

TRUSTEE

LTA | LIBRARY TRUSTEES
ASSOCIATION
OF NEW YORK STATE

Vol. XXX, Issue No. 2, Spring 2017

Check Your Sources



*Rebekkah Smith Aldrich,
Coordinator for Library
Sustainability for the Mid-Hudson
Library System, Co-Author of the
Handbook for Library Trustees in
New York State and Mentor for the
Helping All Trustee Succeed
(HATS) ILEAD Team*

While most public library trustees are not lawyers, trustees are expected to follow

the law of the land, whether that “land” be federal, state or in your very own library. When seeking answers and guidance it is important to understand which legal instruments have precedence over others.

A common example of confusion in this area is where you would find the answer to how many trustees serve on your board. You may think it is your bylaws, but actually it is your library’s charter, issued by the New York State Board of Regents. If the two don’t match you could be in some legal hot water if someone challenges a decision made by the board. Another example is library policy, it may not violate state or federal law.

Here are simple explanations of the various sources of law and guidance you may be using to make governance and policy decisions help you get a better understanding of “what trumps what”:

- **Law:** a law is specific, written legislation that is made by elected officials and administered through the courts. For example, the basic powers and duties of trustees can be found in Education Law §226. this law provides the basic rules of conduct for a library board.
- **Regulation:** Laws are carried out through the development and enforcement of regulations. Regulations are usually set by the arm of government tasked with oversight of that area of law. If a library is in violation of a regulation there is authorization of the government oversight agency to pursue correction, possibly punitive correction. For example, the Education Commissioner is authorized to set regulations that impact libraries in New York State, like the Minimum Standards for public libraries. Minimum standards are tied to a library’s ability to receive tax dollars so if a library does not comply with the standards there is theoretically very big consequence.
- **Opinions:** Opinions should not be confused with yours, or your fellow trustees’ opinions. Pertinent opinions are issued by agencies such as the Commissioner of Education or the Office of the State Comptroller to provide an analysis of how a particular law or regulation applies in a very specific situation.

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Get Your Library Questions Answered!

A Service for LTA Members: Ask Joe Eisner

Another service of provided by LTA. Have a question? Ask Joe by e-mail: ltafaqjoe@librarytrustees.org or by calling toll- free: 1-866-720-8969. This service is free of charge to members -- including trustees and directors.

(All questions are handled with appropriate discretion. The questions posted in Mr. Eisner's columns are generalized frequently asked questions.)

NEW: Now view Joe's archived columns in one spot, sorted by category!
Please visit www.librarytrustees.org > Resources & Links > Ask Joe Eisner

Question

May an association library board authorize its treasurer to invest library funds in "high quality investment grade securities"?

Answer

Depending on the source of the funds- possibly. . The following should not be construed as legal advice, for which the services of counsel should be obtained:

1. General- an association library board, unlike the board of a public library, is not required to observe the investment guidelines imposed on public library boards by General Municipal Law ss10-11. However, an association library board may find it prudent consider doing so (see: [Investing and Protecting Public Funds \[pdf - updated 2014\]](#), particularly pp. 5-11).

The above publication includes sections about the fundamentals of investing and protecting local government funds in New York State. While "[l]ocal governments [including public library boards] have a limited number of investment options available to them" in order to maintain the safety and liquidity of cash assets, the objective of the guidelines in the above referenced guide is the same as it is for an association library board acting as a fiduciary in holding funds for investment: it

"...may invest the same in securities... provided that investment is made only in such securities as would be acquired by prudent men of discretion and intelligence in such matters who are seeking a reasonable income and preservation of their capital..." [emphasis supplied] (Estates, Powers and Trusts Law s11.2.2(a)(1)).

Additionally, "[w]ith respect to investment of funds, the requirements which would need to be followed by trustees of association libraries are those applicable to investments by trustees generally and the investments are similar to those permitted for savings banks (Banking Law s97(1-3))" (ltr, Education Department Law Division, August 25, 1964).



It would be prudent for an association library board to also seek the advice of counsel, in order to determine whether the provisions of Article 5-A of the Not-for-Profit Corporations Law s550(e)(1-6), and (f) may be applicable to investments under consideration.

2. Treasurer's duties - it would be prudent to examine the full text of any existing board adopted investment policy to determine if this or any other policy

authorizes the library treasurer to make investment decisions independently of the library board. If not, even though he/she has the title of treasurer, he/she is merely the custodian of funds with no power to make investments not authorized by affirmative board action.

As can be observed from the statutes and opinions above cited, the delegation of the authority to make investments places an obligation on the designee which may assume greater importance in this time of low investment yields. Both the library treasurer and the library board should prudently question whether the existing investment policy provides the authority for funds to be invested in what might be considered a riskier vehicle than those referred to in the statutes and opinions cited. Since preservation of capital sufficient to generate a certain annual yield either to support library operations, or for whatever the board contemplates that yield should be used, but at the very least, to preserve capital, the board should serious consideration to the guidance imposed by Not-for Profit-Corporations Law s552(e)(1-2), even if counsel advises that this statute may not applicable to an association library.

The foregoing should not be construed as legal advice, for which an attorney should be consulted.

For more information about Joe Eisner's experience and background, please click on the "Ask Joe Eisner" tab under "Resources and Links" on LTA's website. 

from the *Editor's Desk*

by **Adria Ripka**

Greetings, LTA members and library supporters.

My impression of 2017 so far is that everyone I know is busy, busy, busy. Whether it is family life, work load, or volunteer activities, the time from January 1st to mid April has just flown by. I have no doubt many of our readers will agree. Recognizing everyone's busy schedule, I hope you will take the time to read through this issue of the Trustee so you can include some of our upcoming activities on your calendar.

Many of you participated at Advocacy Day in Albany on March 1st. Thank you for doing that. It is important for our elected officials to hear from trustees. You and I represent our patrons in a way that professional staff cannot. My statement does not diminish the important role our directors, staff, and professional library organizations play in keeping library needs in the forefront. However, feedback from individuals elected or appointment by the public does carry great weight; and that is particularly important when funding for libraries is under attack.

Getting back to keeping dates open on your calendar, LTA's first regional meeting for 2017 will be held on Saturday, May 6th in Binghamton, NY. You'll see more details on the times and topics in this issue. Some fine points are still being finalized, but I look forward to meeting many of you there. Keep in mind that the session is being held in the Southern Tier to



give trustees and staff in that area a chance to take advantage of the meeting. However, that doesn't mean folks from other areas are not welcome. Binghamton is located at the crossroads of 3 major highways, so take out your maps or your GPS and see if a 1 or 2 hour drive is doable. I think you will find the chance to network, learn, and enjoy ideas and experiences from others wearing the hat of library trustee well worth your time.

LTA's second regional meeting will be held downstate on August 12th on Long Island. We are working on details for that session and will share them in a later edition of the Trustee as well as on our website, www.librarytrustees.org. We'll also keep you posted through Tim's monthly email blast.

We've planned our regional sessions with the hope that the dates do not conflict with vacations and family events. For much of our state, the months when we see no snow or stormy weather seem short. Here's that "time" thing again. So, we appreciate your commitment to continuous learning and try to provide convenient opportunities.

I'll close with two quotes of Albert Einstein: "We cannot solve our problems with the same thinking we used when we created them." Come to one of the regional sessions and broaden your thinking.

"The only thing that you absolutely have to know, is the location of the library". Enough said. **IA**

CHECK YOUR SOURCES *(continued from front cover)*

- **Charter:** This document, issued by the New York State Board of Regents, gives the library its corporate existence. The charter defines the library's service area, number of trustees and other fundamental facts about the library.
 - Provisional charter: newly established libraries are given a provisional charter that is valid for five years. There are usually stipulations that a library develop its organization in a specific way to demonstrate it is a viable library within those five years.
 - Absolute charter: At the expiration of the provisional charter, the charter may either be made absolute or extended for an additional five years.
- **Bylaws:** All libraries must have written, board approved bylaws which define how the library will be governed. This document may not conflict with the charter. The bylaws will outline how a board functions. Sample bylaws are available in the Trustee Handbook.
- **Policies:** A policy is a guiding principle used to set direction in the library. Written, board approved policies are a minimum standard for public libraries in New York State. They are the "micro local laws" of your library but may not exist in conflict with laws, regulations or the library's charter.
- **Procedures:** A procedure is an outline of the steps that should be taken by staff or trustees to accomplish something stipulated within policy. **IA**

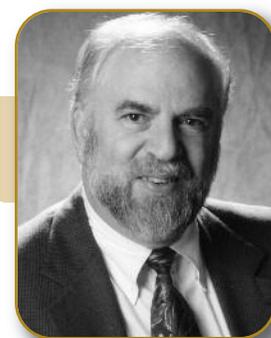
system overview

by Steven Bachman, Executive Director of 4CLS

The Four County Library System (4CLS) is located in s and covers Broome, Chenango, Delaware, and Otsego C square mile service area includes 42 member libraries. T system is the Broome County Public Library, situated in chartered to serve to the entire county's population. O spectrum, there are six member libraries that serve com thousand people. The smallest is Skene Memorial Libr library has a chartered to serve area has a population of 4CLS contains a mix of municipal public, association, an Recently, several libraries in the system secured stable fu propositions on their local school district ballots.

4CLS's services to the member libraries include automa hosting, consolidated ordering, central processing, deliv

News from the *State Librarian*



Take this quick NOVELNY quiz – see how you do!

Are the following ten statements *True* or *False*?

(See answers at the end of this column):

1. The acronym NOVELNY stands for *New York Online Virtual Electronic Library*.
2. Started in 2000, the NOVELNY pilot project is now 17 years old and is still supported with federal LSTA funds from the Institute of Museum and Library Services.
3. More than 5,900 NYS libraries are registered to use NOVELNY.
4. New Yorkers conducted 34 million searches via NOVELNY last year.
5. With geolocation, any person in NY State can now use NOVELNY without a username or password.
6. New Yorkers may use NOVELNY from any location with internet access – at the library, or from home, work, school or even their car!
7. The State Library sponsored 93 NOVELNY training sessions last year.
8. Without NOVELNY statewide licenses, NY State libraries would have paid more than \$80 million last year to offer the thousands of the high-quality full-text trade publications, magazines, newspapers, an encyclopedia in English and Spanish, P-12 resources and scholarly journals about health, business, and issues currently available to all New Yorkers.
9. The following is a small sampling of NOVELNY publications. There are thousands more: *Architectural Digest, CNN Wire, Crain's New York Business, The Economist, Fodor's, Good Housekeeping, National Geographic, National Geographic Kids, Nature, New York Times, Newsweek, PC World, USA Today, and Washington Post*.
10. My library actively promotes the availability of NOVELNY e-resources to our community.

Do you know all the answers? If yes, good for you! If no, I encourage you to become familiar with all that NOVELNY offers, so you and your library can actively promote the availability of these fabulous, high-quality FREE online e-resources in your community.

NOVELNY
New York Online Virtual Electronic Library

GALE
CENGAGE Learning®

south-central New York County. 4CLS's 4,000 The largest library in the Binghamton and on the other end of the communities with less than a library in Fleischmanns. That 351. Like most systems, and school district libraries. Funding through

tion from Sirsi/Dynix, web ery of interlibrary loan

materials, and several circuit programs. The system has also underwritten online and digital initiatives including a suite of online resources called the Research Center and digital content through Overdrive. Some time ago the system implemented Blue Cloud Commerce, a program through Sirsi/Dynix whereby patrons can pay their fines through the online catalog with a credit card. To date it has seen a total of over \$8,500 collected & distributed to member libraries.

Most recently, 4CLS has been working to address the need for improved bandwidth in our libraries. Broadband opportunities are quite limited in certain areas of upstate New York. Recent changes in the E-Rate program opened the door for a major upgrade in the networking equipment employed at our member libraries. At the beginning of this project only a handful of libraries could offer connection speeds above 10 mbps. As we are wrapping up the first year and planning for Year 2, 26 libraries have been upgraded to 50 mbps and several fiber connections have been installed. The added speed will help our libraries continue to be critical points of access in their communities. **ITA**

From the Desk of Bernard A. Margolis, New York State Librarian and Assistant Commissioner for Libraries

Beginning July 1, 2017 there will be some exciting changes to the current menu of NOVELNY offerings. New to NOVELNY through June 30, 2020 will be *Encyclopedia Britannica*, which includes *Britannica School*, *Britannica Academic* and *Britannica Escolar*. Also, NOVELNY will offer Gale-Cengage's *Research in Context* for the first time, an online e-resource for secondary school students. Products from ProQuest and Scholastic will no longer be offered as of July 1.

How can you and your library staff grow your NOVELNY knowledge and skills? One way is to visit the NOVELNY Training Page at <http://www.novelnewyork.org/training.php>. There you will find information about live and archived webinars like:

- *Using NOVELNY Gale Resources to Support Professional Development in your Business Community*,
- *Job Search Support with your NOVELNY Gale Resources*,
- *Promoting eResources at Public Libraries*,
- *Homework Help at the Public Library*, and
- *Reaching Out to Your Health Community with NOVELNY Resources*.

Not sure if your library is registered for NOVELNY? Library staff may contact the NOVELNY Help Desk (877-277-0250 or 518-486-6012 in the Capital District) to verify a library's registration or to get help in using NOVELNY.

[*Answers to NOVELNY Quiz*: Statements 1 through 9 are all True! Only you and your library director can answer number 10!] **ITA**



NOVELNY E-Resources

Beginning July 1, 2017:

Academic OneFile
 Business Insights: Essentials
 Educators Reference Complete
 Encyclopedia Britannica
 Britannica School
 Britannica Academic
 Britannica Escolar
 General OneFile
 Health Reference Center Academic
 Informe Académico
 InfoTrac Newsstand (including NYS Newspapers)
 Kids InfoBits
 Opposing Viewpoints in Context
 Research in Context

Trustees in the Know

LTA Regional Library Trustee Workshop
 Saturday, May 6, 2017 • 9:30 am to 3:00 pm
 Broome County Public Library
 185 Court Street, Binghamton, NY 13901

Join fellow trustees and library staff to get a better understanding of these important topics:

9:30	Registration and coffee
10 - 11:15	Legal Update: Conflict of Interest, Board/Staff Relationships, and Employment Liability. Carrie Pollak, Esq. from Hancock Estabrook in Ithaca.
11:15 - 12:30	What you need to know about financial reports. Duane Shoen, CPA from Ciaschi, Dietershagen, Little & Michelson in Ithaca, (will cover budgets, what information boards should get in regular financial reports and what red flags they should look for).
12:30	Lunch
1:15 - 2:30	Rethinking library spaces: making better use of the space you already have. Speaker TBA

Need help getting familiar with your digital device? There will be staff on-hand during the event to help you get the most out of your table or phone.

Register on the LTA website at www.librarytrustees.org. IIA

Advocacy Day 2017

Library Advocacy Day 2017 was a successful “shout out’ to legislators about the value of libraries to their communities. Trustees and students joined library professionals to bring a simple message to NY legislators: **Libraries are education!**

- Restore 4 million in library aid and match the 4% increase budgeted for education.
- Invest 50 million in construction aid to retrofit library infrastructure – a goal championed by the governor.

Reeling from the governor’s budget cut, library advocates told their own stories to highlight programs and services that would be lost under the proposed budget cuts. As constituents, they expressed expectations that their representatives support increased funding for libraries as they

prepare Senate and Assembly budgets.

Some 800 advocates filled the Well of the Legislative Office Building for a noontime Rally. One of several speakers, Assemblywoman Michele Solages advised advocates to speak out in a loud voice because librarians don’t ask *who you are or where you’re from* — they ask *what do you need!* Libraries offer equal access to internet information to everyone and, more than ever, libraries are a safe place for everyone.

NYLA Executive Director Jeremy Johanssen ended his remarks by encouraging advocates to continue championing libraries beyond this one day in Albany: “Everyone you speak to has the potential to be a library advocate.” Check out NYLA.org/advocacy and #NYLALAD17. IIA



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cmparmelee@coolins.com or (518) 698-9033



PURPOSE: LTA recognizes trustees who make the effort to educate themselves about libraries, library issues, and the responsibilities associated with the position of library trustee. ≈

ELIGIBILITY: All LTA members are eligible for **STAR**. You will accrue credits as you **Participate, Advocate, Learn, and Serve**. Earn credits through your involvement.

ADMINISTRATION: Trustees are encouraged to maintain a personal record of all continuing education activities and service. As credits are submitted, LTA will maintain a record for each participant and review credits annually. STAR participants can record credits for the calendar year beginning January 2016.

Participate/Attend	Date	Credits	Advocate	Date	Credits
LTA Annual Institute		50	Attend Advocacy Day		25
LTA Regional institute		25	Maintain regular contacts w/ Local & State Legislators		25
NYLA Conference		25	Testify at Library Hearings		25
Library System Workshop		15	Other: _____		TBD
Learn	Date	Credits	Serve	Date	Credits
Library Webinar		15	Library Board Officer		25
Online Library Course		25	Library System Board Member		15
Other: _____ -		TBD	Speaker/Panelist at Local/County Library Event		25
			Speaker/panelist at State/Nat'l Library Event		40
TOTAL CREDITS					

LTA STAR Recognition

- LTA Trustee Recognition Certificate 100 credits
- STAR** Lapel Pin 200credits
- STAR** Medallion 300 credits

Trustee Name: _____
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 City, State, Zip: _____ Phone: _____
 Email: _____ Library System Name _____
 Library Name: _____ Library Director Email: _____

Submit credits to STAR@librarytrustees.org or mail form to LTA, Box 11048, Albany, NY 12211

TRUSTEE

Vol. XXX, Issue No. 2 ■ Spring 2017
A Publication of Library Trustees Association of New York State

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Library Trustees Association of New York State

P.O. Box 11048
Albany, NY 12211

Adria Ripka, Salina Free Library, Onondaga County — *President, Trustee Editor*
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George T. Wolf, Monroe County Library System

Timothy Gavin, *Executive Director*, can be reached at: tgavin@librarytrustees.org

Visit us on the web: www.librarytrustees.org
Write to the editor, aripka@librarytrustees.org
Phone: 518-445-9505

TRUSTEE is published four times a year for \$10.00 annually per subscriber. Subscription is a benefit of paid membership; cost of the subscription is covered by membership dues. Periodical class postage is paid at Albany, NY and an additional mailing office.
USPS#010-872, ISSN: 1085-3170. Volume XXX, Issue No. 2, Spring 2017

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2017 LTA Trustee Regional Workshops: *Trustees in the Know*

Broome County Public Library
Binghamton, NY
Saturday, May 6, 2017

Plainview - Old Bethpage Public Library
Plainview, NY
Saturday, August 12, 2017

Check our website for more details later this Spring