



**TRUSTEES MANUAL**

**OF THE**

**CRANBURY PUBLIC LIBRARY**

**ADOPTED: April 13, 2006**

*The Cranbury Public Library Board of Trustees will periodically review and update this manual.*

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# **CRANBURY PUBLIC LIBRARY**

## **TRUSTEE MANUAL**

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# **Cranbury Public Library**

## **Code of Ethics of the Board of Trustees**

As Trustees of the Cranbury Public Library, we recognize the importance of codifying and making known to the general public the ethical principles of the Trustees that guide the work of library management, librarians, library staff, and other professionals providing library services.

Ethical dilemmas occur when values are in conflict. The Cranbury Public Library Board of Trustees' Code of Ethics states the values to which we are committed, and embodies the ethical responsibilities of the Board in this changing information environment.

We influence or control the selection, organization, preservation, and dissemination of information. In a nation grounded in an informed citizenry, we as members of the Board of Trustees are explicitly committed to intellectual freedom and the freedom of access to information. We have a special obligation to ensure the free flow of information and ideas to present and future generations.

The principles of this Code of Ethics are expressed in broad statements to guide ethical decision-making. These statements provide a framework; they cannot and do not dictate conduct to cover particular situations.

- I. We provide the highest level of service to all users through appropriate and usefully organized resources; equitable service policies; equitable access; and accurate, unbiased, and courteous responses to all requests.
- II. We uphold the principles of intellectual freedom and resist all efforts to censor library resources.
- III. We protect each library user's right within the law to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted.
- IV. We recognize and respect intellectual property rights.
- V. We treat library management and staff, co-trustees and other colleagues with respect, fairness and good faith, and advocate conditions of employment that safeguard their rights and welfare.
- VI. We do not advance private interests at the expense of library users, colleagues, or our employees.
- VII. We distinguish between our personal convictions and professional duties and do not allow our personal beliefs to interfere with fair representation of the aims of our institution or the provision of access to their information resources.
- VIII. We strive for excellence in the Board by maintaining and enhancing our own knowledge and skills, by encouraging the professional development of library management, staff, co-trustees, and by fostering the aspirations of potential members of the library profession and support for the library by the public.

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## **Core Competencies of the Board of Trustees Of the Cranbury Public Library**

New Jersey's public libraries are vital community centers dedicated to lifelong learning. The success and achievements of public libraries depend on the leadership, commitment and dedication of its trustees. Library trustees have legal and fiduciary obligations to ensure that the Cranbury Public Library provides the highest quality of library service. The following core competencies enumerate skills, qualities and abilities essential for trustees to undertake their duties.

### **A. PHILOSOPHIES AND ETHICS**

- Understand the mission and role of your library.
- Demonstrate knowledge of the legal and regulatory environment of your library (NJSA 40:54-1 et seq.).
- Understand and demonstrate ethical behavior using the Board's Code of Ethics as a guideline.
- Understand the functions of the public library: public service, technical services, administrative service, technology and children's services.
- Stay current with developments in state and federal law and regulations pertaining to public libraries. Participate in continuing education opportunities sponsored by the NJ State Library, NJLTA, NJLA, the New Jersey Library Network and county trustee organizations.
- Uphold the principles of intellectual freedom.
- Ensure the library's participation in the services of the New Jersey Library Network, and local resource sharing arrangements, as appropriate to the library.

### **B. BOARD ATTRIBUTES**

- Demonstrate good interpersonal skills and the ability to communicate effectively and diplomatically.
- Demonstrate the ability to work collaboratively with other Board members, public officials, and other groups to promote growth for the library.
- Attend and participate in all library Board meetings.

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### **C. ADMINISTRATION**

- Understand the legal structure of the library and the environment in which it operates.
- Understand the budgeting process within the community including how to use statistics effectively to demonstrate library utilization.
- Know the community by reviewing Budget documents, Master Plans, census and other data and available documentation. Support the development of programs and services, which impact all segments of the population.
- Develop and annually update as necessary a Strategic Plan with specific strategies and objectives to support the library's mission and goals.
- Understand Board By-laws and Board Procedures.
- Develop policies and procedures for the library.
- Understand the principles of personnel management, including the role of the library Director, who administrates the day-to-day operations of the library, and that of the library Board which sets policy.
- Recruit and evaluate the library Director.
- Understand relevant state and federal laws pertaining to employment and personnel practices.
- Have knowledge of the physical arrangement and its maintenance and be able to plan for capital improvements or expansions.
- Provide support for training and continuing opportunities for library staff and Board.

### **D. ADVOCACY**

- Advocate for the library, everywhere with everyone.
- Seek opportunities to ensure sufficient income and resources to provide optimal library service.
- Support legislative initiatives to improve libraries and library service.
- Develop and implement an effective public relations plan for the library.
- Maintain positive relationships with officials at all levels of government, with Friends and/or Foundation of the Cranbury Public Library, and all segments of the community.

# **By-Laws of the Board of Trustees of The Cranbury Public Library**

## **ARTICLE I – NAME AND AUTHORITY**

### Section 1.1

This organization shall be called The Board of Trustees of the Cranbury Public Library existing by virtue of Title 40, Chapter 54 of the State of New Jersey, and exercising the powers and authority and assuming the responsibility delegated to it under the said statute.

## **ARTICLE II – MEMBERSHIP AND RESPONSIBILITIES**

### Section 2.1

The Board shall consist of nine members: a) Seven members appointed by the Mayor of Cranbury Township for five-year terms, four of which must be Cranbury residents, b) The Mayor of Cranbury Township for an annual term, and c) The Cranbury School Chief School Administrator for an annual term. The latter two statutory members may appoint alternates to represent them.

### Section 2.2

A vacancy on the Board shall be filled by mayoral appointment for the balance of the unexpired term. Resignations shall be submitted, in writing, to the appointing official with an information copy of the letter forwarded to the President of the Board.

### Section 2.3

The Board shall establish policy affecting the administration of the Library, shall prepare an annual budget, shall exercise control of all library funds and assure that these funds are duly expended and accounted for, shall hire and appoint a library director, shall approve staff positions in the library, and shall determine compensation for all employees.

#### Section 2.4

The Board shall submit an annual report to the Cranbury Township Committee. The report shall include a statement regarding revenues and expenditures and an analysis of the state and condition of the Library. A copy shall be sent to the New Jersey State Library, Division of Library Development.

### **ARTICLE III – OFFICERS OF THE BOARD**

#### Section 3.1

The officers of the Board shall be a president, a secretary and a treasurer, elected from among the trustees at the Annual Meeting of the Board. A vice-president may also be elected. A vacancy in any of the offices shall be filled by election for the unexpired term at the first regular meeting of the Board after the vacancy occurs.

#### Section 3.2

Officers shall serve a term of one year from the Annual Meeting at which they are elected and until their successors are duly elected.

#### Section 3.3

The president shall preside at all meetings of the Board, authorize calls for any special meetings, appoint all standing and all ad hoc committees, execute all documents authorized by the Board, serve as an ex officio voting member of all committees, and generally perform all duties and functions associated with that office.

#### Section 3.4

In the event of the absence of the president from a Board meeting, either the vice president or a temporary chairperson selected by the members present shall assume and perform the duties and function of the president.

#### Section 3.5

The secretary shall cause to be kept an accurate record of the proceedings of all meetings of the Board and shall perform such other duties as are generally associated with that office. The library Director shall have custody of the minutes and other records of the Board.

### Section 3.6

The treasurer shall be the disbursing officer of the Board, shall have charge of all the special funds and income outside the appropriations, shall sign all checks, and shall perform such duties as generally devolve upon the office. The treasurer must be bonded in an amount as may be required by state law or authorized by a resolution of the Board.

## **ARTICLE IV—MEETINGS OF THE BOARD**

### Section 4.1

Regular monthly meetings shall be held on the second Thursday of each month at 7:30PM or at such time and place as shall be designated by a majority vote of the Board. All meetings of the Board shall be open to the public in accordance with the New Jersey Open Public Meetings Law (Chapter 231, P.L. 1975.)

### Section 4.2

The annual meeting at which officers are elected shall be held concurrently with the regular monthly meeting in January of each year.

### Section 4.3

The Board shall be free to hold executive sessions, without any non-members present save those expressly invited, upon compliance with the procedures and criteria of the New Jersey Open Public Meetings Act.

### Section 4.4

A quorum for the transaction of business at any meeting shall consist of a simple majority of the Board. If a quorum cannot be achieved for a regular meeting of the Board, the president and library director jointly may act on behalf of the Board to carry out the normal business of the Library. Such action shall be submitted to the Board at its next regular meeting for ratification or amendment.

### Section 4.5

The order of business for regular meetings shall include, but not be limited to, the following items, which shall be covered in the sequence shown as far as circumstances will permit:



- A. Announcement of compliance with Open Public Meetings Law
- B. Call to order
- C. Consent Agenda
  - 1. Action on minutes from previous meeting(s)
  - 2. Action on Bills
- D. Treasurer's report
- E. Director's report
- F. President's report
- G. Old business
- H. New business
- I. Committee reports
- J. Public presentations to, or discussion, with the Board
- K. Adjournment

Copies of the minutes of the preceding meeting(s), agenda and any reports considered essential to consideration of the agenda shall be available to all Board members in advance of the meeting.

#### Section 4.6

Special meetings may be called by the library director at the direction of the president, or at the written request of a majority of the trustees, for the transaction of business as stated in the call for the meeting. Notice of such meetings shall also be provided in the manner called for by the New Jersey Open Public Meetings Act.

#### Section 4.7

The library director shall issue notices of all regular meetings and special meetings as provided in Section 4.6.

#### Section 4.8

Trustees must notify the president or the library director if they are unable to attend regular or special meetings.

#### Section 4.9

A trustee absent for more than three consecutive regular meetings in one calendar year may be asked to resign from the Board.

#### Section 4.10

The Board shall be governed in its procedure by parliamentary rules and usage as set forth in Robert's Rules of Order, latest edition, except that the president may participate in discussions and vote on all matters.

### **ARTICLE V—LIBRARY DIRECTOR AND STAFF**

#### Section 5.1

The Board shall appoint a qualified library director who shall be the chief executive and administrative officer of the library on behalf of the Board and under its review and direction carry out the duties and responsibilities as outlined in the position description. The director shall attend all Board meetings except those at which the director's salary, review or appointment is to be discussed or decided. The Director shall be ex-officio, a member of all committees except the Nominating Committee.

#### Section 5.2

The Board, acting through its president or personnel committee, shall conduct annual performance reviews of the library director.

#### Section 5.3

The library director shall recommend to the Board the appointment and duties to be required of other employees, and shall be responsible for the proper direction, supervision and evaluation of the staff, for the care and maintenance of library property, for an adequate and proper selection of books and other materials in keeping with the stated policy, for the efficiency of library service to the public, and for its financial operation within the limits of the budget approved by the Board.

### **ARTICLE VI – COMMITTEES OF THE BOARD**

#### Section 6.1

The president shall appoint such committees of one or more members each for specific purposes as the business of the Board may require from time to time. A committee shall be considered to be discharged upon completion of the purpose for which it was appointed.

Amended May 9, 2019

## Section 6.2

Committees shall present progress reports to the Board at each of its meetings. All final committee reports shall be made in writing and conveyed to the library director for filing.

## Section 6.3

No committee shall have other than advisory powers.

## **ARTICLE VII – GENERAL**

### Section 7.1

An affirmative vote of the majority of all members of the Board present (provided there is a quorum) shall be necessary to approve any action before the Board. The president may vote upon and may move or second a proposal before the Board.

### Section 7.2

The Bylaws may be amended at any regular or special meeting by a majority vote of all members of the Board, provided written notice of the proposed amendment shall have been provided to all members at least ten days prior to the meeting at which such action is proposed to be taken.

### Section 7.3

Any rule or provision of the Board, whether contained in these By-laws or otherwise, may be waived at any meeting of the Board for some special purpose by the affirmative vote of the majority of the Board.

### Section 7.4

An independent auditor appointed or approved by the Board shall at such times as the Board may determine, but at least annually conduct an examination of the financial statements of the Library and report to the Board thereon, Such financial statements shall include a statement of capital assets and liabilities, a statement of income and expenses, and such other additional reports or information as may be ordered from time to time by the Board.

**Amended** May 9, 2019

## **CRANBURY PUBLIC LIBRARY CODE FOR COMMITTEES OF THE BOARD OF TRUSTEES**

Whereas the By-laws of the Library, Article VI, empower the President of the Board of Trustees to appoint such committees for specific purposes as the business of the Board may require from time to time and in order to accomplish the goals of the CPL Strategic Plan and review, analyze, and recommend solutions to issues raised by the Board, a committee structure for the Board Of Trustees shall be placed in order. The Committees are solely advisory in nature. All recommendations are to be submitted to the Board for action deemed necessary. However, if urgency arises before a meeting of the Board can be held, the President of the Board may act on advice of a committee chair, as the President deems appropriate within provisions of the Board Bylaws.

There shall be a minimum of four board committees with responsibilities in the areas of **Policy and Planning, Finance, Nomination and Elections, and Personnel**. The President of the Board may appoint an Ad Hoc Committee at any time for specific purpose, as shall be deemed necessary. The President shall work with the Committee Chairs to develop and implement activities to ensure that all parts of the Board are acting in a coordinated and complementary manner.

All Board members, at-large and representative, are encouraged to participate on the Committees of the Board of Trustees. No committee shall be composed of a number so as to constitute a quorum of the Board. Committees shall be reconstituted annually after the election of Officers of the Board and serve for a calendar year; all openings that may arise should be filled as quickly as possible to alleviate any undue burden on the remaining members of the committee. Any committee member who does not attend any committee meetings for three consecutive meetings without serious cause may be removed from the committee by the chair. The Chair of each Committee on the approval of the President may add to committee membership, on a annual or ad hoc basis any member of the Management Staff or employee of the Library, or general public who would significantly add to the quality of the work of the committee. In general, however, the committee should be kept to a size of 6 or less. The list of committees and functions shall be reviewed annually and revised as necessary by the President.

The Committees shall submit all reports, including status of work-in-progress and recommendations to the Board in written and concise form. All attempts shall be made within committee for consensus of recommendation but may report on the basis of majority finding. If a unanimous report is not found possible, a dissenting minority report may be submitted by a Board member of the Committee.

**Amended** May 9, 2019

## **POLICY AND PLANNING COMMITTEE**

### **PRIMARY FUNCTIONS**

- To annually review the Trustee Manual including Bylaws and make recommendations for changes deemed necessary.
- To study the structure of the Board and to make recommendations to the Board as to any changes.
- To review and recommend revision to the Code of Ethics as deemed necessary.
- To recommend addition and dissolution of Committees, as appropriate.
- To consider issues of broad concern to the Board and the development of its activities.
- To analyze and report on the Annual Board Self-Assessment
- To draft Annual Goals for action for the Board.
- To review and recommend revisions to the Strategic Plan and to continually review the activities of the other Committees to ensure correlation to the Strategic Plan of the Library.
- To monitor all Township, County, State, and National activities that may affect the Library and to recommend a course of action for the Board.
- To study issues facing libraries and to recommend appropriate steps to address these issues within the Library.
- To oversee the activities of the Management Staff in development of all Operational Policies and Procedures.
- To plan and organize all activities and other matters relating to the Annual Retreat, New Jersey Trustee Institute Conferences, and meetings with other library board of Trustees and libraries.
- With approval of the Board:
  - To publicize the activities of the Board and Library.
  - To cooperate with other agencies and organizations to keep the public informed about library services.
  - To establish relations with other organizations, foundations and businesses to partner in the promotion of services in libraries.
  - To promote a positive public image of libraries and library personnel and to encourage others to do likewise.
  - To issue press releases on major initiatives of the organization.

### **COMPOSITION**

The Policy and Planning Committee shall be composed of the President of the Board or delegate as Chair, and a maximum of three other Board members.

## **PERSONNEL COMMITTEE**

### **PRIMARY FUNCTIONS**

- To arrange for an Orientation Program and provide all relevant Board and Library materials to expedite effectiveness of any new Board members.
- To identify the development opportunities for Board members.
- To review annually the employment contract of the Director, if any, the salaries and hourly wages of all employees, the Salary Structure of the Library, and job descriptions for all employees of the Library for any recommended changes for approval by the Board.
- To review periodically the personnel policies for employees of the Library for any recommended changes for approval by the Executive Board.
- To annually submit blank Performance Evaluation Forms to all Board members to evaluate the Director of the Library and to collect and consolidate the performance of the Director into a formal Evaluation for review with the Board and review by the President with the Director.
- To annually review the evaluations by the Director of all other Full Time employees and overall performance statements of all Part time employees and report to the Board any findings.
- To study and recommend action as needed on related employee matters.
- To support continuing education and professional development for Library employees.
- To keep the Board members informed of important developments in the area of personnel issues.
- To gather, publish and distribute data relating to the improvement of salary and working conditions of library personnel in New Jersey.
- To recommend to the Board programs relating to the improvement of salary and employee conditions.
- To provide assistance to members seeking information relating to personnel practices.

### **COMPOSITION**

The Personnel Committee shall be composed of an Officer of the Board as Chair, and a maximum of three other Board members.

## **FINANCE COMMITTEE**

### **PRIMARY FUNCTIONS**

- To prepare in concert with the Director of the Library the Annual Budget subject to the approval of the Board.
- To have an Annual Audit conducted and to submit a Plan to the Board to respond to any recommendations of the auditor.
- To review Library investments annually and recommend investments to the Board, as appropriate.
- To project future expenditures and to recommend possible ways of meeting the expenses involved.
- To implement, review and evaluate the long-term financial plan of the Library.
- To ensure that appropriate financial data is timely transmitted to the Chief Financial Officer of the Township and other identified Officials, specifically: the Annual Financial Statements as of each December 31, Tax Filings, Signatory and Bonding Instruments, the Annual Approved Budget, Annual Report, and Annual Audit.
- To investigate and recommend new sources of revenue for the Library.
- To annually review the Finance Manual of the Library and recommend any changes deemed necessary.

### **COMPOSITION**

The Finance Committee shall be composed of the Treasurer of the Board or delegate as Chair, and a maximum of three other Board members.

## **NOMINATIONS AND ELECTIONS COMMITTEE**

### **PRIMARY FUNCTIONS**

#### **Board Officer Annual Election**

- To annually solicit and recruit nominees and to accept petitions for officers of the Board.
- To present to the Board the nomination list.
- To prepare, receive, collect and count the ballots and present results to the Board.

#### **At-Large Board Member Nominations**

- To annually solicit interest of nominees to replace retired and resigned at-large Board members.
- To collect biographical information and statements of interest from the nominees and to present to the Board the nomination list and all information.
- To arrange for interviews to be held in Executive Session by the Board.
- To respond to any Board inquiry resulting during Executive Session discussion of the nominations.
- To prepare, receive, collect and count the ballots and present results to the Board.
- To support the President of the Board as may be requested to prepare an advisory letter listing the Board's findings and nominations for consideration by the Mayor.

### **COMPOSITION**

The Nominations and Election Committee shall be composed of an Officer of the Board or delegate as Chair, and a maximum of three other Board members.



**NEW JERSEY STATUTES ANNOTATED  
TITLE 40. MUNICIPALITIES AND COUNTIES  
CHAPTER 54. LIBRARIES AND READING ROOMS  
ARTICLE 1. FREE PUBLIC LIBRARIES**

**For the most up-to-date information on Library Law go to**  
[https://www.njstatelib.org/services\\_for\\_libraries/resources/library\\_law/](https://www.njstatelib.org/services_for_libraries/resources/library_law/)

**N.J.S.A. 40:54-1. Establishment; chapter applicable to libraries established under other laws**

Any municipality may, in the manner hereinafter provided, establish a free public library within its corporate limits. Every library established under this chapter, and every free public library established pursuant to any general law shall be governed by the provisions of this chapter.

**N.J.S.A. 40:54-2. Referendum**

No such library shall be established in any municipality unless assented to by a majority of the legal voters of the municipality, at an election, general or special, at which the question of the adoption of this article shall be submitted to vote by direction of the governing body.

**N.J.S.A. 40:54-3. Referendum; notice**

The municipal clerk shall cause public notice of such general or special election to be given by advertisement, signed by himself and set up in at least five public places in the municipality for at least ten days previous to the date of such election and published for the same period in two newspapers printed or circulating therein.

**N.J.S.A. 40:54-4. Ballot; form and content**

The officer charged with the duty of preparing the ballots for such election shall cause the question to be submitted to be printed on the official ballots for such election in substantially the following form:

"To vote upon the public question printed below, if in favor thereof mark a cross (x) or plus (+) in the square at the left of the word YES, and if opposed thereto, mark a cross (x) or plus (+) in the square at the left of the word NO.

"Shall a free public library be established in ... (name of municipality) pursuant to sections 40:54-1 to 40:54-29 of the title Municipalities and Counties of the Revised Statutes?"

\_\_\_\_\_ YES \_\_\_\_\_ NO

#### **40:54-5. Election returns**

The election officers of the municipality shall make a true and correct return of the result of such election in writing, under their hands, and said statement shall be entered at large upon the minutes of the governing body.

#### **N.J.S.A. 40:54-6. Vote required for adoption**

If a majority of the votes so counted shall be in favor of a free public library, the provisions of this article shall be deemed to have been adopted.

#### **N.J.S.A. 40:54-7. Rejection of proposition; second election**

Where any municipality shall vote against the establishment of a free public library such vote shall not preclude the holding of another election, general or special, to vote for or against the adoption of the provisions of this article.

#### **N.J.S.A. 40:54-8. Tax levy; additional levy**

The governing body or appropriate board of every municipality governed by this article shall annually appropriate and raise by taxation a sum equal to one-third of a mill on every dollar of assessable property within such municipality based on the equalized valuation of such property as certified by the Director of the Division of Taxation in the Department of the Treasury. Such additional sum, as in the judgement of such body or board is necessary for the proper maintenance of a free public library, may be appropriated and raised by taxation annually.

Amended by L.1944, c. 49, p. 107, § 1; L.1985, c. 82, § 2; L.1985, c. 541.

#### **N.J.S.A. 40:54-8.1. Limitation on increase in amount raised by taxation**

Any increase in the amount raised by taxation for the municipal library as required by R.S.40:54-8 shall not exceed the total amount expended by the municipality in the previous year plus 15% of the previous year's total expenditures for the maintenance of a free public library; except that the State Librarian is authorized to approve additional appropriations to any municipality that requests to appropriate an amount in excess of 15% of the previous year's total library expenditures.

L.1985, c. 541, § 5. amended by L.2001, c.137, § 53.

**N.J.S.A. 40:54-9. Trustees; number, appointment and term; alternates**

Immediately upon the establishment by any municipality of a free public library under this article, a board of trustees shall be formed to consist of from seven to nine members, one of whom shall be the mayor or other chief executive officer of the municipality, one of the local superintendents of schools or in the event that there be no such official, the principal with power of supervision over the local school system, or in case such municipality shall have none of the school officials hereinbefore mentioned, then the president of the board of education, and from five to seven citizens to be appointed by the mayor or chief executive, at least four of whom shall be residents of the municipality. The appointments shall be for terms of one, two, three, four and five years, respectively, as they may be selected by the mayor or other chief executive officer, and, except in cities, shall be made with the consent of the governing body. Whenever a board is expanded to include a sixth or seventh citizen, the additional members shall serve terms of five years. The mayor or other chief executive officer and the superintendent of schools or the principal, as the case may be, serving as a member of the board, may, respectively, appoint an alternate to act in his place and stead with authority to attend all meetings of the board and, in his absence, to vote on all questions before the board.

Amended by L.1952, c. 240, p.806, § 1; L.1970, c. 143, § 1; L.1984, c. 130, § 1.

**N.J.S.A. 40:54-10. Vacancies; how filled**

Upon the expiration of the term of office of any trustee the mayor or other chief executive officer of the municipality shall appoint a citizen for a term of five years in the same manner as the original appointment was made. Vacancies occurring in the board of trustees shall be filled for the unexpired term only, in the same manner as the original appointments are made.

**N.J.S.A. 40:54-11. Trustees; corporate name; organization; officers; certificate; recording and filing**

The board of trustees shall be a body corporate under the name of "the trustees of the free public library of ..... (name of municipality)". It shall have corporate powers of succession, may sue and be sued, and adopt a corporate seal. It shall meet at a convenient time and place in the municipality within ten days after its appointment, and shall immediately proceed to organize by the election from its members of a president, treasurer, and secretary, who shall hold their offices for one year and until their successors are elected.

April 13, 2006

The members shall make and execute under their hands and seals a certificate setting forth their appointment and their organization and the names of the officers elected, such certificate to be acknowledged in the same manner as is required of conveyances of real estate, and recorded in the clerk's office of the county in which the municipality is located. They shall also send a certified copy of the certificate to the office of the secretary of state, at Trenton, to be there filed of record, but shall not be required to pay any fees for such recording and filing. The certificate, or copy thereof duly certified by the secretary of state or by the county clerk, shall be evidence in all courts and places of the incorporation of the board.

**N.J.S.A. 40:54-12. Powers of board**

The board shall hold in trust and manage all property of the library. It may rent rooms, or, when proper, construct buildings for the use of the library, purchase books, pamphlets, documents, papers and other reading matter, hire librarians, and other necessary personnel, and fix their compensation, make proper rules and regulations for the government of the library, and generally do all things necessary and proper for the establishment and maintenance of the free public library in the municipality. The board may also transfer to and receive from other libraries books, magazines, prints, maps and other related library materials for the purpose of augmenting the interlibrary loan service.

Amended by L.1949, c. 98, p. 419, § 1. Amended by L.2001, c.137, § 54.

**N.J.S.A. 40:54-12.1. Purchases not requiring advertisements for bids**

The board of trustees of the free public library of any municipality or of a joint free public library may, within the limits of funds appropriated or otherwise made available to the board, purchase the following without advertising for bids therefor: (1) library materials including books, periodicals, newspapers, documents, pamphlets, photographs, reproductions, microforms, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, slides, films, filmstrips, video and magnetic tapes, other printed or published matter, and audiovisual and other materials of a similar nature; (2) necessary binding or rebinding of library materials; and (3) specialized library services.

L. 1968, c. 227, § 2.

**N.J.S.A. 40:54-12.2. Municipal libraries; voter registration forms and instructions to be displayed and supplied**

The director or other administrative officer of a free public library in any municipality shall:

- a. cause copies of the voter registration forms and instructions furnished under subsection f. of section 16 of P.L. 1974, c. 30 (C. 19:31-6.4) to be displayed at the principal and any branch location of that library and to be made available to each person who, when appearing in person at such location, may wish, on a voluntary basis, to register to vote;
- b. provide for the continuous supply of the forms and instructions specified in subsection a. of this section to each such principal or branch location; and
- c. provide the forms and instructions specified in subsection a. of this section in both the English and Spanish languages to each library which provides services under any program administered by the library which is located in any county in which bilingual sample ballots must be provided pursuant to R.S.19:14-21, R.S.19:49-4 or section 2 of P.L.1965, c. 29 (C. 19:23-22.4).

L.1994, c. 182, § 38.

**N.J.S.A. 40:54-13. Trustees; treasurer; bond and duties**

The treasurer of the board shall give bond in an amount to be fixed by the mayor in cities and by the governing body in municipalities other than cities, payable to the municipality by its corporate name, conditioned for the faithful performance and discharge of his duties. The board shall, by its treasurer, upon its warrant signed by its president, receive from the disbursing officer of the municipality the money raised therein for library purposes, as provided in section 40:54-8 of this title.

**N.J.S.A. 40:54-14. Trustees; compensation; limitation on amount of indebtedness**

The trustees shall receive no compensation for their services, and shall not incur any expense or enter into any obligations to an amount in excess of the annual appropriation for library purposes and of the funds on hand.

**N.J.S.A. 40:54-15. Annual report, identification of excess funds to municipality, transfer procedure.**

a. The board of trustees shall make an annual report to the chief financial officer of the municipality which shall include a statement setting forth in detail all public revenues received by the library, all State aid received by the library, all expenditures made by the library and the balance of funds available. Notwithstanding the requirements of R.S.40:54-8 pertaining to the amount required to be raised and appropriated for library purposes, the annual report shall identify excess funds that the board is required to approve and transfer to the municipality as miscellaneous revenue. The excess funds transferred shall be any amount that exceeds the sum of the amount of the audited operating expenditures of the library for the most recent available year, plus an additional 20% of those operating expenditures, excluding funds restricted for capital projects and grants, to be maintained as surplus. The annual report shall also include an analysis of the state and condition of the library and shall be sent to the municipal governing body and to the State Library. The State Librarian shall prescribe by regulation the form of all such reports.

b. (1) Except as limited in paragraph (2) of this subsection, the board of trustees of a municipal free library shall adopt a resolution of its intent to transfer excess funds to the municipality, as identified in its annual report pursuant to subsection a. of this section.

(2) The board of trustees of a municipal free library established after the effective date of P.L.2008, c.8 shall not adopt a resolution of intent pursuant to this subsection before the eighth budget year following its establishment.

c. Once the board of trustees has adopted a resolution of intent pursuant to subsection b. of this section, it shall forward the resolution to the State Librarian for approval, along with any other information required by the State Librarian and in accordance with procedures and forms promulgated by the State Librarian in consultation with the Director of the Division of Local Government Services in the Department of Community Affairs. The State Librarian shall approve any resolution upon a determination that all of the following provisions are met:

(1) the municipal free library will still retain a sum equal to the amount of the audited operating expenditures of the library for the most recent available year plus an additional 20% of that amount, excluding funds restricted for capital projects and grants, to be maintained as surplus;

(2) the municipality and the municipal free library are in compliance with all conditions imposed by rule or regulation promulgated by the State Librarian for per capita library aid to public libraries according to the "state library aid law," N.J.S.18A:74-1 et seq., and pertaining to appropriations for the maintenance of a municipal free library according to R.S.40:54-8 or section 2 of P.L.1959, c.155 (C.40:54-29.4) in the case of a joint free public library;

(3) there are sufficient funds remaining in the municipal free library's operating budget for the maintenance of the library for the balance of the fiscal year in which the transfer of funds to the municipality occurs; and

(4) the library board of trustees has a written plan of at least three years that reflects that the long-term funding needs of the library will be met, and that any capital expense will contribute to the provision of efficient and effective library services, and that the written plan has been approved by the State Librarian.

d. Upon approval of its resolution of intent by the State Librarian pursuant to subsection c. of this section, the board of trustees shall cause the amount of the excess funds identified in its resolution to be transferred to the municipality.  
Amended 1985, c.541, s.2; 2001, c.137, s.55; 2008, c.8, s.1.

### **N.J.S.A. 40:54-16. Appropriation for furnishing**

Any municipality that shall establish a library under the provisions of this article, or that has heretofore established a free public library pursuant to law, and has purchased or shall purchase lands, and has erected or shall erect buildings thereon, or both, for the purposes of a free public library, and has made or shall make appropriations therefor under this article, may make additional appropriation for the equipment, furnishing and decorating of the library building in the manner following: The board of trustees shall certify to the board or body having charge and control of the finances of the municipality the amount necessary for the equipment, furnishing and decorating of the library building, and thereupon such board or body may by resolution, at its discretion and with the approval of the mayor or other chief executive officer of the municipality, make appropriation of such money and authorize and empower the board of trustees of the free public library to expend such sum of money. Upon the passage of such resolution the board of trustees may enter into contracts for such equipment, furnishing and decorating, and expend money therefor to the amount of the appropriation.

### **N.J.S.A. 40:54-17. Fines expended for library purposes**

The board of trustees of the free public library may use and expend for library purposes all moneys received from library fines and shall account for such receipts and expenditure in the same manner as is required as to funds appropriated to the board of trustees by the governing body of the municipality.

Amended by L.1969, c. 295, § 1.

### **N.J.S.A. 40:54-17.1. Moneys from operation of photocopy machines**

The board of trustees of a free public library may use and expend for library purposes all moneys received from the operation of photocopy machines within the library and shall account for the receipts and expenditures in the same manner as is required for funds appropriated to the board of trustees by the governing body of the municipality.

L.1983, c. 70, § 1.

### **N.J.S.A. 40:54-18. Use of money paid by library to municipal treasury**

The governing body of any municipality may appropriate in the annual budget for the use of the free public library of such municipality a sum equal to the amount of the money paid into the general treasury by the free public library in the preceding fiscal year. The sum so appropriated shall be available for expenditure by the board of trustees of the free public.



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library of the municipality for library purposes, shall be in addition to sums otherwise appropriated by law for library purposes and shall be controlled by the same laws as other budget appropriations.

Last updated: November 10, 2001.

### **N.J.S.A. 40:54-19. Devises and bequests to trustees**

The board of trustees may receive, hold and manage any devise, bequest or donation heretofore made or hereafter to be made and given for the establishment, increase or maintenance of a free public library within the municipality.

#### **N.J.S.A. 40:54-19.1. Loan of funds received as gift or bequest**

The board of trustees of the free public library may, upon the application of the governing body of the municipality, loan, upon "tax anticipation notes" or "bond anticipation notes" of the municipality, any funds heretofore or hereafter received, either by the board of trustees of the free public library or by the governing body, as a gift or bequest for free public library purposes and being held and managed by the board of trustees, or subject to their direction pursuant to the provisions of article one of chapter fifty-four of Title 40 of the Revised Statutes, pending the use thereof for the purposes for which the gift or bequest was made.

L.1941, c. 67, p. 152, § 1. Amended by L.1942, c. 139, p. 429, § 1.

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### **N.J.S.A. 40:54-19.2. Strict compliance with law in making loans required**

In the making of any loan authorized by the provisions of section one of this act<sup>1</sup> the pertinent provisions of chapters one and two of Title 40 of the Revised Statutes shall, in all respects, be strictly complied with.

L.1941, c. 67, p. 152, § 2. Amended by, L.1942, c. 139, p. 430, § 2.

<sup>1</sup>Section 40:54-19.1

### **N.J.S.A. 40:54-19.3. Investment of funds; regulation of bonds or securities**

The board of trustees of the free public library may invest its funds in any interest-bearing obligations of the United States of America, or in interest-bearing bonds of the State of New Jersey, or any county or municipality of said state, or in any other securities authorized for investments by trustees under and in accordance with the provisions of article 2 of chapter 15 of Title 3A of the New Jersey Statutes,<sup>1</sup> but the authorization to invest funds in any such obligations or bonds or securities shall be by resolution adopted by a majority vote of all the members of the board of trustees at any regular or special meeting of the board.

All such obligations or bonds or securities shall be registered in the official name of the board of trustees.

As used in this section invest means the buying and selling of authorized obligations, bonds and securities.

L.1942, c. 139, p. 430, § 3. Amended by L.1968, c. 217, § 1; L. 1973, c. 344, § 1.

<sup>1</sup>Repealed. See 40A:5-15.1

### **N.J.S.A. 40:54-19.4. Custody of securities; report; minutes**

When any obligations or bonds purchased by the board of trustees are received by the board, the treasurer of the board shall immediately record the receiving thereof in an appropriate manner and shall, unless otherwise previously directed by the board of trustees, promptly deliver the same to the clerk of the municipality for safe-keeping. At the next regular or special meeting after the receipt of such obligations or bonds, said treasurer shall present a written report to the board, setting forth the amounts of the obligations or bonds so received, and the dates, numbers and interest periods thereof and the date of delivery thereof to the clerk of the municipality.

The secretary of the board of trustees shall record in the minutes of such regular or special meeting of the board the date of receipt of such obligations or bonds by the treasurer, the amounts, dates, numbers and interest periods thereof and the date on which they were delivered to the clerk of the municipality for safe-keeping. L.1942, c. 139, p. 430, § 4.

#### **N.J.S.A. 40:54-19.5. Income from investments**

All interests, income or profit which may be realized by the board of trustees from the investment, pursuant to this or any other act, of any such funds shall be added to the principal of such funds and be used for the same purpose or purposes for or toward which the principal gift or bequest was made until the purpose or purposes for or toward which such gift or bequest was made shall have been accomplished.

L. 1942, c. 139, p. 431, § 5.

#### **N.J.S.A. 40:54-20. Gifts of works of art; acceptance and maintenance**

Any free public library may accept gifts and bequests of paintings, statuary, ceramics and other art objects, and may care for and maintain them in accordance with the provisions of such gift or bequest.

#### **N.J.S.A. 40:54-21. Acceptance of conditional gifts generally**

In any municipality in which there shall have been established a free public library pursuant to law, the governing body may, by resolution, accept gifts or bequests for the purpose of building a library building therein which may be made on condition that a sum not exceeding ten per cent of the amount of such gift or bequest be annually appropriated for the maintenance and support of such library, or which may be made on the above condition and on the further condition that the municipality to which such gift is made shall also provide a suitable site for the building. When any such conditional gift is accepted by any municipality such amount as may be required by the condition of the gift for the support and use of the library may be raised annually by taxation.

#### **N.J.S.A. 40:54-22. Custodian of gifts; expenditure**

Any gift or bequest, when accepted by the governing body of the municipality, shall be received by the treasurer or other corresponding officer of the municipality and expended by and under the direction of the board of trustees of the free public library for the purposes for which the gift or bequest was made, in the same manner as other funds are expended by such board.

**N.J.S.A. 40:54-23. Municipalities may furnish site where buildings are offered; amount**

When any person has offered or hereafter may offer to the board of trustees of the free public library of any municipality which shall hereafter establish a library under the provisions of this article or has heretofore established a free public library pursuant to law, or has offered or hereafter may offer to the council or other governing body of any such municipality, to provide or erect a building to be used as a free public library upon condition that the municipality or the trustees of the free public library therein, or the council or governing body thereof, provide a site for the building, the council or other governing body of the municipality, by resolution adopted by the votes of a majority of all the members thereof, may appropriate for the purpose of purchasing a suitable site upon which to erect such library building, a sum of money not exceeding three mills in all municipalities except cities, and in cities a sum not exceeding three-fourths of one mill, on every dollar of assessable property according to the last preceding levy for the purposes of annual taxation therein.

**N.J.S.A. 40:54-24. Purchase of site; title**

At any time after the acceptance of any such last-mentioned gift the trustees of the free public library in any such municipality may purchase, at a cost not exceeding the amount appropriated therefor, a suitable site for the erection of a library building. The title of the real estate so purchased shall be taken in the name of the municipality. The use and control of the same shall be in the board of trustees of the free public library therein so long as it shall be used for free public library purposes.

**N.J.S.A. 40:54-25. Lands and buildings; purchase and alteration; fin; title**

When, in the judgement of the board of trustees of the free public library in any municipality that shall establish a library under the provisions of this article or has heretofore established a free public library pursuant to law, it is advisable to purchase lands or erect buildings thereon, or both, or to enlarge or alter any building already erected thereon, for the purpose of a free public library, the board may certify to the board or body having charge of the finances of such municipality the amount of money, in addition to such moneys as it may have on hand applicable to such purposes, necessary for the purpose of making such purchase of land, the erection of buildings or other improvements thereof, and shall also certify therewith the total amount of moneys and funds available for the purchase of lands or erection of buildings, and an estimated account of the amount necessary for the maintenance of the library for the balance of the then current year.

Thereupon the board, or body having charge of the finances of the municipality may by resolution, at its discretion and with the approval of the mayor or other chief executive officer of the municipality, authorize and empower the board of trustees of the free public library to expend such sums of money, in addition to the moneys belonging to it and not needed for the expenses of maintenance for the remainder of the then fiscal year, as to such common council, or such other body or board, may seem proper for such purposes, not to exceed, however, the amount certified by the board of trustees of the free public library.

Upon the passage of such resolution the board of trustees of the free public library shall be empowered and authorized, with the consent of the mayor or other chief executive officer of such municipality, to purchase real estate, and to erect buildings and make improvements thereon, and to expend moneys therefor to the amount of such appropriation and surplus, but no lands shall be purchased for the purpose of erecting thereon a free public library building except with the concurrence of such common council, or such other body or board, expressed by resolution of such common council, or such other body or board with the approval of the mayor or other chief executive officer of the municipality. Any veto exercised by the mayor or other chief executive officer may be overridden by a 2/3 majority vote of the governing body of the municipality.

The title of any real estate so purchased shall be taken in the name of the municipality. The use and control of such real estate shall be in the board of trustees of the free public library so long as it shall be used for free public library purposes.

Amended by L.1971, c. 201, § 1.

#### **N.J.S.A. 40:54-26. Bond issues**

Any municipality that shall hereafter establish a library under the provisions of this article or has heretofore established a free public library pursuant to law may create and issue bonds for the acquisition of lands, the acquisition and erection and improvement of buildings and appliances for library purposes and the equipment and furnishing of library buildings. Such bonds shall be issued pursuant to the provisions of article 1 of chapter 1 of this title (40:1-1 et seq.<sup>1</sup>).

<sup>1</sup>See, now, §40A:2-1 et. seq.

### **N.J.S.A. 40:54-27. Redemption of bonds**

There shall be raised and levied annually by taxation in the municipality issuing such bonds a sum sufficient to pay the interest thereon and to redeem the part or proportion thereof maturing in the fiscal year for which such taxes are levied.

### **N.J.S.A. 40:54-28. Acquisition of lands by condemnation**

When the board of trustees of the free public library in any municipality desire to acquire any lands, improved or unimproved, either in whole or in part, for the purposes of its building and library pursuant to the authority and power vested in it by section 40:54-25 of this title, and it cannot agree with the owner or owners of such lands, or with other persons interested therein, as to the amount of compensation to be paid therefor, proceedings shall be taken by said board to acquire such lands and ascertain the amount of compensation to be paid therefor, in the manner provided by the general laws for the condemnation and taking of lands for public use.

### **N.J.S.A. 40:54-29. Transfer of books to library**

Any public board in any municipality wherein there is a free public library, or any department of the government of the municipality having under its control a library or collection of books useful for such public library, may transfer the control or property of said books to the trustees of a free public library established under this article for use therein. The board or department so transferring its books or library shall be relieved from further responsibility for the care or custody of or property in said books or library, and the board of trustees of the free public library shall hold and keep said books or library as if originally purchased by it.

#### **N.J.S.A. 40:54-29.1. Contracts with other municipalities for library service**

The governing body of any municipality may, by resolution, contract with any other municipality which maintains a free public library, for the furnishing of library service to the inhabitants of the first municipality, and may appropriate annually for this purpose such sum of money as may be agreed upon between the contracting parties.

L.1951, c. 102, p. 507, § 1.

### **N.J.S.A. 40:54-29.2. Use of moneys received under contracts**

The governing body of such other municipality may, by resolution, enter into contract as provided in this act<sup>1</sup> and all sums of money paid under such contract shall be appropriated and used for library purposes in accordance with the terms of said contract.

L.1951, c. 102, p. 507, § 2.

<sup>1</sup>Sections 40:54-29.1, 40:54-29.2

### **N.J.S.A. 40:54-29.3. Support, maintenance and control of joint free public library; libraries considered free public libraries**

Any 2 or more municipalities may unite in the support, maintenance and control of a joint free public library for the use and benefit of the residents of such municipalities.

Every library established under this chapter shall be considered a free public library as defined under R.S. 40:54-1 et seq. and shall have the same benefits, powers, duties and responsibilities granted to free public libraries and their governing boards of trustees.

L.1959, c. 155, p. 619, § 1. Amended by L.1988, c. 38, § 1.

### **N.J.S.A. 40:54-29.4. Joint library agreement; contents**

The governing bodies of such municipalities shall propose such an undertaking by a joint library agreement, which shall provide for the apportionment of annual and special appropriations therefor among such municipalities, for the initial annual appropriation for such library, for the abandonment or the continuance of such agreement in the event that it is not approved by all such municipalities as provided for in this act, and for such other matters as they shall determine. Such apportionment of appropriations may be based on the assessed valuations of the respective municipalities, their populations, or such factor or factors as the governing bodies shall agree. Such an agreement shall provide that the combined minimum appropriation for the joint library shall annually be not less than one-third of a mill on every dollar of assessable property within the participating municipalities based upon the equalized valuation of such property within the combined municipalities as certified by the Director of the Division of Taxation in the Department of the Treasury.

L.1959, c. 155, p. 619, § 2. Amended by L.1988, c. 38, § 2.

### **N.J.S.A. 40:54-29.5. Joint library agreement, filing**

After the introduction of an ordinance approving such Joint library agreement, which may be incorporated by reference therein, such agreement shall be and remain on file for public inspection in the municipal clerk's office from the time of introduction of such ordinance and such ordinance shall so state. A copy of such ordinance and of the Joint library agreement shall be filed with the State Librarian and the Director of the Division of Local Government. Subsequent amendments and supplements to such ordinance and agreement shall be filed in like manner.

L.1959, c. 155, p. 619, § 3. Amended by L.2001, c.137, § 56.

### **N.J.S.A. 40:54-29.6. Notification of governing bodies after adoption of ordinance; submission of question to voters**

After the adoption of such ordinance, each governing body shall notify each of the other governing bodies proposing to unite in the joint library of such adoption. After the adoption of such ordinances by all such governing bodies, the question of uniting in such undertaking shall be submitted to the legal voters of each such municipality at the next general election unless said election is less than 40 days after the adoption of such ordinances, in which event it shall be submitted at the next succeeding general election.

L.1959, c. 155, p. 619, § 4.

### **N.J.S.A 40:54-29.7. Form of ballot**

Such question shall be placed upon the official ballots in each of the participating municipalities in substantially the following form:

"Shall . . . (insert the name of one municipality) . . . unite with . . . (insert the name or names of the other municipality or municipalities) . . . in the support, maintenance and control of a joint free public library pursuant to chapter . . . (insert the chapter number of this act) . . . of the laws of 1959?" L.1959, c. 155, p. 620, § 5.

### **N.J.S.A. 40:54-29.8. Effect of majority approval**

These municipalities in which at said election the question is approved by a majority of the legal votes cast in each, both for and against such question, shall, as of January 1 next following said election, unite in the support, maintenance and control of a joint free public library in accordance with such joint library agreement. L.1959, c. 155, p. 620, § 6. Amended by L.1988, c. 38, § 3.



**N.J.S.A. 40:54-29.9. Amendment of joint library agreement; approval by ordinance**

The joint library agreement may be amended by agreement among the parties thereto but such amendments shall not become effective until approved in each of the participating municipalities by ordinance, which ordinances may incorporate such amendments by reference.

L.1959, c. 155, p. 621, § 7

**OPEN PUBLIC MEETINGS ACT  
TITLE 10. CIVIL RIGHTS  
CHAPTER 4. OPEN PUBLIC MEETINGS**

**[For the most up-to-date information on the Open Public Meetings Act go to https://www.njstatelib.org/services\\_for\\_libraries/resources/library\\_law/page25-2/](https://www.njstatelib.org/services_for_libraries/resources/library_law/page25-2/)**

**N.J.S.A. 10:4-6. Short title**

This act shall be known and may be cited as the "Open Public Meetings Act."

L.1975, c. 231, § 1.

**N.J.S.A. 10:4-7. Legislative findings and declaration**

The Legislature finds and declares that the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies, is vital to the enhancement and proper functioning of the democratic process; that secrecy in public affairs undermines the faith of the public in government and the public's effectiveness in fulfilling its role in a democratic society, and hereby declares it to be the public policy of this State to insure the right of its citizens to have adequate advance notice of and the right to attend all meetings of public bodies at which any business affecting the public is discussed or acted upon in any way except only in those circumstances where otherwise the public interest would be clearly endangered or the personal privacy or guaranteed rights of individuals would be clearly in danger of unwarranted invasion.

The Legislature further declares it to be the public policy of this State to insure that the aforesaid rights are implemented pursuant to the provisions of this act so that no confusion, misconstructions or misinterpretations may thwart the purposes hereof.

The Legislature, therefore, declares that it is the understanding and the intention of the Legislature that in order to be covered by the provisions of this act a public body must be organized by law and be collectively empowered as a multi-member voting body to spend public funds or affect persons' rights; that, therefore, informal or purely advisory bodies with no effective authority are not covered, nor are groupings composed of a public official with subordinates or advisors, who are not empowered to act by vote such as a mayor or the Governor meeting with department heads or cabinet members, that specific exemptions are provided for the Judiciary, parole bodies, the State Commission of Investigation, the Apportionment Commission and political party organization; that to be covered by the provisions of this act a meeting must be open to all the

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public body's members, and the members present must intend to discuss or act on the public body's business; and therefore, typical partisan caucus meetings and chance encounters of members of public bodies are neither covered by the provisions of this act, nor are they intended to be so covered.

L.1975, c. 231, § 2. Amended by L.1981, c. 176, § 1.

**N.J.S.A. 10:4-8. Definitions** As used in this act:

a. "Public body" means a commission, authority, board, council, committee or any other group of two or more persons organized under the laws of this State, and collectively empowered as a voting body to perform a public governmental function affecting the rights, duties, obligations, privileges, benefits, or other legal relations of any person, or collectively authorized to spend public funds including the Legislature, but does not mean or include the judicial branch of the government, any grand or petit jury, any parole board or any agency or body acting in a parole capacity, the State Commission of Investigation, the Apportionment Commission established under Article IV, Section III, of the Constitution, or any political party committee organized under Title 19 of the Revised Statutes.

b. "Meeting" means and includes any gathering whether corporeal or by means of communication equipment, which is attended by, or open to, all of the members of a public body, held with the intent, on the part of the members of the body present, to discuss or act as a unit upon the specific public business of that body. Meeting does not mean or include any such gathering (1) attended by less than an effective majority of the members of a public body, or (2) attended by or open to all the members of three or more similar public bodies at a convention or similar gathering.

c. "Public business" means and includes all matters which relate in any way, directly or indirectly, to the performance of the public body's functions or the conduct of its business.

d. "Adequate notice" means written advance notice of at least 48 hours, giving the time, date, location and, to the extent known, the agenda of any regular, special or rescheduled meeting, which notice shall accurately state whether formal action may or may not be taken and which shall be (1) prominently posted in at least one public place reserved for such or similar announcements, (2) mailed, telephoned, telegrammed, or hand delivered to at least two newspapers which newspapers shall be designated by the public body to receive such notices because they have the greatest likelihood of informing the public within the area of jurisdiction of the public body of such meetings, one of which shall be the official newspaper, where any such has been designated by the public body or if

the public body has failed to so designate, where any has been designated by the governing body of the political subdivision whose geographic boundaries are coextensive with that of the public body and (3) filed with the clerk of the municipality when the public body's geographic boundaries are coextensive with that of a single municipality, with the clerk of the county when the public body's geographic boundaries are coextensive with that of a single county, and with the Secretary of State if the public body has Statewide jurisdiction. For any other public body the filing shall be with the clerk or chief administrative officer of such other public body and each municipal or county clerk of each municipality or county encompassed within the jurisdiction of such public body. Where annual notice or revisions thereof in compliance with section 13 of this act<sup>1</sup>, set forth the location of any meeting, no further notice shall be required for such meeting.

L.1975, c. 231, § 3. Amended by L.1981, c. 176, § 2. <sup>1</sup>Section 10:4-18.

**N.J.S.A. 10:4-9. Meeting of public body; adequate notice to public; necessity; exceptions**

a. Except as provided by subsection b. of this section, or for any meeting limited only to consideration of items listed in section 7. b.<sup>1</sup> no public body shall hold a meeting unless adequate notice thereof has been provided to the public.

b. Upon the affirmative vote of three quarters of the members present a public body may hold a meeting notwithstanding the failure to provide adequate notice if:

(1) such meeting is required in order to deal with matters of such urgency and importance that a delay for the purpose of providing adequate notice would be likely to result in substantial harm to the public interest; and

(2) the meeting is limited to discussion of and acting with respect to such matters of urgency and importance; and

(3) notice of such meeting is provided as soon as possible following the calling of such meeting by posting written notice of the same in the public place described in section 3. d.<sup>2</sup> above, and also by notifying the two newspapers described in section 3. d. by telephone, telegram, or by delivering a written notice of same to such newspapers; and

(4) either (a) the public body could not reasonably have foreseen the need for such meeting at a time when adequate notice could have been provided; or (b) meeting at a time when adequate notice could have been provided, it nevertheless failed to do so.

L.1975, c. 231, § 4. <sup>1</sup>Section 10:4-12.b. <sup>2</sup>Section 10:4-8.d.

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### **N.J.S.A. 10:4-10. Statement in minutes of meeting on adequate notice**

At the commencement of every meeting of a public body the person presiding shall announce publicly, and shall cause to be entered in the minutes of the meeting, an accurate statement to the effect:

- a. that adequate notice of the meeting has been provided, specifying the time, place, and manner in which such notice was provided; or
- b. that adequate notice was not provided, in which case such announcement shall state (1) the nature of the urgency and importance referred to in subsection 4.b. (1)<sup>1</sup> and the nature of the substantial harm to the public interest likely to result from a delay in the holding of the meeting; (2) that the meeting will be limited to discussion of and acting with respect to such matters of urgency and importance; (3) the time, place, and manner in which notice of the meeting was provided; and (4) either (a) that the need for such meeting could not reasonably have been foreseen at a time when adequate notice could have been provided, in which event, such announcement shall specify the reason why such need could not reasonably have been foreseen; or (b) that such need could reasonably have been foreseen at a time when adequate notice could have been provided, but such notice was not provided, in which event the announcement shall specify the reason why adequate notice was not provided.

L.1975, c. 231, § 5. <sup>1</sup>Section 10:4-9.b, (1).

### **N.J.S.A. 10:4-11. Failure to invite portion of members to circumvent provisions of act; prohibition**

No person or public body shall fail to invite a portion of its members to a meeting for the purpose of circumventing the provisions of this act.

L.1975, c. 231, § 6.

### **N.J.S.A. 10:4-12. Meetings open to public; exclusion of public; subject matter of discussion**

a. Except as provided by subsection b. of this section all meetings of public bodies shall be open to the public at all times. Nothing in this act shall be construed to limit the discretion of a public body to permit, prohibit or regulate the active participation of the public at any meeting.

b. A public body may exclude the public only from that portion of a meeting at which the public body discusses:

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(1) Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of subsection a. of this section.

(2) Any matter in which the release of information would impair a right to receive funds from the Government of the United States.

(3) Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

(4) Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

(5) Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.

(6) Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.

(7) Any pending or anticipated litigation or contract negotiation other than in subsection b. (4) herein in which the public body is, or may become a party.

Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

(8) Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body,

unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

(9) Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility.

L.1975, c. 231, § 7.

#### **N.J.S.A. 10:4-13. Exclusion of public; resolution; adoption; contents**

No public body shall exclude the public from any meeting to discuss any matter described in subsection 7.b.<sup>1</sup> until the public body shall first adopt a resolution, at a meeting to which the public shall be admitted:

- a. Stating the general nature of the subject to be discussed; and
- b. Stating as precisely as possible, the time when and the circumstances under which the discussion conducted in closed session of the public body can be disclosed to the public.

L.1975, c. 231, § 8. <sup>1</sup>Section 10:4-12.b.

#### **N.J.S.A. 10:4-14. Minutes of meetings; availability to public**

Each public body shall keep reasonably comprehensible minutes of all its meetings showing the time and place, the members present, the subjects considered, the actions taken, the vote of each member, and any other information required to be shown in the minutes by law, which shall be promptly available to the public to the extent that making such matters public shall not be inconsistent with section 7 of this act.<sup>1</sup>

L.1975, c. 231, § 9. <sup>1</sup>Section 10:4-12.

#### **N.J.S.A. 10:4-15. Proceeding in lieu of prerogative writ to void action at nonconforming meeting; parties; limitation; corrective or remedial action**

Any action taken by a public body at a meeting which does not conform with the provisions of this act shall be voidable in a proceeding in lieu of prerogative writ in the Superior Court, which proceeding may be brought by any person within 45 days after the action sought to be voided has been made public; provided, however, that a public body may take corrective or remedial action by acting de novo at a public meeting held in conformity with this act and other

applicable law regarding any action which may otherwise be voidable pursuant to this section; and provided further that any action for which advance published notice of at least 48 hours is provided as required by law shall not be voidable solely for failure to conform with any notice required in this act.

b. Any party, including any member of the public, may institute a proceeding in lieu of prerogative writ in the Superior Court to challenge any action taken by a public body on the grounds that such action is void for the reasons stated in subsection a. of this section, and if the court shall find that the action was taken at a meeting which does not conform to the provisions of this act, the court shall declare such action void.

L.1975, c. 231, § 10.

#### **N.J.S.A. 10:4-16. Injunctive orders or other remedies to insure compliance**

Any person, including a member of the public, may apply to the Superior Court for injunctive orders or other remedies to insure compliance with the provisions of this act, and the court shall issue such orders and provide such remedies as shall be necessary to insure compliance with the provisions of this act.

L.1975, c. 231, § 11.

#### **N.J.S.A. 10:4-17. Violations; penalty; statement at meeting of nonconformance; inclusion in minutes**

Any person who knowingly violates any of the foregoing sections of this act shall be fined \$100.00 for the first offense and no less than \$100.00 nor more than \$500.00 for any subsequent offense, recoverable by the State by a summary proceeding under the "Penalty Enforcement Law" (N.J.S. 2A:58-1 et seq.). The Superior Court shall have jurisdiction to enforce said penalty upon complaint of the Attorney General or the county prosecutor. Whenever a member of a public body believes that a meeting of such body is being held in violation of the provisions of this act, he shall immediately state this at the meeting together with specific reasons for his belief which shall be recorded in the minutes of that meeting. Whenever such a member's objections to the holding of such meeting are overruled by the majority of those present, such a member may continue to participate at such meeting without penalty provided he has complied with the duties imposed upon him by this section.

L.1975, c. 231, § 12. Amended by L.1991, c. 91, §217; L.1994, c. 58, §41.



### **N.J.S.A. 10:4-18. Schedule of regular meetings of public body; publicity; revision; procedure**

At least once each year, within 7 days following the annual organization or reorganization meeting of a public body, or if there be no such organization or reorganization meeting in the year, then by not later than January 10 of such year, every public body shall post and maintain posted throughout the year in the place described in subsection 3. d. (1),<sup>1</sup> mail to the newspapers described in subsection 3. d. (2), submit to the persons described in subsection 3. d. (3), for the purpose of public inspection a schedule of the regular meetings of the public body to be held during the succeeding year. Such schedule shall contain the location of each meeting to the extent it is known, and the time and date of each meeting. In the event that such schedule is thereafter revised, the public body, within 7 days following such revision, shall post, mail and submit such revision in the manner described above.

L.1975, c. 231, § 13. <sup>1</sup>Section 10:4-8.

### **N.J.S.A 10:4-19. Request for notices of meetings; annual renewal**

Any person may request that a public body mail to him copies of any regular meeting schedule or revision described in section 13 of this act<sup>1</sup> and any advance written notice described in subsection 3. d. of this act<sup>2</sup> of any regular, special or rescheduled meeting of such body, and upon prepayment by such person of a reasonable sum, if any has been fixed by resolution of the public body to cover the costs of providing such notice, the public body shall mail to such person written advance notice of all of its meetings within the time prescribed by subsection 3. d. herein, subject only to the exceptions set forth in subsection 4. b. herein.<sup>3</sup> Such resolution may provide that notice requested by the news media shall be mailed to such news media free of charge. All requests for notices made under this section shall terminate at midnight on December 31 of each year, but shall be subject to renewal upon a new request to the public body.

L.1975, c. 231, § 14. <sup>1</sup>Section 10:4-18. <sup>2</sup>Section 10:4-8.d. <sup>3</sup>Section 10:4-9.b.

### **N.J.S.A. 10:4-20. Severability**

If any section, subsection, clause, sentence, paragraph, or part of this act or the application thereof to any person or circumstances, shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this act.

L.1975, c. 231, § 15.

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**N.J.S.A. 10:4-21. Liberal construction**

This act shall be liberally construed in order to accomplish its purpose and the public policy of this State as set forth in section 2.<sup>1</sup>

L.1975, c. 231, § 16. <sup>1</sup>Section 10:4-7.

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Last updated: March 15, 2000.

## **7.0 APPENDIX**

**ANNUAL CALENDAR OF MAJOR EVENTS**

**SAMPLE OF MEETING AGENDA POSTING FORMAT**

**SAMPLE OF MEETING REGULAR MINUTES FORMAT**

**SAMPLE OF ANNUAL SELF-ASSESSMENT**

**A MANUAL FOR TRUSTEES**

**A JOINT PROJECT OF THE NJ STATE LIBRARY, NJ  
LIBRARY ASSOCIATION, NJ LIBRARY TRUSTEE ASSOCIATION  
Revised Edition April 2002**

# **CRANBURY PUBLIC LIBRARY**

## **ANNUAL CALENDAR OF MAJOR EVENTS**

### **January**

- Nomination & Election Committee announcement of Election of Officers results.
- Finance Committee to release prior year detailed Financial Statements to Director for issue to Township CFO.
- Finance Committee to release Board Approved Budget for current year to Director for issue to Township CFO.
- Finance Committee review Bonding and Insurance for applicable Officer Changes and coverage.
- Finance Committee update signatory certificates for Patriots Act, Bank/ CMA to Director for issue to Banks.
- Policy and Planning Committee to issue Annual Retreat Agenda – BOT to review agenda and guest list, if any. Retreat to be ideally in January or early February.
- Plan Staff Recognition.
- Arrange for Oath of Office of new Board Members
- The Board Secretary will submit an attendance record for CPL board meetings on a quarterly basis to the CPL Mayor's Representative with copies to the Township Administrator, Township Clerk, and CPL Board President for fourth quarter.

### **February**

- Annual Retreat: set Annual Library and Board Goals; review BOT self-assessment findings, and recommended updates to Strategic Plan.
- Finance Committee to initiate Annual Audit.

### **March**

- Policy and Planning Committee to review Annual Report for release by Director to State Librarian and Township CFO.
- BOT Financial Disclosure Forms to Township Clerk
- Officers, BOT members, and Director to attend Township Annual Budget meetings.
- Director to submit Progress against Annual Library Goals

## **April**

- Finance Committee to confirm Library Appropriation after Township Committee passes Township Budget.
- The Board Secretary will submit an attendance record for CPL board meetings on a quarterly basis to the CPL Mayor's Representative with copies to the Township Administrator, Township Clerk, and CPL Board President for first quarter.

## **May**

- Review Contract with Auditor.
- Attend Annual NJ Library Trustees Institute Conference.

## **June**

- Director to submit Progress against Library Annual Goals.

## **July**

- Review Trustee manual (Bylaws), Finance, Personnel Manuals, Code for Committees and Library Policies for recommended changes.
- Finance Committee to review Annual Audit Report for findings and recommendations if any, and advise BOT of intended actions, if any.
- Auditor to file Annual Audit Report with Township Clerk, BOT President and Township CFO.
- The Board Secretary will submit an attendance record for CPL board meetings on a quarterly basis to the CPL Mayor's Representative with copies to the Township Administrator, Township Clerk, and CPL Board President for second quarter.

## **August**

## **September**

- Renew Attorney Contract
- Director to follow-up on Progress against Library Annual Goals.
- 

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## **October**

- Request final year BOT member position of interest in renewed appointment.
- Nomination & Election Committee request nominees list for BOT member replacement.
- Personnel Committee issues Director Draft Contract and Director Performance Evaluation Forms for BOT comments (PER to be finished by November BOT meeting).
- The Board Secretary will submit an attendance record for CPL board meetings on a quarterly basis to the CPL Mayor's Representative with copies to the Township Administrator, Township Clerk, and CPL Board President for third quarter.

## **November**

- BOT to interview nominees for BOT membership.
- Nomination & Election Committee to request interest in Officer positions for next year.
- Final year BOT member advise mayor directly on appointment.
- Director to submit Progress against Library Annual Goals.
- Personnel Committee to issue composite of BOT PER of Director, recommendation of Director Salary, and recommended Library Salary Structure change for BOT approval.

## **December**

- President to review PER and Contract with Director and obtain sign contract and PER.
- Board to vote on Library staff increases.
- Nomination & Election Committee submits OFFICER slate for ballot and to issue results of BOT membership nomination process. President to issue courtesy letter listing BOT replacement nomination slate as recommendation.
- Nomination & Election Committee to issue slates for Officers for BOT vote.
- Finance Committee to issue next year draft Annual Budget for BOT approval.
- Policy Committee to issue contract renewal for Auditor for BOT approval.
- Personnel Committee to issue Director and Staff Salary changes for Board approval.
- Plan Annual Retreat for January or early February.

SAMPLE OF MEETING AGENDA POSTING FORMAT

**BOARD OF TRUSTEES  
CRANBURY PUBLIC LIBRARY**

**AGENDA**

month, day, year  
time  
Place

**1. CALL TO ORDER AND ANNOUNCEMENT OF COMPLIANCE WITH PUBLIC MEETINGS ACT**

Pursuant to Section 5 of the Open Public Meeting Act, adequate notice of this meeting has been provided by the Library Director as follows: On month, day, year, a notice for all meetings of the year was sent to the Cranbury Press, Home News Tribune, Township Clerk and posted in the Public Library.

**2. INTRODUCTIONS OF BOARD OF TRUSTEES**

**Board Members:**

President  
Vice-President  
Treasurer  
Secretary  
Trustee  
Mayor/ Representative  
Chief School Administrator/ Representative

**Also to be present:**

Director  
Technology Services/ Librarian  
Friends of CPL/ Representative

**3. CONSENT AGENDA**

1. Action on minutes from previous meeting(s)
2. Action on Bills

**4. TREASURER'S REPORT:**

1. Budget and Operating Status

**5. PRESIDENT'S REPORT:** President

**6. DIRECTOR'S REPORT:** Director

1. current month activities
2. other, if any

**7. TECHNOLOGY REPORT:** TSL

1. current month activities
2. other, if any

**8. REPRESENTATIVES' REPORTS:**

1. Mayor's Rep
2. Chief School Administrator's Rep
3. Cranbury Public Library Friends and/or Foundation Rep

## **9. TRUSTEE COMMITTEE REPORTS**

1. Personnel Committee: Chair
  - a. Status of on-going activities
  - b. Other proposed actions, if any
2. Finance Committee: Chair
  - a. Status of on-going activities
  - b. Other proposed actions, if any
3. Policy (Governance) and Planning Committee: Chair–
  - a. Status of on-going activities
  - b. Other proposed actions, if any

## **10. OLD BUSINESS**

## **11. NEW BUSINESS**

## **12. CORRESPONDENCE**

## **13. OPEN DISCUSSION PERIOD**

## **14. ADJOURNMENT**

Note: The entrance to the Cranbury Public Library is “Handicapped Accessible.”

This notice has been posted in the Cranbury Public Library and the Cranbury Township Building for public inspection. Above is the agenda as best known at the time of posting.

Updated May 9, 2019



SAMPLE OF MINUTES FORMAT

**BOARD OF TRUSTEES  
CRANBURY PUBLIC LIBRARY**

**REGULAR MINUTES**

Date, Time

Place

**1. CALL TO ORDER AND ANNOUNCEMENT OF COMPLIANCE WITH PUBLIC MEETINGS**

**ACT** The meeting was called to order by \_\_\_\_\_ at \_\_\_\_\_

Pursuant to Section 5 of the Open Public Meeting Act, adequate notice of this meeting has been provided by the Library Director as follows: On December , 200\_, a notice for all meetings of this year was sent to the Cranbury Press, Trenton Times, Home News and Tribune, Township Clerk and posted in the Public Library.

**2. INTRODUCTIONS OF THE BOARD OF TRUSTEES**

Roll call of Trustees as follows:

\_\_\_\_\_, President      \_\_\_\_\_, Vice-President      \_\_\_\_\_, Treasure  
\_\_\_\_\_, Secretary      \_\_\_\_\_ Mayor (Rep)      \_\_\_\_\_, School(Rep)  
\_\_\_\_\_, Trustee

Also present:

\_\_\_\_\_, Director  
\_\_\_\_\_, Lib/ TSL  
\_\_\_\_\_, Friends (Rep)

**3. CONSENT AGENDA**

Moved by:

Seconded by:

**4. TREASURER’S REPORT**

**5. PRESIDENT’S REPORT**

**6. LIBRARY DIRECTOR’S REPORT**

**7. TECHNOLOGY REPORT**

**8. REPRESENTATIVE REPORTS**

- A. Mayor
- B. School Administrator
- C. Friends

**9. COMMITTEE REPORTS**

- A. Personnel**
- B. Finance**
- C. Policy (Governance) and Planning**

**10. OLD BUSINESS**

**11. NEW BUSINESS**

**12. CORRESPONDENCE**

**13. OPEN DISCUSSION**

**14. ADJOURNMENT**

Moved by:

Ayes:

Motion carried

Nays:

Seconded by:

Respectfully submitted

\_\_\_\_\_**-SECRETARY**

SAMPLE OF CPL BOARD OF TRUSTEES ANNUAL ASSESSMENT FORMAT

**CRANBURY PUBLIC LIBRARY**

**BOARD OF TRUSTEES**

**BOARD SELF ASSESSMENT 200\_**

Rank items with 5 being "most definitely" and 1 being "no/ never"

	5	4	3	2	1
The Board has a method in place for the timely recruitment and nomination of trustees for open positions.					
The Board has a method in place for new board member orientation and ongoing board member training.					
The Board stays abreast of the financial status of the library and its funding sources.					
The Board sets the direction of the Library through annual and long term planning.					
The Board has adopted a vision and Mission statement for the Library and uses it to drive planning choices.					
The Board assists, reviews, and adopts an annual budget.					
The Board ensures the budget covers all foreseeable expenses, covers cost of all annual goals and objectives set during the planning process, and in within funding.					
The Board evaluates the Director annually based on success of set goals and in a consistent and formal procedure.					
The Board feels free to communicate problems to the Director and expects responses in a timely manner.					
The Board receives regular updates from the director on progress toward the annual plan and goals.					
The Board is familiar with state and federal laws governing libraries.					
The Board has established bylaws to oversee its governance.					
The Board has established clear policies to govern and guide library operations.					
The Board regularly reviews and updates the library's policies.					
The Board pays attention to what is being accomplished and holds the director responsible to accomplishments.					
The Board ensures that all conflicts of interests are vigorously avoided and a code of ethics is followed.					
The Board safeguards the public's 1 <sup>st</sup> Amendment Rights/ Intellectual Freedom by protecting freedom of access, while also being open to the standards of the community and comments.					
The Board ensures that all funds spent are done so effectively and to the benefit of the community.					
The Board ensures that all employees and patrons are treated considerately.					

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	5	4	3	2	1
The Board is aware of patron privacy protections under state law and ensures through its policies that patron information is kept confidential.					
The Board is representative of the community of patrons it serves.					
The Board advocates for the Library in the public policy arena.					
The Board effectively represents the Library to the community.					
The Board annually assesses its own performance.					
The Board request and receives information needed to made informed decisions in a timely manner.					
The Board allows time at each meeting for discussion of emerging issues and trends.					
The Board speaks with one voice after the vote is taken.					
The board recognizes and thanks staff, volunteers, and "Friends" for their accomplishments and/ or contributions.					
The Board projects a positive and professional internal image.					
The Board projects a professional and positive external image.					
The Board is effective in using its committee structure to accomplish work.					
The Board has established, clear, written guidelines for committees.					
The Board encourages open discussion and expression of dissenting opinions during Board meetings.					

April 13, 2006