

## **Chapter 43: Public Libraries**

### **The Fundamentals**

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## **Brief History of Public Libraries in Wisconsin**

- 1872: Wisconsin's first legislation to establish free public libraries
- 1891: Wisconsin Library Association founded
- 1895: Wisconsin Free Library Commission established
- 1905: WFLC begins operating a library school (transferred to UW in 1935)
- 1921: Wisconsin first: public library certification law
- 1956: Federal Library Services Act passed (expanded to Construction in 1964)
- 1965: Free Library Commission transferred to Division for Library Services in DPI
- 1971: Public Library System law enacted; first 4 organized in 1974
- 1997: Act 150 adds county reimbursements

## 43.03-07: The Division

### Duties and Roles

- Promote and plan for the development of school and public libraries
- Organize and develop public library and system services
- Continuing education and consulting resources
- Establish standards for libraries; approve plans for systems and new libraries
- Administer state aid funding program

## Duties and Roles, cont

- Collect Annual Reports
  - Compile and distribute data
  - Review systems for effectiveness as required
- Administer federal and other grant programs
  - Library Services and Technology Act (LSTA)
  - Bill and Melinda Gates Foundation
- Work with Council on Library and Network Development
- Resources for Libraries and Lifelong Learning
  - Promote resource sharing among all types of libraries (incl. WISCAT)
  - Maintain resource contracts
  - Promote online resources and content

## **43.11: County Library Planning Committees**

- All counties should have a plan for providing library service particularly for residents not served by a library.
- Plan should cover the county's participation in the library system
- A county may appoint a planning committee or an existing county library services board may serve in this capacity.
- Plans should be reviewed and updated periodically

## **Plan of Library Service**

- Shall include full access to public libraries participating in the public library system (for residents not served by a public library) and reimbursement for that access.
- May provide direct services (such as book-by-mail or a bookmobile) or contracted services or provide for improved services countywide and in municipalities that have libraries.

## Plan Continued

- May also include minimum standards
  - If approved by the county board, as well as
  - by the public library boards of at least 50% of the participating municipalities representing at least 80% of the population of participating municipalities in the county. s. 43.11(3)(d)
- May also require municipal cross-boarder payments for circulation (not to exceed actual cost). s. 43.11(3)(e)

## 43.12: County Payments

- Requires reimbursement for at least 70% of the operational costs for serving the relative use by non-resident borrowers
- Act 150 in 1997 required payment to libraries within the county; Act 420 in 2006 required payment to libraries in adjacent counties
- Circulation used as a measure of the relative resident/non-resident use
- Claims must be submitted by July 1 (for payments by March 1)
- Some counties have system distribute the funds
- Capital funding may optionally be provided

## **43.13-24: Library Systems**

- History and Role of systems and libraries
- System duties and services
- State Aid

## **History of Library Systems**

- Some preliminary systems funded with LSA funds, 1959-61
- In 1971 Senate Bill 47 was signed into law (there were other substantial changes in Chapter 43)
- Counties are the “building blocks” of systems (but libraries must join, too)
- System law revised in 1981, '85, '89, '97, 2006
- First four systems established in 1973, last two in 1981
- Currently there are 17 library systems
  - See AE 17 for more information; also Channel V.32 no.2

## Benefits of Library Systems

- Facilitate and enhance resource sharing
  - Shared Integrated Library Systems (ILS)
  - Inter-Library Loan coordination
  - Delivery services
  - Guarantees mutual borrowing privileges
- Provide specialized staff assistance and continuing education
- Improve communications and provide support network
- Support the use of new technologies
- Other cooperative services and projects as determined
- First line-of-defense for libraries

## System Duties and Services

- Systems services are a product of their region and member libraries.
- State Aid is the funding systems receive on a formula basis, as appropriated by the legislature.
- Many systems receive funding from other sources such as counties and member libraries.
- In order for a library system to receive state aid there are certain services it is required to provide.

## System Services per 43.24 (2)

- Written agreements with all member libraries – including requirements listed in 43.15 (4) (c) 4 (same services).
- Written agreement with resource library for backup reference, ILL, development of and access to “specialized” collections.
- Referral or routing of reference and ILL requests from inside the system to libraries within and outside the system.
- In service training for library personnel and trustees.

## System Services Continued

- Electronic delivery of information and physical delivery of materials.
- Service agreements with adjacent library systems.
- Professional consulting services.
- Any other services (catch all).
- Special needs.
- Planning with other types of libraries.
- Planning with Division including tech plan (every 5 years).
- May reimburse libraries for ILL within the system (not to exceed actual cost).

## **43.30 Library Records**

- Privacy law
- Exceptions
- Ethical considerations
- Public Records

## **Privacy of Library Records**

- Records of any library...supported by public funds, including the records of a public library system,
- indicating the identity of any individual who borrows or uses the library's documents or other materials, resources, or services
- may not be disclosed except by court order or to persons acting within their scope of duties in the administration of the library...



## 43.52,53,57: Library Establishment

- 43.52: Any municipality may establish, equip and maintain a public library. This includes cities, towns, and villages, as well as tribal governments
- 43.53: A joint library may also be created by any 2 or more municipalities or by a county and one or more municipalities located in whole or part in the county.
- 43.57: Counties may establish a county library, county library service, or a joint library.
- A “feasibility and desirability” opinion must be obtained from DPI

## 43.52(2): Free and Open

- Every public library shall be free for the use of the inhabitants of the municipality by which it is established and maintained,
  - System membership requires “same services” to all residents of the system area
- ...subject to such reasonable regulations as the library board prescribes in order to render its use most beneficial to the greatest number.
  - Policies are set by the library board and should be reviewed regularly
  - “Reasonable” implies they must be uniformly and consistently enforced
  - Policy resource page with samples here: <https://dpi.wi.gov/pld/boards-directors/policy-resources>

### **43.15(4)(c) : System Membership**

To belong to the regional library system, libraries must:  
be

- Established under Chapter 43
- Authorized by the municipality and have a written agreement
- Employs a certified head librarian whose employment requires s/he be present in the library 10 hours /week
- Is open to the public an average of at least 20 hours each week
- Annually spends at least \$2,500 on library materials

### **43.54, 57(4) Library Board Appointments**

- Board Composition
- Open Meetings

## Library Board Composition

- In towns, the board consists of 5 (although 2 additional members may be added to total 7)
- Staggered 3-year terms
- *Must* include school district representative; *may* include no more than one member of town board
- Joint library boards consist of 7 to 11 members split relative to the populations
- County appointments are provided for in s. 43.60 and those members are *in addition* to the required municipal board members:
  - A county *may* appoint up to five additional members to the board of a library, based on the annual sum appropriated by the county relative to the library's local appropriation.

## Open Meetings

- Wisconsin's Open Meetings Law, enacted in 1976, requires openness in government
- Library Board meetings and board-appointed committees are subject to the law.
- Meetings must be properly noticed (posting agenda)
- TE 14 gives a good overview of open meetings issues
- The AG's office provides an Open Meetings Law Compliance Guide

## **43.58: Library Board**

### **Powers & Duties**

- Exclusive Control
- Finances & bill paying
- Liability
- Supervision of the Library
- Hiring Director
- Prescribes duties and compensation for staff
- Programming
- Annual Report
- Gifts & bequests

### **Exclusive Control**

- The library board shall have exclusive control of the expenditure of all moneys collected, donated or appropriated for the library fund, and of the purchase of a site and the erection of the library building whenever authorized.
- The library board also shall have exclusive charge, control and custody of all lands, buildings, money or other property devised, bequeathed, given or granted to, or otherwise acquired or leased by, the municipality for library purposes.

## Library Finances

- The library board must approve all expenditures of library funds; however,
- Library funds must be held (and disbursed) by the municipality (or, for a joint library, the fiscal agent municipality)
- That includes all library revenues such as fines, fees, sales, and county aid; however,...
- Donations and bequests may be deposited or transferred as specifically allowed
  - AE 14: Managing the Library's Money

## Donations, Bequests, Trusts

- 43.58(7) determines ways that library board may receive and manage gifts and donations
- The library board may transfer the funds to the treasurer of the municipality or county that established the library.
- The library board may resolve to deposit the funds with a public depository (a bank, credit union, or savings and loan in Wisconsin, or the Local Government Investment Pool).
- The library board may entrust the funds to a financial secretary, who may invest the funds as permitted
- The library board may pay or transfer the funds to a charitable organization whose purpose is providing financial or material support to the public library, or a community foundation.
  - If transferred to a library or community foundation, the board maintains control over the disbursements of the proceeds and principal.

### 43.58(3): Liability

- *Any person having a claim or demand against the municipality or county growing out of any act or omission of the library board shall file with the library board a written statement thereof. If the claim or demand or any part thereof is disallowed, the claimant may bring an action against the municipality or county.*
- Provides framework for legal claims.

### 43.58(4): Hiring Director

- Library boards have the authority to hire, supervise, and, if necessary, fire the library director.
- The library board also has the legal authority and responsibility for determining the compensation and general duties of the director (as well as of all other library positions).
  - AE 3: Who Runs the Library,
  - AE 11: The Library as Employer

## **43.09: Certification**

- Grade Levels
  - Based on municipal population
  - Some library boards may require higher level
- Initial Certification
- Continuing Education Responsibilities

## **Regular Certification Grade I**

Summary of Regular Certification Requirements

<b>Municipal Population</b>	6,000 or more
<b>Grade Level</b>	Grade I
<b>General Ed Requirements</b>	Bachelor's degree
<b>Library Ed Requirements</b>	Master's degree from ALA accredited program

## Supervising Library Administration

- The library director is under the direct supervision of the public library board of trustees responsible for the operations of the library and the development and implementation of its service program.
- The library director hires and supervises all other library staff, but the library board has the legal responsibility for establishing the duties and compensation, as well as the personnel policies, for all library staff.
  - AE 12: Managing the Staff

## 43.58(5): Programming

- The library board may employ competent persons to deliver lectures upon scientific, literary, historical or educational subjects; and may cooperate with ... other educational institutions to secure such lectures or to foster and encourage by other means the wider use of books and other resource, reference and educational materials upon scientific, historical, economic, literary, educational and other useful subjects.



## 43.58(6): Annual Report

- A report to DLT within 60 days of conclusion of the fiscal year.
- States the condition of funds held in trust by the library board.
- And all funds in the library's control including detail of the disbursements made on account of the library.
- It also includes data concerning library materials, facilities, personnel, operations and such other information as the division requests.

## Annual Report Continued

- Contains a statement by the library board indicating whether the public library system in which the library participated during the year of the report did or did not provide effective leadership and adequately meet the needs of the library and an explanation of why the library board believes so. The division shall design the form of the statement so that it may be removed from the report and forwarded to the division before it is sent to the public library system.

## **43.64: County Tax & Exemption**

- Provides authority for counties to tax for public library services
- A municipality that supports a public library can be exempt from the county library tax, if
  - The municipality appropriates and expends for a library fund an amount at least equal to a specific calculated amount.
- The request must be calculated and submitted annually
- Not all library communities exempt from the county tax

## **DPI/PLD Resources**

- *Trustee Essentials: A Handbook for Wisconsin Public Library Trustees*
- *Administrative Essentials*: Online resources for library directors
- *Frequently Asked Questions on Public Library Administration and Governance*

## Other Resources

- League of Wisconsin Municipalities Library FAQ 1,  
*What is the relationship between the library board and the governing body?  
Who has authority over what?*
- Legislative Audit Bureau's 2008 "Best Practices"  
paper on Public Libraries
- Legislative Fiscal Bureau's 2003 Informational Paper  
#39, "Public Libraries"

## Questions?

Your Library System Director and Staff

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Resources for Libraries & Lifelong Learning:

<https://dpi.wi.gov/rl3> (608) 224-6167