

## Daria Bossman

Asst. State Librarian, SD State Library

*Planning the Road Trip:  
Using More than One Map for Strategic Planning*

May 1, 2012



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## *South Dakota Law, Federal Guidelines and Best Practices*

- ❑ Starting with the Big Picture--- What makes a “public library” a “Public Library”?
- ❑ I.M.L.S. Federal Guidelines
- ❑ South Dakota Codified Law---  
*Title 14- Libraries*
- ❑ Best Practices---  
SDSL Accreditation Standards

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## Federal Guidelines

*“A public library is an entity that is established under state enabling laws or regulations to serve a community, district, or region, and that provides a least the following:...”*



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## Federal Guidelines

- An organized collection of printed or other library materials, or a combination thereof,
- Paid staff;
- An established schedule in which services of the staff are available to the public;
- The facilities necessary to support such a collection, staff, and schedule; and
- Is supported in whole or in part with public funds.

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## Federal Guidelines

- What does an “organized collection” entail?
- What is an “established schedule” mean?
- What constitutes a “paid staff person”? Where is the line between a volunteer and paid personnel?
- Ah, the complicated one—what constitutes ... in the 21<sup>st</sup> century, “facilities necessary to support...”? Is a phone or Internet access *optional* in this day and age of bandwidth and electronic access, or is it now *necessary* support?...
- What are “public funds”?

Henderson, E., Miller, K., Craig, T., Dorinski, S., Freeman, M., Isaac, N., Keng, J., O'Shea, P., Schilling, P. (2010) *Public Libraries Survey: Fiscal Year 2008 (MLS-2010-PLS-02)*. Institute of Museum and Library Services. Washington, DC. [www.ims.gov/statistics](http://www.ims.gov/statistics)

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## State Codified Law online

<http://legis.state.sd.us/index.aspx>



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## State Codified Law-Title 14

### 14-1 State Library's Legal Authorization & definitions

In South Dakota, a public library is:

*“ Any library that serves free of charge all residents of a chartered governmental unit, county, municipality, township, or a combination of any of the above, & receives its financial support in whole or in part from public funds.”*

Later in 14-2 there is slightly different wording:

*“ A public library is any library that serves free of charge all residents of a local governmental unit and receives its financial support in whole or in part from public funds made available by the governing body of that unit.”*

A school Library is : *“any library that supports the curriculum of a school or a group of schools.”*

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## State Codified Law-Title 14

### 14-2 Public Libraries

14-2-29 Optional methods of providing library services

14-2-30 Resolution or ordinance to provide services

**14-2-35 Board of public library trustees—Appointment and terms of members**

14-2-36 Contracts with established libraries

14-2-37 Joint public library-Board of Trustee- Proportional appointment

14-2-38 School Board contracts for library services---Proportional appointment

14-2-39 Per diem and expenses of trustees

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## State Codified Law-Title 14



**14-2-40 Duties of trustees**

**14-2-41 Powers of trustees**

**14-2-42 Duties of librarians**

14-2-43 Quarters for library—Location—Selection and Approval

14-2-44 Bond issuance for building construction

14-2-45 Long-term lease for building acquisitions

14-2-46 Building Funds—Appropriations

14-2-47 Expenditures for public library services, materials and facilities

14-2-49 Discard of old library materials—Marking---Disposition

14-2-50 Discontinuance of services by vote

**14-2-51 Confidential library record**

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## 14-2-35

The Governing Body shall appoint...

- "...five competent citizens broadly representative of the population of the local governmental unit."
- Staggered /3-year terms
- "...the governing body may appoint one of its own members to serve as a full voting member of the public library board of trustees during that member's term of office." (i.e. a City Council representative/liaison).

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## 14-2-40 Duties of trustees

- **Appoint** a librarian...  
"Any paid librarian shall receive any employee benefits provided all other employees of the local governmental unit..."
- **Adopt** by-laws for the conduct of their business and adopt policies for the selection of ...materials, the governance of the library, and the use of public library services and materials."
- **Prepare and submit** an annual budget request to its governing body;"
- **Adopt** a final annual budget within those funds certified..."
- **Meet** at least once during each quarter of the year;"
- **Prepare and submit** an annual report (now called the PLS) to its governing body and to the South Dakota Library on such forms as may be provided by the State Library."

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## 14-2-41 Powers of trustees

Each Trustee may:

- **Accept** any gift, grant, devise, or bequest made or offered by any person...for library purposes."
- **Establish** a special public library gift fund...No moneys in such fund shall revert to the general fund of any local governmental unit;"
- **Enter** into an interstate library agreement..."
- **Establish** a collection of public library materials to be loaned on a pay basis and make reasonable charge for use thereof;"
- **Enter** into any contracts for the provision of or for the improvement of public library services."

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## 14-2-42 Duties of librarians

- *“Serve as secretary to the board...”*
- *“Prepare such report, budgets and other documents as are required by the board...”*
- **Appoint staff**
- *“Select and purchase all public library materials...”*
- *“Publish and enforce the policies of the board...”*
- *“Execute all contracts and agreements approved by the board...”*
- *“Keep an accurate account of the financial transactions of the public library; and*
- *“Carry out any other activities authorized by law that the board...considers appropriate in the development, improvement, and provision of public library services.”*

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## In other words...

### **The Librarian —**

Is in charge of the daily operations of the library and library programming & services.

### **While the Board of Trustees -**

Has oversight in the vision, planning and direction of the library and library services. This includes advocacy and general promotion of the library's services to the community.



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## 14-2-51 Confidential library record

*“ All public records containing personally identifiable information are confidential. Any information contained in public library records may not be released except by court order or upon request of a parent of a child who is under eighteen years of age...”*



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## S.D. Open Meeting Laws

### SDCL 1-25-1

- Requires that all public bodies (i.e. library boards) prominently post a notice and copy of the proposed agenda at the Library 24 hours prior to the meeting
- A Legal Quorum is required for a library board
- Library board must meet quarterly. (4 x per year)

### HB1131- *Now* SDCL 1-25-1.1

- Easily accessible viewing 24/7 (i.e. outside window)
- Also must be posted on city's website or blog if there is one. No either/or option.

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## South Dakota's *Best Practices*

### Public Library Volunteer Certification Process

1. Voluntary application
2. Steps above legal establishment
3. Application process with SDSL
4. Tiered levels
5. Not tied to population
6. Three levels: *Essential, Enhanced, & Exemplary*

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## South Dakota's *Essential* Level for Basic Library Services—Best Practices

Categories rated and assessed are:

- Governance
- Administration
- Access
- Collections and Resources
- Funding
- Staffing
- Technology
- Public Relations

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## Essential Services-Governance

- 1. The library provides free access to tax-supported public library services to the residents of the political subdivisions which supply the library's tax support. These services shall include, but are not limited to:
  - a. **Free loan** of print and non-print materials from the local circulation collection;
  - b. General reference and **information services**;
  - c. Access to other library collections via **interlibrary loan**; and
  - d. Access to computer with **Internet access** and a **printer**.

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## Essential Services- Governance

- 2. The library is legally established and operates in accordance with **Chapter 14** of the South Dakota Codified Laws.
- 3. A legally appointed or selected Board of Trustees governs the operation of the library. Required by law **14-2-35**
- 4. The library's Board of Trustees has complete authority, within legal limits, over the library's budget and over all gifts and donations. Required by law **14-2-40 #40 and 14-2-41 #1**
- 5. The library's Board of Trustees hires/appoints the library director and delegates active management of the library to the library director. Required by law **14-2-40 #1**
- 6. The library's Board of Trustees has written bylaws which outline its purpose and its operational procedures. Required by law **14-2-40 #2**
- 7. The library's Board of Trustees meets regularly and not less than once each quarter with the library director in attendance. These meetings are held at a time and in a physically accessible location convenient for the board members and the community and in compliance with state law on open meetings, the **Sunshine Laws, and the Americans with Disabilities Act. Required by law 14-2-40 #5.**
- 8. The library submits the Annual Report of South Dakota Libraries to the South Dakota State Library. Required by law **14-2-40 #6.**

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## Essential Services-Staffing

- The library has a permanent, paid director who is, or will be within two years of hire, certified at the required level, or who is actively enrolled in a program leading to the required certification.



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## Essential Services-Access

- The library has its own telephone within the library with the number publicly available (e.g. website, signage, newspaper, telephone directory, etc.)



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## Essential Services- Access



- The **library building** if constructed occupied or remodeled since January 26, 1992, meets the accessibility requirements of the **Americans with Disabilities Act of 1990**. If the building was constructed, occupied and last remodeled prior to January 26, 1992, access to library programs and services for persons with disabilities is provided by meeting the accessibility requirements of the Americans with Disabilities Act of 1990 or through alternate methods such as bookmobiles, home delivery, staff aides or other methods which make the programs and services of the library readily accessible.
- **Adequate and convenient parking** is available to the library's patrons and staff.
- The exterior of the building is **well lighted and identified with signs** clearly visible from the street.
- The library's facility is **safe** for the public and staff

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## Essential Services-Resources

- In the course of a five year cycle the library's collection is evaluated for retention, replacement, or withdrawal



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## Essential Services- Technology



- Library provides **Internet access** and personal computing applications to patrons free of charge. Access to a printer is also available.
- Library provides access to **online resources**, including those offered by the South Dakota State Library.
- Library computers** are maintained and updated.

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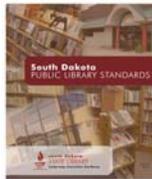
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## SD State Library website

Newly adopted South Dakota Public Library Standards, 2010

<http://library.sd.gov>



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## Exemplary Standards

### Administration

- The library has a written long-range plan developed by the library's Board of Trustees and the library director. The plan contains a mission statement, goals and specific annual action to achieve those goals. The plan is reviewed and/or updated annually by the library's Board of Trustees.
- The library director keeps the library's Board of Trustees informed of national issues facing libraries.
- The library evaluates one teen, one adult and one children's program annually in terms of outcomes achieved..

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## South Dakota State Library

We are here to help you !

The State Library is “*charged with the extension and development of library services throughout the state.*” SD Code 14-1-42

Call us! Toll free: **1-800-423-6667**

Catch me on email: [daria.bossman@state.sd.us](mailto:daria.bossman@state.sd.us)

View our webpage: <http://library.sd.gov>



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## Questions?...Comments?...Ideas?...

*A Public Library trustee should have a **brave heart** and a bit of a **rebel spirit as well!**....*

As advocates for your library, remember you are advocating for ALL your citizens to have equal access to information –health, medical, legal, business, news, financial. Communities aren’t **just** about good fiction or children’s story time anymore. Think “community centers.”

*Thank you!*



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## What are your questions?

- What are the advantages of small rural libraries?
- How can we keep up?
- How can we partner with other local institutions with similar goals?
- What are those other local groups?—Schools, Community Centers, clubs & organizations
- Your Questions?

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