanded powers to access educational, business, library and medical records (also stored electronic data).

This act allows an FBI agent to present a search warrant for "any tangible thing" to include books, papers, floppy disks, computers with hard drives, circulation, Internet use, and registration records. The agent does not have to demonstrate "probable cause" to the library, only that the materials relate to an ongoing investigation related to intelligence activities or terrorism. The FBI agent must demonstrate to a special court that there is good cause for these records/materials to be confiscated. Any warrant issued under the Foreign Intelligence Surveillance Act does not allow libraries or librarians, under penalty of law, to disclose that a warrant was issued or that records were taken. The patron cannot be told that his/her records are under investigation.

The PATRIOT Act also extends telephone monitoring laws (pen register, trap and trace) that will include addressing and routing information for all Internet traffic, URL web pages, and e-mail and IP addresses. The agents seeking warrants under the pen register statute only need to verify that the information being sought is relevant to an investigation. A library receiving the monitoring order is to cooperate with agents in the installation of a monitoring device. The library or librarian, again, cannot disclose that communications are being monitored.

Librarians often feel uncomfortable being caught between the requirements of the law and protecting their patrons' privacy. The library's policies should be reviewed and updated. Libraries should avoid creating and retaining unnecessary library records. Some libraries destroy circulation records as soon as possible after statistics have been obtained. All library staff should know the procedures for handling law enforcement requests, and refer the agent to the director or the library's legal counsel. If the library has no legal counsel, assistance can be obtained from Jenner & Block, Freedom to Read Foundation's legal counsel. The phone number is 1-800-545-2433, ext. 4223.

AMERICAN LIBRARY ASSOCIATION

Washington Office

January 19, 2002

GUIDELINES FOR LIBRARIANS ON THE U.S.A. PATRIOT ACT*

What to do before, during and after a "knock at the door?"

*Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001
Public Law 107-56 (October 26, 2001)

Many libraries have already seen an increase in law enforcement inquiries following the September 11th terrorists' attacks. In libraries and other institutions, law enforcement authorities have sought access to patron records, including electronic mail and other electronic communications. With passage of the U.S.A. PATRIOT Act on October 26, 2001, many new questions have been raised about how to comply with the new law and how the PATRIOT Act provisions relate to current laws governing criminal and foreign intelligence investigations as well as to state and local privacy laws. As always, the best course is to prepare before the "knock at the door." ALA provides the following guidelines for librarians to share with their staffs and local legal counsels. This is *not legal advice* but suggested guidance and direction so that local libraries – whether academic, public or school libraries – can prepare themselves to do what is legal and appropriate.

BEFORE

- CONSULT YOUR LOCAL LEGAL COUNSEL
These issues are complex and absolutes that apply to every situation are rare. You will need legal experts familiar with your unique situations and local and state laws to help make sure that your policies and procedures are appropriate and legal. You will want to make sure that your local counsel is aware that legal inquiries under the U.S.A. PATRIOT Act may be an issue for your institution.
- REVIEW YOUR POLICIES
The U.S.A. PATRIOT Act does not require institutions to make changes in policies or

computer systems. However, with a possible increase in requests from law enforcement, and the pervasiveness of technology in the daily transactions of libraries, you will want to review and address your policies on retention of and access to all types of information. Make decisions regarding data, logs and records of all types, digital and paper, to be discarded or saved. Establish a system for referring requests for operational records, as well as other types of information within your institution. Plan for service continuity in the event that workstations, servers or backups are removed or made inoperable.

□ TRAIN YOUR STAFF

Every member of your staff should understand your policies for three important reasons:

1) Anyone on your staff could be approached by law enforcement. Every staff member should know what to do if he or she is presented with a request. A system for referring requests from law enforcement should be clearly communicated to all staff so that everyone, from the circulation assistant to the library director, knows what to do. Often, a library or institution will designate one staff person to receive all such requests.

2) Technology has made data ubiquitous and access to it effortless. Many people within your organization may have unexpected roles to play in implementing your policies. Your policy is only as good as the trained people who carry it out.

3) Knowledgeable staff will assure that your library is complying with all appropriate laws and protect against any institutional or personal liability.

DURING

□ FOLLOW YOUR POLICIES

Sound policies can provide order and justification during what can be a chaotic time. They can help prevent surprises and help ensure that the best possible thinking and judgment go into your responses. Policies and plans will not help you if they are not understood and followed by all of the institution's employees.

□ CONSULT YOUR LOCAL LEGAL COUNSEL

Most inquiries made by law enforcement are lawful and in good order. However, it is imperative to call on your own legal counsel when presented with a request. Legal counsel will help you respond appropriately and legally, while protecting you and your staff from possible liability due to an unlawful request. Legal counsel can help you sort through your responsibilities under the myriad of federal, state and local laws, that both protect privacy and require access.

□ DOCUMENT YOUR COSTS

The U.S.A. PATRIOT Act provides for some reimbursement of costs if an entity is asked by law enforcement to perform certain types of assistance in data collection. It is unclear what the guidelines will be for reimbursement. Document all costs incurred.

AFTER

□ CONSULT YOUR LOCAL LEGAL COUNSEL

Once law enforcement leaves your premises, your responsibilities may not be over.

There are different rules for sharing information with others about who is being investigated or what types of information you have provided to law enforcement. With whom you are allowed to speak and what you are allowed to talk about varies depending

upon whether the inquiry is made under criminal or foreign intelligence investigation laws. You will want to consult with your local legal counsel to be sure that you and your staff meet any legal requirements to conceal the inquiries of law enforcement or conversely, to fulfill any affirmative legal requirements to disclose what records may have been released.

□ **FOLLOW UP**

Consult with counsel; implement your policies; and pursue any appropriate reimbursements. Determine whether you will have to maintain any subsequent information or records. The Washington Office will be tracking the impact of this legislation, so when allowed by law and the advice of counsel, inform the Washington Office of your experiences.

ALA/WO 1/19/02

TECHNOLOGY

No era has posed a greater challenge to trustees in guiding a library's direction than does this present era of new technological developments. To move with a speed even relatively close to the speed of the communications revolution now underway, the library faces: 1) Decision-making about complex and expensive equipment; 2) Keeping local officials informed about the potentials for expanded community services which the technological innovations offer and apprised of justifiable cost/benefit ratios; and 3) Educating both the users and nonusers about the new library services. Library trustees need to be in the forefront, helping shape the change, bringing it about, letting the budget-makers and the community know what a complete information center the library is, and how deserving it is of their strong support.

Check with your district library for advice on utilizing technology.

WHEN YOU GET THAT EDIFICE COMPLEX!

In time, nearly every library becomes a little cramped and noticeably smaller than what is needed. Boards are then faced with a decision either to build a new building, add to or otherwise improve the present building, hunt for existing space that can be converted, or find a magic shoehorn.

The decision to build is a serious one for construction takes months of planning, requires financing and is a complex undertaking for the whole community.

Deciding To Build

No library should expand until it has explored alternatives, estimated costs and justified the need. Preliminary discussions should include the board and staff. Laypersons are often involved in modest renovations or additions, but a major building project involves a lengthy process of thorough planning.

Many libraries turn to a building consultant; a librarian who has experience in building projects. Names of persons regarded as qualified consultants are available through the district library center.

If a building consultant is contemplated, the board should negotiate on the duties and functions of the consultant and the fee. The usual services of a building consultant are:

- A study of the present library and its space needs and service requirements
- An analysis of the study with recommendations for the size of a new library
- Recommendations on the allocation of space. (For example, the consultant will suggest how much space is needed to meet standards for number of books, periodicals, etc.)
- Discussion with board and staff on service expansions and recommendations on how to accommodate these in a new building
- Estimates of square foot costs of the new space (If additions, conversions, etc. are involved, a consultant will evaluate these solution as well.)
- Studies of access to the library, including location and parking
- Consultation with the board on available options to gain space
- Making certain the library will be in compliance with The Americans with Disabilities Act (ADA)

From Decision To Dedications

In Pennsylvania, the law provides that the question of raising bond money to build a library must be submitted to referendum. The petition of 5% of the registered voters of the municipality must be presented to the municipal officials, who then schedule the referendum for the next regular election. Municipal officials can authorize bonds for library purposes without referendum (unless indebtedness exceeds 250% of assessed valuation).

Other sources of funds should be explored, including direct appropriation by the municipal officials, Keystone Recreation, Park and Conservation Fund Grants for Public Library Facilities (see page 29), use of bequests, donations, foundation awards and gifts. Some libraries may use professional fundraisers for large capital campaigns. Names of reputable firms are available through the district library center.

If a referendum is needed, a citizen group (perhaps Friends of the Library) will need to carry the ball. The group should plan a campaign, raise funds to carry it through and provide volunteers to carry the message to individuals and groups throughout the area. This is a specialized phase of the total building program. Excellent advice and written material on these elections can be obtained on interlibrary loan, or from the district library center.

<p>GET ADVICE FIRST Ask the district library center.</p>

Once the source of funds is determined, the board can proceed with firm planning. Usual steps for a building program include:

- The preparation of a statement of what the building will accomplish. This can be based on the material developed by the building consultant, or on a self-study involving staff and board.
- The translation of the building statement into an architectural plan by an architect hired for the job.

This involves a number of meetings with board and staff until consensus is developed. Remember the involvement of the municipality!

- The drawing of firm plans and specifications for the building.
- Putting the plans out for bid, following legal requirements.
- Accepting bids, signing contracts and authorizing the start of the construction.
- Following progress of construction under the supervision of the architect and such other personnel as needed. Construction managers are useful here!
- Planning for the organization of the interior, the decoration and the landscaping, and getting bids as needed.
- Scheduling final inspections, moving day and the coming together of all equipment, furniture and services.
- Planning dedication ceremonies.
- Paying final bills and auditing records.

Important personnel involved are the library board and staff, the municipal officials (who may take over many details), the architect, a lawyer to draft contracts and handle details to protect the board and assure completion, an insurer to protect the community's investment, and contractors for services other than construction.

Building a NEW LIBRARY is complex and places responsibility on the municipality and library board. However, the process is exciting to the community, insures interesting public relations and results in the space needed to fulfill the library's service obligation to the community.

COOPERATIVE PROGRAMS

Public libraries cooperate not only with other public libraries through participation in systems and the District Library Center program, but also with other types of libraries. INTERLIBRARY COOPERATION is an activity undertaken jointly by different kinds of libraries. Act 105, passed in 1982, amended The Library Code to give the Office of Commonwealth Libraries responsibility for fostering and guiding interlibrary cooperative programs between all types of libraries in Pennsylvania.

Cooperation can result in improved library service and better use of library resources. Libraries must work together to have information available as efficiently and effectively as possible. Cooperation is not an answer to library budget cuts. Borrowing materials from another library cannot replace having a useful collection of books and other materials in your own library.

Pennsylvania has a number of cooperative organizations. These include the statewide delivery program, known as The Interlibrary Delivery Service (IDS); regional programs, such as PALINET (Pennsylvania Area Library Network); the Pennsylvania Family Literacy Program; and programs organized on a local basis that include social service, local government agencies and community organizations.

These and similar organizations help the member library to increase the scope and extent of services it can offer to its clientele. Interlibrary loan arrangement permits one library to borrow from larger or more specialized collections to meet specific patron requests. IDS can be used to send materials among District Library Centers. Many libraries include their holdings in union catalogs at the country, district or multidistrict level. Union catalogs may list books and other

materials currently received or held. These records may be in print format, on compact disc or available through the Internet.

District Library Centers and many larger libraries subscribe to OCLC, Inc. This on-line database contains holdings records from libraries throughout the world.

ACCESS PENNSYLVANIA is a program to assure access to the resources of all of the state's libraries for all Commonwealth residents. It includes the Access Pennsylvania Statewide Library Card Program and the Access Pennsylvania Database Program. The Statewide Library Card Program allows any Pennsylvanian who is a registered borrower in good standing at a participating public library to borrow from any other participating public library in the state. The Database Program contains records from all types of libraries including District Library Centers and Regional Resource Centers. The database provides an automated file for library users to locate information about their libraries' holdings and those of many other libraries across the state.

The Access Pennsylvania Database can be found on the web at <http://www.accesspa.state.pa.us>

Trustees should be aware of the cooperative groups active in their area and the potential for increasing service through cooperation. The district library center's consultant librarian is a valuable resource for information about cooperative programs available to local libraries.

UNDERSTANDING THE LANGUAGE OF LIBRARIANS

Over the years, librarianship has developed a language with some unique terminology. Understanding the following common terms will help trustee and librarian to communicate!

Access--availability of the library and its services to residents of a service area. In a larger sense, the ability to reach information sources through a library and its cooperative links to additional sources.

Access PA Database--a project of the Pennsylvania Department of Education and the Office of Commonwealth Libraries, started in 1985 to provide a union catalog for the State of Pennsylvania. It was the first, and remains the largest statewide union catalog that includes the holdings of all types of libraries.

Accredited Library School--a college or university offering a library education program meeting standards of the American Library Association and officially accredited by a committee of ALA. The phrase "approved graduate library school" is used in Pennsylvania law.

ALA--American Library Association, the national professional library association.

ALTA--Association for Library Trustees and Advocates, a division of the American Library Association (ALA).

Barcode--a printed horizontal strip of vertical bars used for identifying specific items or users. The codes, which represent numerical data, are read by a bar code reader and interpreted via software or hardware decoders. In libraries, barcodes are affixed to both books and library cards to assist in circulation and collection control.

Book and Materials Selection--the decision-making process for library materials purchases. Selection is usually based on a policy adopted by the library board, the goals and objectives of the library, use of selection guides, such as those prepared by the American Library Association, funds available, and the skill of the library staff in meeting local needs. Materials include all types: books, periodicals, records, films, videocassettes, etc.

Call Numbers--the classification numbers of an item of library material, used to mark the item, shelve it properly, list it in the catalog and find it for a patron. The Dewey Decimal and the Library of Congress are two classification systems.

Cataloging--the process of physically describing library materials. A record is prepared for the library's catalog using a standard format.

Certification--issued by the State Librarian to qualified persons meeting requirements set down in the PENNSYLVANIA CODE (Title 22: Chapter 133). Persons may be certified as professional librarian, provisional librarian or library assistant.

CD-ROM--Compact Disc, Read-Only Memory. A disc upon which data and/or multimedia information have been digitally recorded as optical rather than magnetic bits; the information can be read by a laser beam mechanism in a CD-ROM player.

CE--Continuing education.

Circulation--statistics showing library use by a count of materials checked out. Also the department or area of the library, which receives returned material and checks out materials to users.

Collection--a one-word term for the library's total holdings; the books, films, tapes, pictures, etc., that make up the materials the library has on hand for its users. A special collection refers to an area of specialization: for example, rare books, local history or regional authors.

Deposit Station--a public library service point in a community location such as a school, factory or store where a small collection of materials is established and rotated.

Dewey Decimal System--a method of classifying library materials based on the use of decimals and developed by Melvil Dewey.

District Advisory Council--an advisory group within a given library district, representative of local libraries, the District Library Center and all geographic areas; advises the District Library Center on the provision of district resources and services.

District Library Center--a public library designated by the State Librarian; provides back-up resources and services to the public libraries in its district. District Centers also provide consultant services to the libraries to help improve their services.

DVD--Digital video (or versatile) disc--A high-capacity CD requiring a special (DVD) player, often used for video recordings.

E-Book--a general term used to describe a text or monograph which is available in an electronic form and is read using a computer or other electronic device.

E-rate--a federal program that reimburses libraries for certain telecommunication costs.

Firewall--a gateway used to protect a server or a network from unauthorized access. A firewall generally consists of both hardware and software components.

FOLUSA---Friends of Libraries U.S.A. The national organization for Library Friends groups.

Hardware--the bolts, nuts, boards, chips, wires, transformers, circuits, etc. In a computer, the physical components of a computer system.

ILL or Interlibrary Loan--originally, one library borrowing from another in order to serve the user. Now, a system of interlibrary cooperation that allows libraries to provide materials for their users no matter in what library it may be located in the nation.

IMLS--Institute of Museum and Library Services. The federal agency that administers the Library Services and Technology Act (LSTA).

Integrated Library System-- computer software that automates major library functions (the online catalog, circulation, book ordering, financial operations, etc.) using shared databases.

LAN--Local area network. A network of computers within an office or building (or other small area) linked together so as to be capable of direct communication with one another to share resources. (Compare WAN.)

Library of Congress (LC)--the library in Washington, D.C. that serves the U. S. Congress and other libraries in increasing forms of service. . LC catalogs, while books, are in the publication process so that catalog cards can be available as soon as libraries purchase the book. . Many libraries are using the LC classification system in place of the Dewey Decimal.

Linked system--a general term for a system formed by linking two or more separate automated library systems together to allow at least the simultaneous searching of the linked catalogs.

LSTA--Library Services and Technology Act. The major federal library funding law. The abbreviation LSTA is often also applied to the grant program funded by the act.

MLS--the Master of Library Science degree, taken as a fifth year of study beyond the bachelor level. Usually regarded as a minimum requirement for a professional librarian. (Pennsylvania issues certificates of professional librarian under several criteria. See PENNSYLVANIA CODE, Title 22:133.4.)

Media--in the library world, books and audio-visual materials.

NLW-- National Library Week

OCLC--Online Computer Library Center, Inc. Producers of an international bibliographic utility (often itself called OCLC) used by libraries for cataloging information and a variety of related services.

OPAC-- On-line Public Access Catalog. A computer-based library catalog, which has replaced the traditional card catalog in most modern libraries.

Output Measures--methods devised for measuring a library's performance, as determined by use of the library's resources and services.

PaLA--Pennsylvania's statewide organization for library staff representing all types of libraries.

PCBL--Pennsylvania Citizens for Better Libraries. A statewide advocacy group for individuals and library friends' organizations in Pennsylvania.

Periodical--a publication with a distinctive title, intended to appear in successive numbers or parts, at stated or regular intervals and, as a rule, for an indefinite time. Magazines and newspapers are examples of periodicals.

PHEAA--Pennsylvania Higher Educational Assistance Agency. A state grant program paying 80% of the cost of summer workers in nonprofit agencies.

PLA--The Public Library Association. A division of ALA (see above).

POWER Library--The POWER Library is offered as a service of Pennsylvania's public libraries, school libraries and the State Library. The POWER library provides access to thousands of full text periodical articles, newspapers, a major encyclopedia, photographs, pictures, charts, maps, and reference materials for children, teens and adults.

Processing--preparing books and other materials to be made available to the library's users. Some materials are ordered pre-processed, or ready for the shelf. Processing may include cataloging, preparation of cards, putting in book pockets and making protective covers.

PSLA--Pennsylvania's statewide organization for school library and media center staff.

Public Access Workstation--any computer or terminal available exclusively for public use in the library.

Rules and Regs--shorthand terminology for rules and regulations issued for the approval of plans for the use by libraries of state funds in Pennsylvania. These rules are developed by the Governor's Advisory Council.

Serials--publications that are issued in sequence, such as magazines, journals and newsletters. So-called because these publications carry serial numbers indicating volume and issue.

Shared System--A computerized catalog and circulation system shared by a number of libraries.

Shelf List--a kind of catalog or inventory of items as they appear on the library shelf. This list may include the "holdings" of a branch library.

Shelf Reading--physically checking the shelves to make certain the books are in the proper location, and reshelving books to their proper place.

Software--computer equipment and supplies such as programs, diskettes, language cards, printer paper, storage containers, etc.

SRP--Summer Reading Program. An umbrella term for the children's activities and programs that a public library provides during the summer.

Statewide Resource Center--in Pennsylvania, one of four libraries designated as a statewide library resource center. These libraries share their resources with other libraries in the state and generally hold large quantities and many kinds of materials. Each resource center orders and maintains in depth collections in certain specified subject areas. The four statewide resource center libraries are The Carnegie Library of Pittsburgh, The Free Library of Philadelphia, the Pennsylvania State University Libraries, and the State Library of Pennsylvania.

TDD--telecommunications device for the deaf. See TTY.

Title--a publication that forms a separate bibliographic whole, whether issued in one or in several volumes, reels, discs, slides, or parts. The term applies equally to printed materials, such as books and periodicals, and to audiovisual materials and microforms. Duplicate copies represent one title.

TTY--teletypewriter. TTY is interchangeable with TDD, but TTY is the term more generally used among the deaf. Also called a "text telephone."

Union Catalog--a listing of items, usually periodicals, but often films and books, of a number of libraries which combine their lists in order to locate materials quickly. The "lists" may be just that, or they may be on catalog cards or in a computer.

Vertical file--literally the upright office files used to hold pamphlets, brochures, articles, pictures and other items most easily organized by filing.

Volume--the physical units or items in a collection. Items that are packaged together as a unit, e.g., two compact discs, two films or two videocassettes, and are generally checked out as a unit. Should be counted as one physical unit, one volume.

WAN--Wide area network. A network of computers connecting widely separated offices or buildings (such as separate libraries across a region) and linked together so as to be capable of direct communication with one another to share resources. (Compare LAN.)

Weeding--disposing of books and other library materials no longer up-to-date or useful to the patrons of the library. Weeding keeps a collection current, makes way for new material, and provides ongoing evaluation of the library's material and its use.

Appendix I

THE LIBRARY CODE

(To be cited as The Library Code, Act of June 14, 1961, P.L. 324
as amended through June 30, 2003)

THE LIBRARY CODE

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION
COMMONWEALTH LIBRARIES
2003**

FOREWORD

This edition of The Library Code contains all amendments through June 30, 2003. Since The Code was adopted more than 40 years ago, it has repeatedly demonstrated its value to the development of library services in the Commonwealth. It will continue to form the strong foundation for future development.

The edition of October 2002 and all previous editions should now be considered obsolete. The present edition incorporates the following Acts of Amendment:

Act 366 December 14, 1967

Act 398 December 21, 1967

Act 116 June 24, 1968

Act 106 May 5, 1970

Act 150 December 1, 1971

Act 172 December 29, 1971

Act 200 December 9, 1980

Act 96 April 27, 1982

Act 105 May 4, 1982

Act 90 June 27, 1985

Act 50 July 10, 1985

Act 18 June 30, 1989

Act 37 June 26, 1999

Act 57 June 28, 2000

Act 36 June 22, 2001

Act 164 December 9, 2002

August 2003

COMMONWEALTH OF PENNSYLVANIA
Department of Education
COMMONWEALTH LIBRARIES

HARRISBURG

2003

Edward G. Rendell..... Governor of the Commonwealth
Vicki L. Phillips Secretary of Education
Gary D. Wolfe Deputy Secretary

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Larry White, Ex officio, Chief Counsel, Department of Education

PLEASE NOTE

Act of The General Assembly No. 74, Session of 1969, created the Department of Education and transferred to it the power and duties of the Department of Instruction.

Section 3(a) and (b) of Act No. 74 states:

"(a) whenever in any law reference is made to the Department of Public Instruction such reference shall be deemed to refer to and include the Department of Education.

(b) Whenever in any law reference is made to the Superintendent of Public Education or to the Secretary of Education, such reference shall be deemed to refer to the Superintendent of Public Instruction as ex officio Secretary of Education."

Act of The General Assembly No. 75, Session of 1975, transferred to the Department of General Services all of the functions, powers and duties of the Department of Property and Supplies.

Section 21(a) of Act No. 75 states:

"(a) Whenever in any law reference is made to the Department of Property and Supplies such reference shall be deemed to refer to and include the Department of General Services."

In the following, read "Department of Education" for "Department of Public Instruction", "Secretary of Education" for "Superintendent of Public Instruction" and "Department of General Services" for "Department of Property and Supplies."

AN ACT

Relating to the establishment, operation and maintenance of the State Library and public libraries in the Commonwealth; amending, revising, consolidating and changing the laws relating thereto; imposing duties upon public officers; providing for State and local cooperation and assistance in the establishment and maintenance of libraries; prescribing penalties; and repealing existing laws.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Article I.

SECTION 101. SHORT TITLE.

This act shall be known and may be cited as "*The Library Code*."

The Library Code

SECTION 102. DEFINITIONS - As used in this act --

Definitions

(1) "*LOCAL LIBRARY*." Any free, public, nonsectarian library, whether established and maintained by a municipality or by a private association, corporation or group, which serves the informational, educational and recreational needs of all the residents of the area for which its governing body is responsible, by providing free access (including free lending and reference services) to an organized and currently useful collection of printed items and other materials and to the services of a staff trained to recognize and provide for these needs.

(2) "*COUNTY LIBRARY*." Any local library or division of a local library, which derives income from the commissioners of the county for the express purpose of making its resources and services available without charge to all the residents of the county, and to bring direct library service to those county residents not served by other local libraries located within the same county. For the purposes of this act, a local library operating a distinct county division shall be considered as two agencies, namely, a local library and a county library which are merged or conjoined.

(3) "*DISTRICT LIBRARY CENTER*." Any library designated as such by the State Librarian and receiving State-aid for the purpose of making its resources and services available without charge to all the residents of the district, of providing supplementary library services to local libraries within the district, of coordinating the services of all local libraries within the district which by contract become part of the district library center system and of exchanging, providing or contracting for library services with other district library centers.

(4) "*STATE-WIDE LIBRARY RESOURCE CENTER*." Any library designated as such by the State Librarian and receiving State-aid for the purpose of acquiring major research collections and, under such rules and

regulations as are promulgated by a board consisting of the head librarians of all State-wide library resource centers and under the chairmanship of the State Librarian, making them available to the residents of the Commonwealth on a State-wide basis.

(5) "*MUNICIPALITY.*" Any county, city, borough, town, township or any school district of the second, third or fourth class, which establishes or maintains a local library.

(6) "*MUNICIPAL OFFICERS.*" The mayor and council of any city, the mayor and council of any borough or town, the commissioners or supervisors of any township, the commissioners of any county or the board of school directors of any school district of the second, third or fourth class.

(7) "*Library System.*" A county-level or multi-county level federation of at least two local libraries which:

- (i) serve at leave twenty-five thousand (25,000) people;
- (ii) have voluntarily agreed to participate in the federation; and
- (iii)** have delegated the policy-making functions to a system board of directors.

Article II.

State Library Power & Duties

SECTION 201. STATE LIBRARY AND STATE LIBRARIAN; POWERS AND DUTIES -

The Department of Education shall have the power, and its duty shall be -

- (1) To appoint a suitably qualified State Librarian as the person to exercise the powers and discharge the duties pursuant to this section.
- (2) To control, direct, supervise and manage the State Library as an agency providing information and fostering continuing education in the state education program.
- (3) To maintain, as part of the State Library, a law library.
- (4) To receive copies of all publications of all agencies of the Commonwealth in order to maintain a definitive, organized collection of all such publications by the State Library and to provide for the distribution of such publications to other libraries. The State Librarian shall also designate selected academic or public libraries within the Commonwealth to be State government document depository libraries under criteria and regulations approved by the Advisory Council on Library Development and, in the case of documents published pursuant to the act of July 31, 1968 (Act No. 240), known as the "Commonwealth Documents Law," by the Joint Committee on Documents.
- (5) To coordinate a State-wide system of local libraries and to counsel local libraries on minimum standards for number and quality of library staff,

resources of books and other materials, location of new local libraries, hours and physical facilities. Nothing contained herein shall restrict or limit public libraries in the selection of resources of books and other material not determined from counseling.

(6) To give advice and counsel to all local libraries, district library centers and State-wide library resource centers and to all municipalities and groups, which may propose to establish libraries, in the selection of books, cataloguing and other details of library management and as to the best means of establishing and administering such libraries.

(7) To inspect local libraries, district library centers and State-wide library resource centers and require reports in such manner as may be deemed proper.

(8) To purchase and maintain a general collection of books, periodicals, newspapers, maps, slides, films and other library materials for the use of State and local governments, libraries and the public generally.

(9) To make available all library materials of the State Library for circulation to local libraries and to the public generally under rules and regulations promulgated by the State Librarian, except that the State Librarian may restrict the circulation of library materials which, because they are rare or are used intensively in the State Library for reference or other purposes, should be retained in the State Library at all times.

(10) To promote and demonstrate library service throughout the State.

(11) To collect, preserve and publish library statistics

(12) To study library problems throughout the State and make the resultant findings available to all libraries within the State applying therefor.

(13) To certify library personnel in the following categories: Library Assistants having two years of college education in addition to in-service library training; Provisional Librarians having a college degree and introductory education in library service; and Professional Librarians having a college degree in addition to one or more academic years of professional library education. The State Librarian may conduct examinations and promulgate rules and regulations providing for the certification of persons in the above categories based upon actual library experience as equivalent to the above minimum educational requirements: Provided, That this act shall not apply to clerks, typists, volunteer workers or other personnel, who do not need special library training: And provided further, That all library personnel employed at the effective date of this act shall be certified for the positions they then hold.

(14) To conduct and arrange for training programs for library personnel.

(15) Generally, to promulgate rules and regulations for the purpose of carrying out the powers and duties relating to libraries as are imposed by

law: Provided, That such rules and regulations shall not, directly or indirectly, prohibit the inclusion of a particular book, periodical or material, the works of a particular author or the expression of a particular point of view. Such rules and regulations shall not take effect until approved by the Advisory Council on Library Development.

(16) Whenever necessary for the purpose of administering the library laws of the Commonwealth to act as arbiter in defining the direct service area of any library.

(17) To receive funds allocated to the State for library purposes by the Federal government or by private agencies and to administer such funds in library maintenance, improvement or extension programs consistent with Federal and State Library objectives.

(18) To promote, and support cooperation among the various types of libraries in Pennsylvania for the purpose of increasing the services and resources available through libraries, and to provide financial support for the development and maintenance of cooperative programs from funds appropriated to the State Library for the purpose of supporting interlibrary cooperative programs. It is the intent of this legislation to promote cooperation among types of libraries, not to decrease or supplant the existing financial support of any single type of library.

Advisory Council
on
Library
Development

SECTION 202. ADVISORY COUNCIL ON LIBRARY DEVELOPMENT.

The Advisory Council on Library Development is hereby created and placed in and made a part of the Department of Public Instruction.

SECTION 203. APPOINTMENT, QUALIFICATION, TENURE.

The Advisory Council on Library Development shall consist of twelve members who shall be appointed by the Governor, three of whom shall be trustees of local libraries, three of whom shall be professional librarians, and six of whom shall be laymen. The Superintendent of Public Instruction and the State Librarian shall be ex officio members of the council. The term of office of each member of the council shall be four years from the third Tuesday of January of the year in which he takes office, or until his successor has been appointed and has qualified, except that in the initial appointment of members of the council, four members shall be appointed for a term of one year, four members for a term of two years and four members for a term of three years. The members shall serve without compensation other than reimbursement for travel and other actual expenses incurred in the performance of their duties. The Governor shall designate one member as chairman of the council. The council shall meet at least four times a year at such times and places as it shall determine.

SECTION 204. POWERS AND DUTIES.

The Advisory Council on Library Development shall have the power, and its duty shall be –

- (1) To advise the Governor and the Superintendent of Public Instruction with regard to the appointment of the State Librarian.
- (2) To give advice and make recommendations to the Governor, the Superintendent of Public Instruction and the State Librarian with respect to the general policies and operations of the State Library and the Commonwealth's library program.
- (3) To constitute a board of appeal in regard to disputes arising from decisions of the State Librarian, which affect the amount of State-aid to a library or its eligibility for State-aid. In any such appeal, the ex officio members of the council shall not have voting rights and the vote of a majority of the duly appointed members of the council shall be determinative of the appeal.
- (4) To aid in increasing public understanding of, and formulating plans for, furthering the purposes of this act.
- (5) To promulgate rules and regulations for the approval of plans for the use of State funds.
- (6) To approve or disapprove the library district designations and alignments which are recommended by the State Librarian.

SECTION 209. STATE-WIDE LIBRARY RESOURCE CENTERS.

**State-wide Library
Resource Centers**

The State Librarian shall designate four State-wide library resource centers to be located at the following places:

- Free Library of Philadelphia,
- State Library of Pennsylvania,
- Pennsylvania State University Library, and
- Carnegie Library of Pittsburgh.

SECTION 210. POWERS AND DUTIES OF STATE-WIDE LIBRARY RESOURCE CENTERS.

State-wide library resource centers shall have the responsibility and power to acquire major research collections and, under rules and regulations as are promulgated by a board consisting of the head librarians of all State-wide library resource centers and under the chairmanship of the State Librarian, to make them available to the residents of the Commonwealth on a State-wide basis.

**District Library
Centers**

SECTION 211. DISTRICT LIBRARY CENTERS.

The State Librarian, with the approval of the Advisory Council on Library Development, shall designate up to thirty libraries throughout the Commonwealth as District Library Centers which may include any local library, any State College library, the Pennsylvania State University library and any privately supported college or university library which may agree to serve as a District Library Center District. Library Centers shall have the power to contract with any city, borough, town, township, school district,

county or board of trustees or managers of any local library, which wishes thereby to become part of the District Library Center system of such district. Any District Library Center shall have the power to provide direct library service to persons residing within the district, to provide supplementary library services to all local libraries within the district, and to exchange or provide services with other District Library Centers or contract for the provision of library services with other District Library Centers.

ARTICLE III.

State Aid

SECTION 301. SYSTEM OF STATE-AID FOR LOCAL LIBRARIES, COUNTY LIBRARIES, LIBRARY SYSTEMS, DISTRICT LIBRARY CENTERS AND STATE-WIDE LIBRARY RESOURCE CENTERS.

A system of State-aid to assist in the support and maintenance of local libraries, county libraries, library systems, district library centers and State-wide library resource centers is hereby established.

Definitions

SECTION 302. DEFINITIONS. As used in this article --

(1) "*BASIC STANDARDS.*" The basic standards are standards promulgated by the State Librarian and approved by the Advisory Council on Library Development, in compliance with sections 201(15) and 303, which must be achieved by a local library to qualify for the State-aid authorized by sections 303.2 and 303.11 and by a branch library or a bookmobile to qualify for the State-aid authorized by section 303.11. The standards shall be those deemed essential to a library, branch or bookmobile for it to fulfill the definition of local library stated in section 102(1).

(2) "*DIRECT SERVICE AREA.*" The municipality or municipalities to which the governing body of a library is responsible for extending all its library services without charge.

(3) "*FINANCIAL EFFORT.*" The sum expended annually by a local library for the establishment, operation and maintenance of library services which derives from local taxes, gifts, endowments and other local sources, as may be provided under rules and regulations adopted by the Advisory Council on Library Development, and which is used to determine eligibility for State-aid.

(4) "*FINANCIAL EFFORT EQUAL TO ONE-HALF MILL.*" The financial effort equal to one-half mill times the market value of taxable property, as determined by the State Tax Equalization Board, in the municipalities for which aid is claimed or in the direct service area of a local library, whichever is applicable.

(5) "*FINANCIAL EFFORT EQUAL TO ONE-QUARTER MILL.*" The financial effort equal to one-quarter mill times the market value of taxable

property, as determined by the State Tax Equalization Board, in the municipalities for which aid is claimed or in the direct service area of a local library, whichever is applicable.

(5.1) "*INTERNET*." The international nonproprietary computer network of both federal and non-federal interoperable packet-switched data networks.

(5.2) "*LOCAL GOVERNMENT SUPPORT*." Support from a municipality within a direct service area for the normal recurring operating costs of a library or a library system serving that direct service area from appropriations, general purpose taxes, special library taxes or direct payment of any library expense. The term shall not include costs of shared services, in-kind costs or employment program costs.

(6) "*MINIMUM STANDARDS*." Standards promulgated by the State Librarian and approved by the Advisory Council on Library Development, in compliance with sections 201(15) and 303, which must be achieved by a local library or a library system to qualify for incentive aid under section 303.4.

(7) "*PER CAPITA*." Amounts determined on the basis of either the latest official United States Census report or the population upon which the 1979-1980 state aid payment was based, whichever is greater. Beginning with the 1999-2000 fiscal year, the term shall mean the most recent official United States Census report for purposes of calculating payment under sections 303.2, 303.5, 303.8 and 303.10.

(8) "*SURPLUS FINANCIAL EFFORT*." The financial effort which is in excess of a financial effort equal to one-half mill on market value in the direct service area or two dollars (\$ 2) per capita for each person residing in the direct service area of the local library, whichever is less.

SECTION 303. STATE-AID.

(A) Beginning in the 1985-1986 fiscal year and through the 1998-99 fiscal year, in each year that the Commonwealth's total annual appropriation for the system of State-aid established by Section 301 equals or exceeds seventeen million five hundred thousand dollars (\$17,500,000), two and three-quarters percent (2.75%) of said appropriation shall first be allocated as equalization aid, as provided for in section 303.10 and the remainder of said appropriation shall then be allocated according to the percentages established in sections 303.1, 303.4, 303.7 303.8, 303.9 and 303.11.

(B) Subject to the limitations in subsection (a), State-aid shall be paid when a library achieves the applicable standards determined by counseling with the State Librarian pursuant to the advice and recommendations of the Advisory Council on Library Development, or submits plans as set forth in Section 304 of this act leading to the achievement of such standards, and makes a minimum financial effort except that no library receiving State-aid prior to and at time of the approval of this act shall receive less State-aid as

a result of the provisions hereof notwithstanding that such library has not accepted the provisions of this act.

Basic Aid

SECTION 303.1. BASIC AID TO LOCAL LIBRARIES.

(A) For eligible fiscal years up to and through the 1998-99 fiscal year, twenty-five percent (25%) of the Commonwealth's total annual appropriation for the system of State-aid established by Section 301, or a minimum of twenty-five cents (25¢) per capita for each person residing in the municipalities of the libraries which qualify for basic aid, shall be allocated as basic aid.

(B) Any local library which makes a minimum financial effort equal to one-half mill, for the municipalities on behalf of which it applies for aid, or two dollars (\$2) per capita for each person residing in those municipalities, whichever is less and achieves the basic standards, shall qualify for basic State-aid. Such aid shall not be less than twenty-five cents (25¢) for each person residing in the municipalities. However, when the allocation for basic aid exceeds the amount necessary to pay the minimum rate, the entire allocation shall be distributed at a per capita rate which shall be determined by dividing the allocation by the number of persons in the Commonwealth on behalf of which local libraries and library systems apply and qualify for basic aid: Provided, That in the first year in which a library applies for State-aid it shall qualify by making a minimum financial effort equal to one-quarter mill, or one dollar (\$1) per capita for each person residing in the municipalities whichever is less.

(C) In each of the succeeding five years, such library shall qualify for maximum State-aid only when it increases its financial effort by the following scale of percentages of the difference between the financial effort with which such library initially qualified for State-aid and a financial effort equal to one-half mill, or two dollars (\$2) per capita for each person residing in the municipalities for which it applies for aid, whichever is less:

- 1st succeeding year--20 percent,
- 2nd succeeding year--40 percent,
- 3rd succeeding year--60 percent,
- 4th succeeding year--80 percent,
- 5th succeeding year--100 percent.

But where the increase in any year is less than the percentage specified above, the amount of State-aid shall be reduced by a percentage equal to one-fifth of the percentage which the difference between the required increase and the actual increase bears to the required increase multiplied by the number of years of participation in State-aid beyond the first year.

(D) After the fifth succeeding year, a local library shall not be eligible for further State-aid unless it makes a financial effort equal to one-half mill for the municipalities on behalf of which it applies for aid, or two dollars (\$2)

per capita for each person residing in those municipalities, whichever is less.

**Quality Libraries
Aid**

SECTION 303.2. QUALITY LIBRARIES AID.

(A) For fiscal year 1999-2000, qualifying local libraries and library systems shall receive Quality Libraries Aid to be allocated from the sum total of a hold harmless amount plus an annual supplement, both amounts to be derived from the Commonwealth's annual appropriation for grants to local libraries and library systems. The hold harmless amount for Quality Libraries Aid shall be the amount allocated under Section 303.1 for Basic Aid to Local Libraries for fiscal year 1998-1999 from the amount allocated from the Commonwealth's annual appropriation for grants to local libraries and library systems. For fiscal year 1999-2000, the annual supplement shall be forty-seven percent (47%) of any increase in the Commonwealth's annual appropriation for grants to local libraries and library systems above the amount appropriated for fiscal year 1998-1999. For fiscal year 2000-2001, and each fiscal year thereafter, the amount allocated for Quality Libraries Aid shall be specified in the Commonwealth's annual appropriation for grant to local libraries and library systems within the general appropriation act for that fiscal year.

(B) Quality Libraries Aid shall be allocated to qualifying local libraries and library systems on a per capita basis in the following manner: The annual allocation of funds available for Quality Libraries Aid shall be divided by the total population on which all libraries and library systems qualify for State-aid to yield a per capita amount of Quality Libraries Aid. The per capita amount of Quality Libraries Aid shall then be multiplied by the total population residing within the municipalities served by a library or library system which qualifies for aid.

(C) To qualify, a local library or library system must make a minimum financial effort of five dollars (\$5) per capita for each person residing in the municipalities based on which it qualifies for aid.

(D) Any local library or library system that received State-aid Section under 303.1 for fiscal year 1998-1999 shall have up to three years to make the minimum financial effort of five dollars (\$5) per capita but must annually for each of those three years increase its minimum financial effort over that made in the preceding fiscal year in order to qualify for Quality Libraries Aid.

(E) Any local library or library system that did not receive State-aid under Section 303.1 for fiscal year 1998-1999 must make the minimum financial effort of five dollars (\$5) per capita in order to qualify for Quality Libraries Aid.

(F) Any local library or library system which applies for State-aid on behalf of an economically distressed municipality as defined in Section 303.10 must expend a minimum of two dollars (\$2) per capita for the residents of the municipality.

(G) Except for the population of municipalities considered economically distressed, beginning with fiscal year 2002-2003, all libraries and library systems which received State-aid in fiscal year 1998-1999 must make a minimum financial effort of five dollars (\$5) per capita to qualify for Quality Libraries Aid.

SECTION 303.3. QUALITY LIBRARIES AID CRITERIA.

(A) To receive aid under Section 303.2, the local library or library system must meet the following minimum standards:

(1) Participate in the Access Pennsylvania Statewide Library Card Program.

(2) Lend materials free of charge on a reciprocal basis to all types of libraries in this Commonwealth.

(3) Provide interlibrary loans to residents of the library's direct service area free of charge.

(4) Be open for service at least twenty-six hours per week during hours best-suited to the needs of residents of its service area, to include at least six hours during the weekend period beginning on Saturday and ending on Sunday. Weekend hours may be reduced to four hours during time periods as community-use patterns warrant for ten weeks per year.

(5) The library director shall annually attend at least eight hours of continuing education programs approved by the Office of Commonwealth Libraries.

(6) Participate in the County Library Plan for the coordination of county-wide services. In the absence of a county library, participate in the development of a coordinated county services plan developed with the district. The State Librarian may, on a case-by-case basis, grant a waiver of participation in certain provisions of the plan under this clause.

Incentive Aid

SECTION 303.4. INCENTIVE AID TO LOCAL LIBRARIES.

(A) For eligible fiscal years up to and through the 1998-99 fiscal year, twenty-five percent (25%) of the Commonwealth's total annual appropriation for the system of State-aid established by section 301, or a minimum of twenty-five cents (25¢) per capita for each person residing in the direct service areas of the libraries which qualify for incentive aid, shall be allocated as incentive aid.

(B) Any local library or library system which makes a minimum financial effort equal to one-half mill, or two dollars (\$2) per capita for each person residing in its direct service area, whichever is less and fulfills the minimum standards for local libraries or the minimum standards for library systems, whichever is applicable, shall qualify for incentive aid, which shall be in

addition to all other amounts of aid provided in this section. Each qualifying library or library system shall receive incentive aid up to fifty cents (50¢) for each one dollar (\$1) of surplus financial effort but when fifty cents (50¢) per dollar of surplus financial effort is more than twenty-five cents (25¢) per capita the minimum incentive aid shall be twenty-five cents (25¢) per capita for each person residing in the direct service area. However, if after paying the minimum amount set forth in this section there is a balance in the allocation, the balance shall be prorated among the libraries and library systems which qualify for a larger amount of aid at the rate of fifty cents (50¢) for each one dollar (\$1) of surplus financial effort rather than at the rate of twenty-five cents (25¢) per capita.

**Incentive for
Excellence Aid**

SECTION 303.5. INCENTIVE FOR EXCELLENCE AID.

(A) For fiscal year 1999-2000, qualifying local libraries and library systems shall receive an Incentive For Excellence Aid to be allocated from the sum total of a hold harmless amount plus an annual supplement, both amounts to be derived from the Commonwealth's annual appropriation for grants to local libraries and library systems. The hold harmless amount for Incentive For Excellence Aid shall be the amount allocated under Section 303.4 for Incentive Aid to Local Libraries for fiscal year 1998-1999 from the amount allocated from the Commonwealth's annual appropriation for grants to local libraries and library systems. For fiscal year 1999-2000, the annual supplement shall be fifty-three percent (53%) of any increase in the Commonwealth's annual appropriation for grants to local libraries and library systems above the amount appropriated for fiscal year 1998-1999. For fiscal year 2000-2001 and each fiscal year thereafter, the amount allocated for Incentive for Excellence Aid shall be specified in the Commonwealth's annual appropriation for grants to local libraries and library systems within the general appropriation act for that fiscal year.

(B) To qualify, a local library or library system must make a financial effort greater than five dollars (\$5) per capita for each person residing in the municipalities on behalf of which it applies for aid and meet the minimum standards for local libraries or library systems standards.

(C) Incentive For Excellence Aid shall be allocated to local libraries and library systems in the following manner: The annual allocation of funds available for Incentive For Excellence Aid shall be allocated proportionately to qualifying local libraries or library systems as follows:

(1) Tier 1 funding shall be an amount equal to eighty percent (80%) of each one dollar (\$1) per capita or portion thereof a local library or library system shows in financial effort between five dollars (\$5) and seven dollars and fifty cents (\$7.50) per capita.

(2) Tier 2 funding shall be an amount up to ten percent (10%) of each one dollar (\$1) per capita or portion thereof a local library or library system shows in financial effort between seven dollars and fifty-one cents (\$7.51) and fifteen dollars (\$15) per capita. Eligibility for Tier 2 funding does not preclude receipt of Tier 1 funding

(D) A local library or library system shall not use Incentive for Excellence funds to reduce its financial effort for normal, recurring operating costs from a previous level unless evidence of substantial curtailment of financial ability of the community is accepted by the State Librarian.

SECTION 303.6. INCENTIVE FOR EXCELLENCE AID CRITERIA.

Beginning with fiscal year 1999-2000, and each fiscal year thereafter, to qualify for aid under section 303.5:

(1) A local library or a library system must expend no less than twelve percent (12%) of its operating budget, excluding costs of an unusual, emergency or nonrecurring nature, on materials. A local library or library system that expends more than twelve percent (12%) in the year in which it qualified for Incentive for Excellence Aid must increase the total amount expended on collection each succeeding year by no less than five percent (5%) or the percentage increase in the appropriation for Improvement of Library Services, whichever is less.

(2) A local library or a member library within a library system must be open for full services at least forty-five hours per week with at least seven of these hours during the weekend period beginning on Saturday and ending on Sunday. A local library or member library within a library system serving a population below seven thousand (7,000) must be open at least thirty-five hours per week with at least seven of these hours during the weekend period beginning on Saturday and ending on Sunday. Libraries may reduce weekend hours to four hours for ten weeks per year during periods when community-use patterns warrant. A local library or member library within a library system may reduce total weekly hours by three hours per week during the ten-week period of reduced Saturday and Sunday hours if approved by the State Librarian.

(3) A local library or member library within the library system must require at least six hours of continuing education every two years for paid staff working at least twenty hours per week, in direct support of the library service.

County
Coordination Aid

SECTION 303.7. COUNTY COORDINATION AID.

(A) For eligible fiscal years up to and through 1998-1999 fiscal year, ten percent (10%) of the Commonwealth's total annual appropriation for the system of State-aid established by section 301 shall be allocated as aid to county libraries. For fiscal year 1999-2000, aid to county libraries and county library systems shall be allocated from a hold harmless amount to equal that amount allocated for aid to county libraries for fiscal year 1998-1999 from the Commonwealth's annual appropriation for grants to local libraries and library systems. For fiscal year 2000-2001 and each fiscal year thereafter, the amount allocated for County Coordination Aid shall be specified in the Commonwealth's annual appropriation for grants to local libraries and library systems within the general appropriation act for that fiscal year.

(B) In the case of a county library or a county library system in counties of the second through eighth class, State-aid shall be given in an amount measured by the amount appropriated by the county government from county moneys, either from the General Fund or a special library tax or other sources and from a district established pursuant to Section 3110-B of the Act of July 28, 1953 (P.L. 723, Number 230) known as the "Second Class County Code," for the support and maintenance of the county library, and shall be determined as follows:

Class of County	Percentage Match
2	5%
2A and 3	30%
4	50%
5	50%
6	100%
7	100%
8	100%

(C) County Coordination Aid shall be paid according to the provisions of this subsection.

(1) Payments to a county library or county library system in counties of the eighth class shall be calculated as follows:

(i) For fiscal year 2000-2001 a county library or county library system in a county of the eighth class shall be paid an amount equal to the percentage match in subsection (B) times the level of county support paid, or ten percent (10%) above the amount paid under this subsection in fiscal year 1999-2000, whichever is greater.

(ii) For fiscal year 2001-2002 and each fiscal year thereafter, a county library or county library system in a county of the eighth class shall be paid the greater of either an amount equal to the percentage match in subsection (B) times the level of county support paid, or an amount equal to the 2000-2001 payment providing the 2000-2001 payment was ten percent (10%) above the 1999-2000 payment and the level of county support paid is maintained. If the level of county support from its county decreases from the previous fiscal year, then the amount paid under this clause shall be an amount equal to the percentage match in subsection (B) for eighth class counties times the reduced level of county support paid.

(2) Payments to a county library or a county library system in counties of second through seventh class shall be made from the funds remaining after payments have been made to a county library or county library system in counties of the eighth class as provided in clause (1) and shall be an amount equal to the level of county support paid times the percentage match in subsection (B) for its county. If the funds remaining are insufficient to pay the total amount for which each county library and county library system in counties of the second through seventh class qualifies, then each shall be paid proportionately from the funds remaining.

(i) For fiscal year 2000-2001, payments to a county library or county library system in counties of the second through seventh class shall not be less than ten percent (10%) above the amount paid to it under this subsection in 1999-2000.

(ii) For fiscal year 2001-2002 and each fiscal year thereafter, a county library or county library system in counties of the second through seventh class shall be paid an amount equal to the greater of either the percentage match in subsection (B) for its county times the level of county support paid, or an amount equal to the 2000-2001 payment it received, provided the 2000-2001 payment was ten percent (10%) above the 1999-2000 payment and the level of county support paid is maintained. If the level of county support paid decreases from the previous fiscal year, then the amount paid under this clause shall be an amount equal to the percentage match in subsection (B) for its county times the reduced level of county support paid.

(3) A county library or county library system shall expend funds received under this subsection to implement a county-wide cooperative plan to improve and extend service. The plan shall coordinate areas of library service and administration, including library resources and collections, technology, personnel, services to children, adults and special populations. If there is no county library or county library system, the district library center shall coordinate a county-wide plan for services.

(D) A report of the expenditure of such state moneys shall be made annually to the county government and the State Librarian in such form as may be required. County libraries and county library systems may also apply for additional amounts of state aid under Sections 303.2, 303.5 and 303.11. County Coordination Aid shall be paid to the board of library directors in charge of each qualifying county library or county library system.

**District Library
Center Aid**

Section 303.8. DISTRICT LIBRARY CENTERS.

(A) For eligible fiscal years up to and through the 1998-1999 fiscal year, thirty percent (30%) of the Commonwealth's total annual appropriation for the system of State-aid established by section 301, or a minimum of twenty-five cents (25¢) per capita, shall be allocated as aid for district library centers. For fiscal year 1999-2000, aid to District Library Centers shall be allocated from a hold harmless amount to equal that amount allocated for aid to District Library Centers for fiscal year 1998-1999 from the amount allocated from the Commonwealth's annual appropriation for grants to local libraries and library systems. For fiscal year 2000-2001 and each fiscal year thereafter, the amount allocated for district library centers shall be specified in the Commonwealth's annual appropriation for grants to local libraries and library systems within the general appropriation act for that fiscal year. Funds allocated for District Library Centers shall be distributed according to the provisions of this section.

(B) Any library designated by the State Librarian to serve as a district library center shall qualify for an additional amount of State-aid. For fiscal year 2000-2001 and each year thereafter, the amount of aid to be paid each district library center shall be determined by multiplying the annual per capita rate set by the Department by the number of persons residing in the district; but in no case shall a district library center receive less than two hundred thousand dollars (\$200,000).

(C) For fiscal year 2000-2001 and each fiscal year thereafter, a district library center must meet the following standards to qualify for aid under this section:

(1) A District Library Center shall implement a program of service to local libraries through an agreement negotiated by representatives from the District Library Center, local libraries, library systems and the State Library. The program shall be implemented in accordance with District Library Center standards and guidelines issued by the State Librarian.

(2) As part of the Negotiated Agreement, the District Library Center shall provide leadership, coordination and consultation to local libraries in the following areas:

(i) Continuing education for library staff.

(ii) Library services to youth.

(iii) Library services to special populations, including, but not limited to, individuals with disabilities, home-bound individuals, the elderly and individuals who are deficient in basic literacy skills.

(iv) Information technology and library automation.

(v) Orientation and training for boards of directors of local libraries, library systems and

District Library Centers.

SECTION 303.9. STATE-WIDE LIBRARY RESOURCE CENTERS.

(A) For eligible fiscal years up to and through the 1998-1999 fiscal year, five percent (5%) of the Commonwealth's annual appropriation for the system of State-aid established by section 301 shall be allocated for aid to State-wide library resource centers.

(B) Any library designated by the State Librarian to serve as a State-wide library resource center shall qualify for additional State-aid. The allocation shall be divided equally among the libraries so designated. For fiscal year 1999-2000, aid to State-wide library resource centers shall be allocated from a hold harmless amount to equal that amount allocated for aid to State-wide library resource centers for fiscal year 1998-1999 from the amount allocated from the Commonwealth's annual appropriation for

District Library
Center Aid

grants to local libraries and library systems. For fiscal year 2000-2001 and each fiscal year thereafter, the amount allocated for State-wide Library Resource Centers shall be specified in the Commonwealth's annual appropriation for grants to local libraries and library systems within the general appropriation act for that fiscal year. Funds allocated for State-wide library resource centers shall be distributed according to the provisions of this section.

(C) State-wide library resource centers shall disseminate information to Pennsylvanians to augment the collections and services of local libraries and district library centers through means such as:

- i. Digitizing Pennsylvania resources from their extensive collections for State-wide accessibility and use via the Internet.
- ii. Implementing, for use by all Pennsylvanians, an on-line reference service based on the specialized resources and staff expertise of the four State-wide library resource centers.
- iii. Enhancing access to specialized on-line reference databases.
- iv. Building major research collections and making them available to all residents of this Commonwealth on a State-wide basis via direct borrowing, interlibrary loan or onsite use.

Equalization Aid

SECTION 303.10. EQUALIZATION AID.

(A) Beginning in the 1985-1986 fiscal year and through the 1998-1999 fiscal year, in each year that the Commonwealth's total annual appropriation for the system of State-aid established by section 301 equals or exceeds seventeen million five hundred thousand dollars (\$17,500,000), two and three-quarters percent (2.75%) of said appropriation shall first be allocated as equalization aid.

(B) Any local library or library system which achieves or exceeds applicable basic standards, maintains or exceeds its financial effort of the preceding year and is supported by a municipality that is economically distressed by any one or more of the following criteria shall qualify for equalization aid. For purposes of determining eligibility for equalization aid, an economically distressed municipality shall be:

(1) A city, borough, town or township having a market value per capita below the fifth percentile of all such cities, boroughs, towns and townships, as certified annually by the State Tax Equalization Board;

(2) Located in a county having a personal income per capita below the fifteenth percentile of all counties, as certified annually by the Department of Revenue; or

(3) Located in a county having an annual average unemployment rate above the seventieth percentile of all counties, as determined annually by the Department of Labor and Industry.

(C) Population data to be used for determining market value per capita and personal income per capita, as provided for in this section, shall be the latest available data from the Federal Bureau of Census for the direct service area of the local library or library system.

(D) In the case of a library or library system that is supported by an economically distressed municipality but that fails to maintain or exceed its financial effort of the preceding year, the library may still qualify for equalization aid if the State Librarian accepts evidence that the library or municipality did not attempt to substitute State funds for local effort.

(E) Beginning in the 1985-1986 fiscal year, twenty percent (20%) of the annual allocation for equalization aid shall first be distributed in equal amounts to all local libraries and members of library systems which qualify for such aid, as determined in accordance with the provisions of this section. The remainder of the annual allocation shall be distributed on a per capita basis to each local library and library system which qualifies for such aid, as determined in accordance with the provisions of this section, by dividing the number of persons residing in the direct service area of each such local library or library system by the total number of such persons residing in the direct service areas of all qualifying local libraries or library systems, and multiplying the result by the amount of the allocation to be distributed on a per capita basis.

(F) No local library or library system shall, as a result of the provisions of this section, receive in any year more than one-third of the total annual appropriation for equalization aid. During the 1985-1986 fiscal year and each fiscal year thereafter that the Commonwealth's total annual appropriation for the system of State-aid established by section 301 exceeds seventeen million five hundred thousand dollars (\$17,500,000), no local library or library system shall receive less equalization aid as a result of the provisions of this section than such local library or library system received for equalization aid during the 1984-1985 fiscal year. For fiscal year 1999-2000, Equalization Aid shall be allocated from a hold harmless amount to equal that amount allocated for Equalization Aid for fiscal year 1998-1999 from the amount allocated from the Commonwealth's annual appropriation for grants to local libraries and library systems. For fiscal year 2000-2001 and each fiscal year thereafter, the amount allocated for Equalization Aid shall be specified in the Commonwealth's annual appropriation for grants to local libraries and library systems within the general appropriation act for that fiscal year. Funds allocated for Equalization Aid shall be distributed according to the provisions of this section.

SECTION 303.11. EQUAL DISTRIBUTION GRANTS TO LOCAL LIBRARIES AND LIBRARY SYSTEMS. For eligible fiscal years up to and

Equal Distribution
Grants

through the 1998-1999 fiscal year, five percent (5%) of the Commonwealth's annual appropriation for the system of State-aid established by section 301, and all funds transferred from the county library allocation after the county libraries have been paid the total amounts for which they qualify, shall be allocated as hereinafter provided:

(1) Five cents (5¢) per capita for each person residing in the entire district for each district library center which has a population in its direct service area as a local or county library which is twelve percent (12%) or less of the population of the entire designated direct service area;

(2) The balance as equal grants to local libraries and library systems which qualify for aid under Section 303.1. These grants shall be determined by dividing the total amount of money allocated by the number of local libraries, branch libraries and bookmobiles in the Commonwealth which achieve or exceed the applicable basic standards. Each library system shall receive an equal grant for each qualifying member local library, branch library and bookmobile. Each local library shall receive an equal grant for the central library and each qualifying branch library and bookmobile. For fiscal year 1999-2000, Equal Distribution Grants to Local Libraries and Library Systems shall be allocated from a hold harmless amount to equal that amount allocated for Equal Distribution Grants to Local Libraries and Library Systems for fiscal year 1998-1999 from the amount allocated from the Commonwealth's annual appropriation for grants to local libraries and library systems. For fiscal year 2000-2001 and each fiscal year thereafter, the amount allocated for Equal Distribution Grants to local libraries and library systems shall be specified in the Commonwealth's annual appropriation for grants to local libraries and library systems within the general appropriations act for that fiscal year. Funds allocated for Equal Distribution Grants to Local Libraries and Library Systems shall be distributed according to the provisions of this section.

SECTION 303.12. TRANSFER OF FUNDS.

If necessary, the Department of Education may transfer funds among the allocations listed in sections 303.2, 303.5, 303.7, 303.8, 303.9, 303.10 and 303.11, provided that the aggregate amount transferred into or out of each allocation during a fiscal year shall not exceed five percent (5%) of the amount specifically allocated for that section.

Plans for the Use
Of State Aid

SECTION 304. STATE LIBRARIAN TO APPROVE PLANS; DISTRICT LIBRARY CENTER COOPERATIVE PROGRAM; REFERENDUM

(A) Each library desiring to receive State-aid under this act shall submit to the State Librarian a plan for the use of the funds and no payments of State-aid shall be made until such plan is approved by the State Librarian in accordance with rules and regulations approved by the Advisory Council on Library Development. Subsequent changes and modifications in a library plan may be submitted at any time for approval by the State Librarian. Libraries qualifying for aid shall have five years to achieve applicable standards. Further extensions of time may be permitted with the

approval of the State Librarian acting under regulations made by the advisory council.

(B) No State-aid shall be given to any library unless

(1) The local library board commits the library to participation in the District Library Center Cooperative Program including attendance at district meetings and the use of interlibrary loans and interlibrary references.

(2) If the library provides access to the internet or an on line service, it has adopted a policy regarding access by minors to internet and on-line sites that contain or make reference to explicit sexual materials as defined in 18 PA. C. S. § 5903 relating to obscene and other sexual materials and performances.

(C) If the local library board does not act to participate in the District Library Center Cooperative Program, upon petition of three per cent of the total number of persons voting in the last preceding general or municipal election, the question of participation shall be submitted to the qualified electors of the municipalities in the direct service area. The petition shall be circulated within and signed by a sufficient number of electors in the direct service area. The persons circulating the petition shall present it to the municipal officers who shall forward the petition to the county board of elections. The County Board of Elections shall, after determining that the petition contains a sufficient number of signatures, place the question of participation in the District Library Center Cooperative Program on the ballot in the municipalities comprising the direct service area from which the petition was submitted. If a majority of the persons voting on the question vote in the affirmative, the local library board shall participate in the District Library Center Cooperative Program.

(D) No local library or library system plan for the use of Incentive for Excellence funds shall be approved if it projects a decrease in local government support for normal, recurring, operating costs from a previous level unless the State Librarian determines that the decrease is directly attributable to a gift or endowment to a library or that there is a substantial decrease in the financial ability of the municipality on behalf of which the library or library system applied for aid.

SECTION 305. IMPLEMENTATION SCHEDULE.

(A) If a library or library system applying for State-aid in 1999-2000 fails to comply with the standards under any section of this article, the library or library system shall not be eligible for funds under that section.

(B) The State Librarian may grant an extension of time to meet the standards under Sections 303.3 and 303.6 if :

(1) The library or library system is financially unable to comply at the time of payment; or

(2) A plan is accepted by the State Librarian indicating how the library or library system will comply, to include specifics regarding budget, timeline and how the library is working in good faith to achieve the standards.

(C) An extension by the State Librarian shall continue until the time of the submission of the 2000-2001 plan for use of State funds under this act.

ARTICLE IV.

Municipal Library Tax Appropriations

SECTION 401. MUNICIPALITY EMPOWERED TO MAKE APPROPRIATIONS FOR LIBRARY; TAXATION.

The municipal officers of any municipality may make appropriations out of current revenue of the municipality or out of moneys raised by the levy of special taxes to establish and/or maintain a local library or to maintain or aid in the maintenance of a local library established by deed, gift, or testamentary provision, for the use of the residents of such municipality. Special taxes for these purposes may be levied on the taxable property of the municipality or the same may be levied and collected with the general taxes: Provided, That where a county levies a special tax for the support of a public library, that tax shall not be levied upon residents of municipalities which appropriate funds or levy a tax for the support of a local library that is not a part of the county library district and is located within such municipality. The provisions of this section shall not be construed to limit appropriations made for library purposes to those made from special tax levies. Wherever a special tax is levied, all income from such tax shall be used for the support and maintenance of the local library.

Library Tax Referendum

SECTION 402. SUBMISSION OF QUESTION TO VOTERS.

(A) The municipal officers of any municipality may submit to the qualified voters of such municipality at a special election to be held at the time of the next general, municipal, or primary election occurring not less than sixty days therefrom, the question of establishing, maintaining and/or aiding in maintaining a local library, and must submit such question, if petitioned for by three per centum of the number voting at the last preceding general or municipal election. At such election, the question of establishing an annual tax on all taxable property of the municipality, shall be submitted.

(B) In cases where such questions are submitted to the voters of a county, they shall not be submitted to the voters residing in cities, boroughs, towns, townships and school districts, in which there is then being maintained a local library that is not a part of the county library district whether by the city, borough, town, township, school district or otherwise, unless the municipal officers or the board of trustees or managers of any endowed library or association library in such municipality shall have, previous to such submission, signified their intent by ordinance or resolution to become part of the county library district and to merge any existing library in such municipal district with the county library, if the same may be done legally. Any city, borough, town, township, school district or

any board of trustees or managers of any endowed library or association library maintaining such a local library shall have the power to contract with the county commissioners before the submission of such questions upon the terms and conditions under which it will become a part of such county library district. Title to the books and other property of said municipally supported library or other library shall remain in the said municipality or with the board of trustees or managers, but the books and other property shall be used by the county library in accordance with the terms of a written agreement between the county commissioners and the said municipal officers or board of trustees or managers of any endowed library or association library: Provided, however, That title to such books and other property may be transferred to the county library district, if the same may be done legally.

(C) But where a county library district is established and a municipality has not joined in said establishment, it may, nevertheless, thereafter, join said county library district, if the municipal officers or the board of trustees or managers of any endowed library or association library in such municipality enter into an agreement with the county board of library directors to merge its facilities with the county library in the manner herein provided.

SECTION 403. TAX-LEVYING; RESTRICTIONS AS TO COUNTY TAX.

Library Tax
Restrictions

If the majority of votes cast upon this question shall be in favor of establishing such tax rate, the municipal officers, at the first meeting following the official announcement of the results of such an election, shall take the necessary steps to levy and collect the tax so levied and shall appoint a board of library directors as provided in section 411 of this act. Said board shall have exclusive control of the library so established and/or maintained, and shall be governed as provided elsewhere in this act. In the case of a county tax, no tax shall be levied on any property in cities, boroughs, towns, townships or school districts, where local libraries are being maintained by public tax funds and which have not elected up to the time of such tax levy to join the county library district.

SECTION 404. ANNUAL TAX RATE; LEVY AND COLLECTION.

Library Tax
Requisites

The rate of tax so voted shall be an annual tax rate until another vote is taken changing the same: Provided, That the municipal officers may increase said rate without submitting the question to the voters. The tax shall be levied and collected in like manner as other taxes in the municipality, and shall be in addition to all other taxes, except where included within the general levy, and shall be used for no other purpose than that of establishing and/or maintaining a local library. The money so raised shall be under the exclusive control of the board of library directors provided in section 411 of this act.

SECTION 405. DISCONTINUANCE OF COUNTY LIBRARY AND TAX IN CITY, BOROUGH, TOWN, TOWNSHIP OR SCHOOL DISTRICT.

Discontinuance
Of Library Tax

Wherever in a city, borough, town, township or school district, there has been or may be established and maintained a separate local library and there is at the time a county library in existence, three percentum of the

number voting at the last preceding general or municipal election in said city, borough, town, township or school district, may petition the county commissioners to place on the ballot the question of whether or not such city, borough, town, township or school district, shall be a part of the county library district and be subject to levy and payment of any taxes levied for the purpose of maintaining or aiding in the maintenance of any county library. At the next general or municipal election occurring at least sixty (60) days after the filing of the petition but not oftener than once in five (5) years, such question shall be placed upon the ballots and submitted to the electors of the city, borough, town, township or school district, as provided by the election laws. If a majority of those voting on such questions vote in favor of the discontinuance of the county library and tax in said city, borough, town, township or school district, then such city, borough, town, township or school district, shall not thereafter be a part of the county library district and shall not be subject to the levy and payment of any taxes levied for the purpose of maintaining or aiding in the maintenance of any county library.

SECTION 406. FUND RAISED BY POPULAR SUBSCRIPTION.

If the residents of any municipality shall raise, by popular subscription, a sum equal to or exceeding the gross amount of a three mill tax on all taxable property in the municipality, and shall offer the sum so subscribed to the municipality for the purpose of establishing a local library, said sum shall be accepted by the municipal officers and shall be used for the sole purpose of establishing a local library provided not more than two percentum of the said sum shall be subscribed by one individual or organization. Said subscription may be made payable in four quarterly payments and shall be in such form as to be collectible by legal process if necessary.

SECTION 407. CONTROL OF POPULAR SUBSCRIPTION FUND; MAINTENANCE TAX.

In case of the establishment of a local library under the provisions of section 406 of this act, the municipal officers shall immediately place the sum so subscribed under the control of a board of library directors appointed as provided in section 411 of this act, and proceed to levy and collect a tax at the annual rate of not less than one and one-half mills, annually, on the dollar on all taxable property in the municipality for the purpose of maintaining the library so established.

SECTION 408. JOINT ACTION BY MUNICIPALITIES.

Two or more municipalities may unite in establishing and/or maintaining a local library under the terms of an agreement entered into between them. Said agreement shall be in writing and shall set forth the purpose, the terms as to support and control, and the conditions under which the agreement shall be altered or terminated. Said agreement shall not be valid until it has been accepted by a majority vote of the municipal officers of each of the municipalities agreeing thereto and signed by the proper officer of each of said municipalities.

SECTION 409. MUNICIPALITY MAY CONTRACT FOR FREE LIBRARY SERVICE.

Any municipality may contract with the managers or owners of any existing local library for public library service to the residents of such municipality, whether said library is located in the same or in another municipality. Such contract shall be renewable as therein provided.

SECTION 410. APPROPRIATION FOR CONTRACTED LIBRARY SERVICE.

The municipal officers of any municipality may make appropriations out of current revenue of the municipality or out of moneys raised by the levy of special taxes on the dollar on all taxable property in the municipality for the purpose specified in section 409 of this act. Whenever a special tax is levied, all income from such tax shall be used for the support and maintenance of the local library with which the municipal officers have entered into contract.

SECTION 411. BOARD OF LIBRARY DIRECTORS, TERMS OF MEMBERS, VACANCIES.

Board Structure

The affairs of all local libraries established after the effective date of this act and under the provisions of the preceding sections of this article shall be under the exclusive control of a board of library directors to be composed of not less than five nor more than seven members. The municipal officers shall appoint the members and fill any vacancies occurring from any cause: Provided, That where two or more municipalities contribute to the support and maintenance of a local library, they shall each appoint a number of members to serve on the board of library directors as is mutually agreed upon by the said municipalities, the total number not to exceed nine members: Provided further, That when a municipality maintains or aids in the maintenance of a local library established after the effective date of this act by deed, gift or testamentary provision or in any manner other than under the provisions of sections 401 to 406 of this act, it shall be sufficient if the municipal officers appoint the majority of the members of the board of library directors.

The first appointees shall be appointed as nearly as may be one-third for one year, one-third for two years and one-third for three years. All appointments to fill the places of those whose terms expire shall be for a term of three years. Vacancies shall be filled for the unexpired terms. All members shall serve until their successors have been appointed. No member of the board shall receive any salary for his service as such.

In the case of a local library established by deed, gift or testamentary provision, or by any association, corporation or group, prior to the effective date of this act, this section shall not be construed to require the municipal officers of each municipality aiding in the maintenance of a local library to appoint more than two of the library directors of such local library.

SECTION 412. ORGANIZATION OF BOARD, BOND OF TREASURER.

The board of library directors shall organize as soon as may be after appointment by electing a president, secretary and treasurer from its

membership and such other officers and agents as the board may deem necessary. The treasurer shall give bond to the municipality with satisfactory surety in such amount as the board may determine.

SECTION 413. LIBRARY DIRECTORS TO CONTROL ALL FUNDS.

All moneys appropriated for the establishment and/or maintenance of a local library and all moneys, if any, received from other sources for its use, shall be under the exclusive control and shall be disbursed under the direction of the board of library directors. Such board of library directors shall have the power to contract with the board of directors of another library to establish a cooperative plan for improving library services.

The board of control of any library, established as specified in section 411 of this act, and of any library receiving municipal appropriations shall make a report, annually, to the proper municipal authorities, of the moneys received by such library from the municipality and the dispositions made thereof, and the accounts of the treasurer of said board shall be audited as in the case of other municipal expenditures.

Annual Reports

SECTION 414. ANNUAL REPORTS.

The annual report required by the last preceding section shall contain an itemized statement of all receipts from whatever source, and expenditures, and shall show the condition of the library and any branches thereof, the number of volumes, maps, pamphlets and other materials, the number added by purchase, gift or otherwise, the number lost or withdrawn, the number of registered borrowers and readers and a statement of the circulation of material, with such other information and suggestions as may seem desirable. A copy of each report made to the municipal officers shall be sent to the State Library in Harrisburg.

Free Use and Regulations

SECTION 415. FREE USE OF LIBRARY, RULES AND REGULATIONS.

Every library, established and/or maintained under the provisions of this act, shall be free to the use of all the residents and taxpayers of the municipality, subject to such reasonable rules and regulations as the board of library directors may adopt, and the board may exclude from the use of the library any person who willfully violates such rules. The board may extend the privileges of such library to persons residing outside the limits of such municipality upon such terms and conditions as the board may prescribe.

Property, Gifts, And Donations

SECTION 416. POWER TO HOLD PROPERTY; DONATIONS AND GIFTS.

It shall be lawful for any municipality or corporation, owning or managing a local library, to take and hold any property, real or personal, or both, for library purposes; and any person desiring to make donations of books, money, personal property or real estate for the benefit of a local library, whether established or maintained under the provisions of this act or not, may vest the title thereto in the municipality or the corporation having control of the affairs of said library, to be held and controlled by said municipality or corporation according to the terms of the deed, gift, devise

or bequest; and, as to such property, the said municipality or corporation shall be held to be special trustee; but in the absence of restrictions by the terms of such donation, deed, gift, devise or bequest, the said property shall be controlled and administered by the board of library directors or by the corporation, as the case may be.

**New Libraries
Limitations**

SECTION 417. LIMITATIONS OF ESTABLISHMENT OF NEW LIBRARIES.

Whenever there is in any municipality a local library which is open to the use of all the residents thereof and which meets the minimum standards recommended by the State Librarian as conditions for participation in State-aid, no new library shall be, there, established under the provisions of this act, but all public aid hereby authorized shall be given to such existing library to enable it to meet as far as possible the needs of such residents: Provided, however, That wherever there may have been on or before July 20, 1917, two or more such libraries receiving aid from the same municipality, the appropriation authorized by this act shall be divided between said libraries according to the terms of an agreement previously entered into between said libraries and approved by the State Librarian.

SECTION 418. PURCHASE, LEASE LANDS AND BUILDINGS FOR LIBRARY PURPOSES.

Library Buildings

Any municipality is hereby authorized to purchase, set apart or lease lands and buildings, or parts of buildings already owned by it, or both, or to erect buildings, to be used for local library purposes, or to alter buildings already erected so as to make them suitable for such use, and it is hereby authorized to provide for the cost of the same as in the case of other buildings to be used for municipal purposes; and whenever, in any such municipality, a tax levy has been or may hereafter be authorized for the purpose of maintaining a local library therein as provided by this act, and, out of moneys raised from such levy, a surplus or excess has been or may hereafter be accumulated above the necessary cost of maintaining such library, it shall and may be lawful for the directors of such library to pay over such excess or surplus to the municipal officers of such municipality, to be used by them for any of the purposes provided in this section.

SECTION 419. APPROPRIATION OF PRIVATE PROPERTY.

Eminent Domain

Any municipality may, by ordinance or resolution, purchase, enter upon and appropriate private property within its limits for the purpose of erecting or enlarging public library buildings.

SECTION 420. BOARD OF VIEWERS.

Whenever any municipality shall appropriate private property for public library purposes and the municipality cannot agree with the owners thereof for the price to be paid therefor, or when, by reason of the absence or legal incapacity of the owner thereof, no such compensation can be agreed upon, the court of common pleas, or any judge thereof in vacation, on application thereto by petition, by the municipal authorities or any person interested, shall appoint a board of viewers for the assessment of damages caused by appropriations, as in such cases provided.

Bond Issues

SECTION 421. VIEWING PROCEEDINGS.

The proceedings before the viewers for the allowance of damages for property taken, injured or destroyed and the proceedings upon their report shall be as provided in other cases where such municipality appropriates private property for municipal purposes.

Tax Exemption

SECTION 422. PETITION FOR SUBMISSION OF BOND ISSUE.

If five percentum of the registered voters of any municipality shall petition the municipal officers to submit the question of executing a bonded indebtedness for purchasing grounds and/or erecting buildings for library purposes, the said officers must submit the question at the next ensuing election.

SECTION 423. LIBRARIES EXEMPT FROM TAX; GIFTS EXEMPT FROM COLLATERAL INHERITANCE TAX.

Any building which shall be owned and occupied by a local library and the land on which it stands and that which is immediately and necessarily appurtenant thereto shall be exempt from all county, city, borough, town, township, school, bounty, poor or head taxes, notwithstanding the fact that some portion or portions of said building or land appurtenant may be yielding rentals to the corporation or association managing such library: Provided, That the net receipts of said corporation or association from rentals shall be used solely for the purpose of maintaining such library. All gifts, devises, grants or endowments made to such library, or to a national library, and for such purposes, shall be free from collateral inheritance tax; and any gifts, endowments or funds of such libraries, which are invested in interest-bearing securities, the income from which is used solely for the purpose of books or the maintenance of such libraries, shall be exempt from any State tax on money at interest.

SECTION 424. EXISTING AGREEMENTS NOT AFFECTED.

This act shall not in any way affect any agreement or agreements heretofore made by a municipality under any prior act relating to local libraries but all such agreements are hereby ratified and are to continue as binding contracts between the parties.

SECTION 425. LIBRARIES TO RECEIVE COMMONWEALTH PUBLICATIONS.

The Department of Property and Supplies shall, as soon as practicable after publication, forward to those libraries designated by the State Librarian as State documents depository libraries, a copy of every publication of every department, board, commission or agency of the Commonwealth. The Department of Property and Supplies shall direct each such department, board, commission or agency to supply it with the number of copies, if any, of each publication remaining after regular distribution according to existing allocations, but in no case to exceed two hundred fifty copies, and upon receipt thereof shall notify the State Librarian who shall then designate the libraries to which the publication shall be forwarded. Any public library, school library, junior college or community college library, university library or historical society library in

the Commonwealth shall be eligible to receive free copies of the publications. It shall be the privilege of the state to recall any or all of the said publications in the event of the loss of their own files by fire or other casualty.

The provisions of this section shall not apply to the distribution of documents published pursuant to the Commonwealth Documents Law. The State Librarian, with the approval of the Advisory Council on Library Development, shall make recommendations from time to time to the Joint Committee on Documents concerning criteria for the distribution to libraries of documents published pursuant to the Commonwealth Documents Law.

SECTION 426. RETENTION OF LIBRARY PROPERTY AFTER NOTICE TO RETURN.

Retention of
Library Property

Whoever retains any book, pamphlet, magazine, newspaper, manuscript, map or other property belonging in or to or on deposit with the State Library or any local library which is established or maintained under any law of this Commonwealth or the library of any university, college or educational institution chartered by the Commonwealth or the library of any public school or any branch reading room, deposit station or agency operated in connection therewith, for a period exceeding thirty (30) days after such library has given written notice to return the same, shall, upon conviction in summary proceedings, be sentenced to pay a fine of not more than twenty-five dollars (\$25) to be paid over by the magistrate imposing such fine to the library instituting the prosecution and costs of prosecution. Any person in default of payment of such fine and costs shall undergo imprisonment in the county jail for a period not exceeding ten (10) days.

Such notice may be given by personal service upon the borrower or by the mailing of a letter, by first class mail, to the borrower's address on file with said library. The notice shall refer to this act and shall contain a demand that the property be returned.

SECTION 427. DAMAGING LIBRARY PROPERTY.

Anyone who shall willfully cut, mutilate, mark or otherwise injure any book, pamphlet, magazine, newspaper, manuscript, map or other property belonging in or to or on deposit with the State Library or any local library which is established or maintained under any law of this Commonwealth or the library of any university, college or educational institution chartered by the Commonwealth or the library of any public school or any branch reading room, deposit station or agency operated in connection therewith, shall be deemed to be guilty of a misdemeanor, and may be prosecuted for said offense before any court of competent jurisdiction and, upon conviction thereof, shall be liable to pay a fine of not more than twenty-five dollars (\$25) and costs of prosecution or to undergo imprisonment in the county jail for a period not exceeding fifteen days, or both, at the discretion of the court, the said fine when collected to be for the use of the said library against which the aforesaid offense was committed.

SECTION 428. LIBRARY CIRCULATION RECORDS.

Records related to the circulation of library materials which contain the names or other personally identifying details regarding the users of the State Library or any local library which is established or maintained under any law of the Commonwealth or the library of any university, college or educational institution chartered by the Commonwealth or the library of any public school or branch reading room, deposit station or agency operated in connection therewith, shall be confidential and shall not be made available to anyone except by a court order in a criminal proceeding.

ARTICLE V

SECTION 501. SPECIFIC REPEAL.

The following acts and parts of acts and all amendments thereto are repealed absolutely:

(1) The act of April 29, 1909 (P. L. 294), entitled "An act to amend an act entitled 'An act for the establishment of free public libraries in the several school districts of the Commonwealth, except in cities of the first and second class'; approved the twenty-eighth day of June, Anno Domini one thousand eight hundred and ninety-five, so as to increase the maximum rate one fourth of a mill and establish a minimum rate."

(2) The act of July 20, 1917 (P.L. 1143), entitled "An act relating to free, public, nonsectarian libraries and branch libraries within this Commonwealth; providing for their establishment, maintenance, and regulation, and for the maintenance and regulation of such free, public, nonsectarian libraries as may have been already established by the several counties, cities, boroughs, towns, and townships; and providing that all library property, and all gifts, devises, grants, or endowments for library purposes, shall be exempt from taxation; and providing that the several counties, cities, boroughs, towns, and townships may levy taxes, condemn private property, and borrow money for library purposes; and imposing penalties, for injuring library property and for violations of library regulations; and repealing existing laws in relation to the above subjects."

(3) Section 1305, act of April 9, 1929 (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and

employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined."

(4) The act of June 23, 1931 (P. L. 1203), entitled "An act providing aid by the Commonwealth to free public nonsectarian county libraries; authorizing the Department of Public Instruction to provide books for demonstration purposes to encourage the establishment of such county libraries; and making an appropriation."

(5) Sections 2301 through 2315, act of March 10, 1949 (P. L. 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto."

SECTION 502. GENERAL REPEAL.

All other acts and parts of acts general, local and special are repealed in so far as they are inconsistent herewith.

SECTION 503. EFFECTIVE DATE.

This act shall take effect immediately.

Appendix II

LIBRARY THEFT LAW

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, adding an offense and providing a penalty.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Title 18, act of November 25, 1970 (P.L. 707, No. 230), known as the Pennsylvania Consolidated Statutes, is amended by adding a section to read:

§ 3929.1 Library theft.

(a) *Offense defined.* -A person is guilty of library theft if he willfully conceals on his person or among his belongings any library or museum material while still on the premises of a library or willfully and without authority removes any library or museum material from a library with the intention of converting such material to his own use.

(b) *Grading.* -

(1) *Library theft constitutes a:*

(i) *Summary offense when the offense is a first offense and the value of the material is less than \$150.*

(ii) *Misdemeanor of the second degree when the offense is a second offense and the value of the material is less than \$150.*

(iii) *Misdemeanor of the first degree when the offense is a first or second offense and the value of the material is \$150 or more.*

(iv) *Felony of the third degree when the offense is a third or subsequent offense, regardless of the value of the material,*

(2) *Amounts involved in library thefts committed pursuant to one scheme or course of conduct, whether from the same library or several libraries, may be aggregated in determining the grade of the offense.*

(c) *Presumption.* -A person who willfully conceals any library or museum material on his person or among his belongings while still on the premises of the library or in the immediate vicinity thereof shall be prima facie presumed to have concealed the library or museum material with the intention of converting such material to his own use.

(d) *Detention.* -A peace officer, employee or agent of a library who has probable cause to believe that a person has committed library theft may detain such person on the premises of the library or in the immediate vicinity thereof for the following purposes:

(1) *To conduct an investigation in a reasonable manner and within a reasonable length of time to determine whether such person has unlawfully concealed or removed any library or museum material.*

(2) *To inform a peace officer of the detention of the person or surrender that person to the custody of a peace officer.*

(e) *Exemption from liability.* -A peace officer, employee or agent of a library who detains or causes the arrest of any person pursuant to this section shall not be held civilly or criminally liable for false arrest, false imprisonment, unlawful detention, assault, battery, slander, libel or malicious prosecution of the person detained or arrested provided the peace officer, employee or agent of the library had at the time of the detention or arrest probable cause to believe that the person committed library theft.

(f) *Public display of law.* -A copy of this section shall be publicly displayed in the reading rooms and other public rooms of all libraries in such number and manner as will bring this section to the attention of patrons.

(g) *Prior offenses.* -Prior to the commencement of trial or entry of plea of a defendant 16 years of age or older accused of the summary offense of library theft, the issuing authority shall notify the Pennsylvania State Police for determination as to whether or not the defendant previously has been convicted of the offense of library theft. The results of such determination shall be forwarded to the police department if the department is the prosecutor, or to the issuing authority if the prosecutor is other than a police officer. The issuing authority shall not proceed with the trial or plea in summary cases until in receipt of the determination made by the State Police. The district justice shall use the information obtained solely for the purpose of grading the offense pursuant to subsection (b).

(h) *Fingerprinting.* -Upon conviction the issuing authority shall order the defendant to submit within five days of such order for fingerprinting by the municipal police of the jurisdiction in which the offense allegedly was committed or the State Police.

(i) *Definitions.* -As used in this section the following words and phrases shall have the meanings given to them in this subsection:

"Conceal." To conceal library or museum material so that, although there may be some notice of its presence, it is not visible through ordinary observation.

"Library." Any public library, any library, archives or manuscript repository of educational, historical or eleemosynary institution, organization or society, any museum and any repository of public records.

"Library or museum material." Any book, plate, picture, photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microfilm, sound recording, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, display object, exhibit, work of art, artifact, or other documentary, written or printed materials regardless of physical form or characteristics, belonging to, on loan to, or otherwise in the custody of a library.

"Premises of a library." Includes but is not limited to the library and all parking areas set aside for the parking of vehicles for the convenience of the patrons of such library.

Section 2. Effective date.

This act shall take effect immediately.

APPROVED-The 27th day of April, A.D. 1982

SESSIONS OF 1982 Act 1982-95

LAWS OF PENNSYLVANIA

Appendix III
RETENTION OF LIBRARY
PROPERTY AFTER
NOTICE TO RETURN

RETENTION OF LIBRARY PROPERTY AFTER NOTICE TO RETURN

Section 6708 of Title 18, Pennsylvania Consolidated Statutes (18 PA CSA § 6708) makes it a summary offense to retain library property after being notified to return it. This section supersedes Section 426 of The Library Code, and must be posted in the library.

§ 6708. Retention of library property after notice to return.

(a) Offense defined.- A person is guilty of a summary offense if he retains any book, pamphlet, magazine, newspaper, manuscript, map or other property belonging in, or to, or on deposit with, any library open to the public or any part thereof, for a period exceeding 30 days after such library has given written notice to return the same.

(b) Disposition of fine.- Any fine imposed under this section shall be paid over by the magistrate imposing such fine to the library instituting the prosecution, and costs of prosecution.

(c) Form of notice. - Such notice may be given by personal service upon the borrower, or by the mailing of a registered or certified letter to the address of the borrower on file with said library. The notice shall recite this section, and shall contain a demand that the property be returned.

1972, Dec. 6, P.L. 1482, No. 334, § 1, eff. June 6, 1973.

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