



Complying with the Law

Because public libraries are supported by public tax dollars, they are subject to numerous laws and regulations. As a trustee, you are responsible for being familiar with these laws and understanding their consequences. When dealing with legal issues, the Board should consult with the city or county attorney for interpretation of the law.

Laws specific to governing public libraries in Montana are included in *Montana Library Laws, Rules, and Public Library Standards*, published by the Montana State Library. Your library director can furnish you with a copy of this publication. You can also download it from the State Library's web site. It is a good idea to keep a current copy of this publication with your trustee handbook so that you can easily check these laws when necessary.

[http://msl.mt.gov/librarians/
onlinepubs.asp](http://msl.mt.gov/librarians/onlinepubs.asp)

Montana Laws

The Constitution of Montana directs the Legislature to “provide a basic system of free quality public elementary and secondary schools” and “other such educational institutions, public libraries and educational programs as it deems desirable.” (**Article X, Education and Public Lands, 1(3).**)

Laws specific to libraries are contained in the **Montana Code Annotated (MCA)**. In addition, there are a number of **Administrative Rules of Montana (ARM)** that concern library operation and funding mandates.

MCA and ARM
[http://data.opi.mt.gov/bills/
mca_toc/index.htm](http://data.opi.mt.gov/bills/mca_toc/index.htm)

A selection of state laws and rules you should be familiar with as a library trustee include the following.

Free Public Libraries

The stated purpose of this law is “to encourage the establishment, adequate financing, and effective administration of free public libraries in this state to give the people of Montana the fullest opportunity to enrich and inform themselves through reading.”

MCA 22-1-301 –
22-1-331
[http://data.opi.mt.gov/bills/
mca_toc/index.htm](http://data.opi.mt.gov/bills/mca_toc/index.htm)

The following items are addressed in this MCA chapter.

- Creation of a legal public library:
 - by resolution of the governing body of a city or county
 - by petition signed by 10 percent of resident taxpayers and filed with the governing body which may then establish a public library by resolution at a public meeting
 - by petition signed by 5 percent of resident taxpayers, followed by a vote at the next general election
 - by petition signed by 35 percent of resident free holders, followed by a vote of the people at a special election
- Mill levies, special library funds and bonds (for more on levies see Chapter 11-1, Funding the Library)
- Authorization, allocations and investment of a library depreciation reserve fund
- Trustee appointment, compensation and term length
- Board size, vacancies and election of Board chair powers and duties of trustees
- Board appointment of and compensation for the library director
- Exclusion and extension of library use privileges
- Assumption of county library functions by a city:
 - County commission may contract with city library Board to provide countywide public library services.
 - County commission may use county library fund to cover costs of this contract.
- Joint city-county libraries, Boards and funding:
 - Governing bodies may establish and maintain a joint library by contract.
 - County may levy special tax for operation of library.

Another section of Free Public Libraries is the **Information Access Montana Act**, which provides state aid to public libraries which is administered by the Montana State Library Commission. Two aid provisions in this act include the following (for more, see Chapter 11-3, Funding the Library):

◆ **Reimbursement to Libraries for Interlibrary Loans**

State funds are distributed annually to libraries that loan materials to another Montana library through the formal interlibrary loan procedure.

MCA 22-1-328;
ARM 10.102.4001
[http://data.opi.mt.gov/bills/
mca_toc/index.htm](http://data.opi.mt.gov/bills/mca_toc/index.htm)

◆ **Direct State Aid to Public Libraries for Per Capita**

The per capita portion of the direct state aid to public libraries is distributed annually and is based on a formula using the library's service area size and population.

MCA 22-1-327;
ARM 10.102.4003
http://data.opi.mt.gov/bills/mca_toc/index.htm

District Libraries

Under a law passed by the 2001 Montana Legislature and revised in 2005, communities can establish a library by forming a public library district. These districts must contain at least \$5 million of property valuation. Electors create the district and set the initial tax levy in an election. Electors also elect members of the library board of trustees, who have similar powers as those of city or county library boards. Because district boards are not under the direct control of local city or county governments, they have greater autonomy than other types of library boards. For more information on forming a library district, contact the State Library or read the Public Library District Handbook on the State Library web site.

Public Library
District Handbook
<http://msl.mt.gov/librarians/onlinepubs.asp>

Multijurisdictional Service Districts

This law allows municipalities and counties to form multijurisdictional service districts to improve and expand library services. As far as practical, the boundaries of the service district follow precinct, school district, municipal and county lines. These districts are formed by an interlocal agreement among participating jurisdictions and only those services specified in the agreement are included.

MCA 7-11-1101,
et seq.
http://data.opi.mt.gov/bills/mca_toc/index.htm

The governing body of a multijurisdictional service district may consist of all members of all governing bodies; another option is a joint board with representation as detailed in the interlocal agreement.

Local governments are authorized to levy property taxes or appropriate funds from sources other than general tax revenues to fund these districts.

Library Records Confidentiality Act

This act mandates no person may release or disclose any portion of a library record that identifies a person as having requested, used or borrowed library materials except in response to a written request from the person identified in that record, court order or National Security letter (see Patriot Act, page 4-9). The law applies to all library users, including children. Confidentiality protection for library records is waived when materials are overdue or lost.

MCA 22-1-1101 –
22-1-1111
http://data.opi.mt.gov/bills/mca_toc/index.htm

MCA 22-1-401 –
22-1-405
[http://data.opi.mt.gov/bills/
mca_toc/index.htm](http://data.opi.mt.gov/bills/mca_toc/index.htm)

Library Federations

This group of laws requires public libraries that receive state funds to be part of organized library federations that pool resources and avoid duplication of effort. Details include establishment of a federation, participants, benefits, governing board, resolution of disagreements, and administration of federation appropriations. (For more information about federations, see Chapter 18-5, Libraries and Library Organizations.)

MCA 22-1-304
MCA 15-10-420
[http://data.opi.mt.gov/bills/
mca_toc/index.htm](http://data.opi.mt.gov/bills/mca_toc/index.htm)

The Big Bill, H.B. 124

In 2001, the Montana Legislature significantly changed state law relating to local government and taxation with passage of House Bill (H.B.) 124. Specifically as it relates to libraries, H.B. 124, referred to as “the Big Bill,” amended MCA 22-1-304 to delete reference to a five-mill levy cap for cities and seven-mill for counties. As amended, the statute authorizes the city or county to simply levy mills for support of the library, making no reference to the number of mills to be levied, provided that the budget fits within the restrictions of MCA 15-10-420.

In place of the numeric levies formerly found in MCA 22-1-304 and other statutes, MCA 15-10-420 was amended to allow a city or county to levy sufficient mills to raise an amount equal to the property tax raised in previous years with an upward adjustment to account for inflation. MCA 15-10-420 includes the formula for determining the authorized maximum.

As a result, with passage of the Big Bill, local government officials can raise mills up to the maximum authorized without going through the election process. Your local city and/or county clerk can provide you with more information about the Big Bill and its affect on the library.

Open Meetings

MCA 2-3-202
2-3-203
[http://data.opi.mt.gov/bills/
mca_toc/index.htm](http://data.opi.mt.gov/bills/mca_toc/index.htm)

The Open Meeting Law requires that meetings of public or governmental bodies—including boards, bureaus and commissions—must be open to the public. The Montana Legislature revised the law in 2003. A summary of the changes to Section MCA 2-3-203 include the following requirements:

- Each agency (in this case, the Library Board of Trustees) shall develop procedures for permitting and encouraging the public to participate in agency decisions that are of significant interest to the public.

- The procedures must ensure adequate notice and assist public participation before a final agency action is taken that is of significant interest to the public.
- The agenda for a meeting must include notice of action and must allow for public comment on any public matter, which is noticed for action.
- No action can be taken unless it has been noticed.
- Public comment must be incorporated into the official minutes of the meeting.

Generally, Boards who have followed MCA 2-3-202 and -203 in the past will not have a problem complying with the revisions.

The Open Meeting Law continues to allow the presiding officer to close portions of the meeting if he or she determines that the demands of individual privacy clearly exceed the merits of public disclosure.

Code of Ethics

This code is designed to prohibit conflict between public duty and private interest by specifying rules of conduct for public officers, which includes library trustees. The rules cover confidential information, gifts and other economic benefits or compensations. (For more information, see Chapter 6, Ethical Considerations for Trustees.)

Constitution of Montana,
Article XIII, Section 4;
and MCA 2-2-101-
2-2-105
[http://data.opi.mt.gov/bills/
mca_toc/const.htm](http://data.opi.mt.gov/bills/mca_toc/const.htm)

Montana State Library Commission

This law establishes the State Library Commission. The Commission is composed of the State Superintendent of the Office of Public Instruction, or a designee; five governor appointees, who serve staggered terms of three years each; and a librarian from the Montana university system, appointed by the Commissioner of Higher Education. (For more information about the Commission, see Chapter 18-2, Libraries and Library Organizations.)

MCA 22-1-101 -
22-1-103
[http://data.opi.mt.gov/bills/
mca_toc/index.htm](http://data.opi.mt.gov/bills/mca_toc/index.htm)

MCA 22-1-201 -
22-1-226
[http://data.opi.mt.gov/bills/
mca_toc/index.htm](http://data.opi.mt.gov/bills/mca_toc/index.htm)

*Montana Library Laws, Rules
and Public Library Standards*
[http://msl.mt.gov/
librarians/onlinepubs.asp](http://msl.mt.gov/librarians/onlinepubs.asp)

ARM 10.102-1150 -
10.102-1157
<http://arm.sos.mt.gov>

Montana State Library

The State Library Commission maintains and operates the Montana State Library, located in Helena. This law addresses the role of the library in providing library services and support to state government, the library federations and local libraries. (For more information about the State Library, see Chapter 18-2, Libraries and Library Organizations.)

Public Library Standards

This substantive rule details standards for public libraries and the processes libraries must follow to meet those standards, including the mandate that to receive state financial aid, public libraries must meet the minimum essential legal standards (see Appendix B).

Other State Laws and Local Ordinances

Many state and local laws not specific to public libraries will also be of interest to trustees. For instance, local zoning laws, parking restrictions, building codes and safety restrictions need to be considered. Questions about these and other laws can be directed to the city or county attorney.

Federal Laws

Numerous federal laws affect public libraries. A selection of these laws of particular interest to trustees includes the following.

Americans with Disabilities Act

It is not unusual for Boards to have questions about the 1990 Americans with Disabilities Act (ADA). This major piece of civil rights legislation made it illegal to discriminate against people with physical, mental or emotional disabilities. It requires public facilities, such as public libraries, to make reasonable modifications to ensure equal access to these individuals.

Boards that choose not to modify the library to make it physically accessible must be able to demonstrate that people who do not have access to the building can receive substantially the same services as those who can enter the building.

ADA
www.ada-infonet.org

Employment Laws

Libraries must abide by federal and state laws that prohibit discrimination in relation to hiring, promotion and all other working conditions of employment. It is illegal to discriminate against qualified applicants on the basis of sex, race, creed, color, religion, age, country of national origin, individual life style or physical or mental disability. Stated policies should demonstrate that the library Board makes every effort not to discriminate.

Most library employees also fall under minimum wage and fair labor standards laws. Boards should consult with city or county attorneys regarding how these and other federal laws affect the library.

Library Services and Technology Act

In 1996, the Library Services and Technology Act (LSTA) replaced the Library Services and Construction Act (LSCA), which had been in operation since the 1950s. LSTA, which is administered by the federal Institute of Museum and Library Services (IMLS), helps states develop electronic networks among libraries. These networks make it possible for libraries to share information resources as well as provide library services to users with special needs.

IMLS
www.ims.gov

LSTA funds are awarded annually and administered by the State Library Commission. These funds are used for State Library programs, such as the Talking Book Library and Library Development Department, as well as statewide projects such as the Montana Library Network and Montana Shared Catalog. (For more information about LSTA, see Chapter 11-4, Funding the Library).

Telecommunications Act of 1996 (E-Rate)

In 1997 the Federal Communications Commission (FCC) adopted a Universal Service Order implementing the Telecommunications Act of 1996. The order is designed to ensure that all eligible schools and libraries have affordable access to modern telecommunications and information services. Each year, up to \$2.25 billion is available to provide eligible schools and libraries with discounts on authorized services. These discounts are often referred to as the “E-Rate.” (For more information about this program, see Chapter 11-5, Funding the Library).

<http://montanalibraries.org>

Children's Internet Protection Act (CIPA)

Libraries that wish to receive federal funding for services classified as "Internet Access" and "Internal Connections" must comply with both CIPA and the Neighborhood Children's Internet Protection Act (NCIPA). CIPA requires use of a technology protection measure (often referred to as a filter) on any computer that can access the Internet, including staff computers. Any public library using E-Rate or LSTA funds for certain purposes must comply with the filtering requirements. Filtering is not required when a library receives funding for telecommunications only (i.e., telephone or data circuits).

Although filters must be installed on every computer that can access the Internet, adult users can request that the filter be removed. Therefore, the State Library recommends that libraries purchase filters that can be disabled.

Neighborhood Children's Internet Protection Act (NCIPA)

Libraries receiving federal funding for "Internet Access" classified services are required to put in place measures that protect children using the Internet. The main focus of NCIPA is Internet use policies. To comply with NCIPA, policies must address the following:

[www.ala.org/](http://www.ala.org)
(Enter NCIPA in
'Search' box)

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

Adapted from Wisconsin Department of Public Instruction materials.

Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA Patriot Act)

Enacted after the Sept. 11, 2001, attacks, the Patriot Act broadens the jurisdiction of the U.S. Department of Justice. Among its provisions, the act allows the FBI to seek the library records of any patron suspected of terrorist activities without first obtaining a search warrant or showing probable cause. The agency simply has to state that the agency believes the records are related to an ongoing investigation linked to terrorism. Once the patron's records are requested, the library is under a gag order and prevented from speaking about the search, meaning that the librarian cannot inform the patron that the FBI has obtained his or her records.

Changes were made to the Patriot Act when it was reauthorized in March 2006, including the following:

- The standards under which the FBI can obtain library records in the course of an investigation are now slightly more stringent.
- The librarian can now disclose receipt of the request order, called a Section 215 order, to “any person to whom disclosure is necessary to comply with such order.” In addition, the new wording explicitly allows the recipient of the order to consult with an attorney and to obtain legal advice or assistance “with respect to the production of things in response to the order” and disclosure to “other persons as permitted” by the FBI director or the director's designee.
- The recipient is now allowed to challenge the Section 215 order but only in a special court.
- The recipient is now allowed to challenge the gag order within certain circumstances.

The Patriot Act remains quite complicated. Libraries across the country are dealing with the provisions of the act that affect them in different ways. You can learn more about the law and what your library needs to consider from the American Library Association.

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

Board Liability

The legal power of the library Board derives from the Board's actions as a body. Because these actions are subject to public scrutiny—and can be challenged in court—you and the other members of your Board need to be well informed and make decisions based on sound judgment.

There are several major areas in which Board liability may be incurred:

- **Acts in excess of authority:** for example, inappropriate expenditures or exceeding budget spending levels.
- **Failure to act** when action should have been taken: for example, failure to get needed copyright clearances or failure to meet contractual obligations.
- **Negligence:** for example, unsafe buildings and grounds, failure to supervise funds, loss due to depositing funds over the maximum amount insured, etc.
- **Intentional misconduct:** for example, libel, assault, improper discharging of an employee, theft, etc.
- **Acts in violation of the law:** for example, improper reimbursement to trustees and employees, authorizing payment of improper expenses, purchasing certain property without obtaining bids, failing to follow proper rules for hiring, acting on an issue when there is conflict of interest, etc.

There is no personal liability for trustees, with the exception of criminal conduct.



Protecting the Public's Freedom to Read

The freedom to read is essential to our democracy. As part of our freedom of expression, it is a right guaranteed by both the Constitution of the United States and the Constitution of Montana. It is your responsibility as a trustee to help ensure that this right is not impinged upon.

Most library mission statements endorse the concept of intellectual freedom—that is, the right of any person to free expression and free access to ideas. Trustees can support this concept by adopting library policies that incorporate the basic principles set forth in the Library Bill of Rights and the Freedom to Read Statement. That way, you will ensure that library users receive access to the widest possible variety of resources.

Collection Management Policy

The selection of library materials is an essential process that is strongly related to intellectual freedom. To be prepared to meet challenges to this freedom, every local library needs to have a written collection management policy that has been adopted by the Board. The library's policy should clearly state that the basic goal of the library is to offer access to its collections and services to all members of the community. In addition, it should state that the intent of a public library is to circulate all legally protected materials that patrons require or desire, even though some officials or private citizens may not approve of them.

The following steps should be considered by every public library:

- Officially adopt and support the American Library Association's Bill of Rights (see page 5-5) and Freedom to Read Statement (see Appendix D).
- Maintain a collection management policy. It should be in written form and approved by the Board. The policy should apply to all library materials equally (print, electronic, Internet).

U.S. Constitution
Bill of Rights
www.archives.gov/
(Click on "Constitution
of the U.S.")

Constitution of Montana
[http://data.opi.mt.gov/bills/
mca_toc/const.htm](http://data.opi.mt.gov/bills/mca_toc/const.htm)

*When a
censorship
attempt occurs,
don't defend
the material...
defend the
right to read.*

- Maintain a clearly defined process for handling complaints. Complaints should be filed in writing and the complainant properly identified. (See the sample Request for Reconsideration of Library Resources form, page 5-4). The process should determine who will review the challenged materials, how the review will be handled, who will respond to the complaint and how quickly, and what appeal process is available to the person lodging the complaint. The established process should be followed whether the complaint originates internally or externally.
- Provide regular in-service training so if there is a challenge to library materials, both the Board and staff are aware of the contents of the collection management policy and the procedures for handling complaints.
- Maintain lines of communication with civic, religious, educational, and political bodies of the community and emphasize the library's selection process and intellectual freedom principles in presentations to these groups and through newspaper articles and radio and television programs.
- Be aware of local, municipal and state legislation relevant to intellectual freedom and First Amendment rights.

Handling Complaints

If your library collection provides access to a wide range of materials, includes many points of view, and responds to requests from patrons, you are guaranteed to receive complaints. Most complaints about the library's collection can be resolved by making sure that individuals who question materials receive a copy of the library's policy. But, sometimes a person objects so strongly, they may take their complaint to the media or local government officials.

If a library faces a challenge to materials, as a trustee you should:

- ✓ Follow all established policies and procedures.
- ✓ Remember your responsibility to speak your mind and argue for your point of view within the forum of the Board, but to support the decision of the majority once it has been made. If you disagree, do not speak out publicly. If you cannot be silent, it is best to resign from the Board before making your opposition public.
- ✓ Defend the selection policy that tries to satisfy many tastes and interests.
- ✓ Be sensitive and fair and react in a responsible manner.
- ✓ Take into consideration the rights of the whole community, which you represent.

Once a complaint has been filed, the library can contact Montana State Library and Montana Library Association's Intellectual Freedom Committee for guidance and support. The American Library Association's Office for Intellectual Freedom also has information and resources to assist at any stage of a challenge.

[www.mtlib.org/
stcommittees.html](http://www.mtlib.org/stcommittees.html)

www.ala.org

Children's Rights

In Montana, minors have the same fundamental rights as adults unless otherwise prohibited. Those rights include the freedom of speech and the right to know. Because Montana law does not restrict a minor's use of the library, children have the right to use the library without the permission of a parent.

Constitution of Montana
Article II, Section 15
[http://data.opi.mt.gov/bills/
mca_toc/const.htm](http://data.opi.mt.gov/bills/mca_toc/const.htm)

Although libraries cannot require a parental signature before loaning minors material, they can require that a parent sign a statement of financial liability before their child receives a library card. Montana law says that a minor may enter into a contract, such as agreeing to return library materials, but it also states that a minor can renounce the contract. A statement of liability protects the library's resources by having parents assume the financial liability for overdue or lost materials loaned to their children.

In addition to signing the statement of liability, the library can also require that parents verify their child's name, address and telephone number before a library card is issued.

Confidentiality of Library Records

Another responsibility of the library and Board is to protect the confidentiality of a patron's library records. No library record that identifies the library materials a patron has requested, used or borrowed can be released or disclosed except in certain instances as defined by law. (For more information about this law, see Chapter 4-3, Complying with the Law.)

MCA 22-1-1101 –
22-1-1111
[http://data.opi.mt.gov/bills/
mca_toc/index.htm](http://data.opi.mt.gov/bills/mca_toc/index.htm)

The Board may want to formally adopt a policy that specifically recognizes the library's circulation records as confidential in nature. It is important that all library staff be advised that these records cannot be made available to any agency of state, federal or local government except by a court order, national security letter or subpoena.

Sample – Request for Reconsideration of Library Resources

The _____ Library has delegated responsibility for selection and evaluation of library resources to _____ (director, selection committee, etc.) and has established reconsideration procedures to address concerns about those resources. Completion of this form is the first step in those procedures. If you wish to request reconsideration of library resources, please return the completed form to _____.

Name _____ Date _____

Address _____ City _____

State _____ Zip _____

Phone _____

Do you represent: self? organization?

1. Resource on which you are commenting:_____

book textbook video display magazine audio recording
 newspaper library program electronic information/network (please specify) _____

Other _____

Title _____

Author/Producer _____

2. What brought this resource to your attention?

3. Have you examined the entire resource?

4. What concerns you about the resource? (Use back or additional paper if needed.)

5. What resources do you suggest to provide additional or other viewpoints on this topic?

Library Bill of Rights

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

Library Bill of Rights
<http://www.ala.org/ala/oif/statementspols/statementsif/librarybillrights.htm>

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

Adopted June 18, 1948. Amended February 2, 1961, and January 23, 1980, inclusion of "age" reaffirmed January 23, 1996, by the ALA Council.

"Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

— First Amendment, Constitution of the United States

Freedom to Read

The Freedom to Read Statement was originally issued in May of 1953 by the Westchester Conference of the American Library Association and the American Book Publishers Council, which in 1970 consolidated with the American Educational Publishers Institute to become the Association of American Publishers. The statement has been revised periodically, but its intent is as strong today as it was when the statement was drafted decades ago: the freedom to read is a fundamental right. As the statement proclaims:

“...free communication is essential to the preservation of a free society and a creative culture. We believe that these pressures toward conformity present the danger of limiting the range and variety of inquiry and expression on which our democracy and our culture depend. We believe that every American community must jealously guard the freedom to publish and to circulate, in order to preserve its own freedom to read. We believe that publishers and librarians have a profound responsibility to give validity to that freedom to read by making it possible for the readers to choose freely from a variety of offerings. The freedom to read is guaranteed by the Constitution. Those with faith in free people will stand firm on these constitutional guarantees of essential rights and will exercise the responsibilities that accompany these rights.”

The full text of the Freedom to Read Statement can be found in Appendix D.

“No law shall be passed impairing the freedom of speech or expression. Every person shall be free to speak or publish whatever he will on any subject, being responsible for all abuse of that liberty. In all suits and prosecutions for libel or slander, the truth thereof may be given in evidence; and the jury, under the direction of the court, shall determine the law and the facts.”
— Article II, Section 7, Constitution of Montana



Ethical Considerations for Trustees

As a Board member of a public library, you are a public servant. The public expects that your conduct will always be above question and for the public good, not for your own interest or another special interest. What's more, the law demands it.

As mandated by the Constitution of Montana, Montana has a code of ethics that prohibits conflict between public duty and private interest for members of the legislature, state employees and local officers. Under the rules of conduct outlined in this law, trustees cannot disclose or use confidential information acquired in the course of their official duties for personal gain or economic benefit, nor accept gifts of substantial value.

In addition to meeting legal requirements, an effective Board will adopt, and periodically review, its own code of ethics to guide its actions. If your Board does not have a written code of ethics, you might consider the following statements as a starting point:

As a public servant and advocate for the public library, I will:

- ✓ Work to ensure that the public has equal access to information.
- ✓ Work to meet the information needs of the whole community.
- ✓ Resist efforts to censor library materials.
- ✓ Keep all library policies free of racism, sexism and other bigotry.

As a public servant and representative of the community, I will:

- ✓ Attempt to interpret the needs of the community to the library and interpret the action of the library to the community.

MCA 2-2-101 –
2-2-105
[http://data.opi.mt.gov/bills/
mca_toc/index.htm](http://data.opi.mt.gov/bills/mca_toc/index.htm)

- ✓ Represent the whole community to the library and not a particular area or group.
- ✓ Protect the public's right to open meetings.
- ✓ Refer complaints about the library to the proper level in the chain of command.

As a member of the library Board, I will:

- ✓ Listen carefully to other Board members.
- ✓ Respect the opinions of other trustees.
- ✓ Support the decisions of the Board.
- ✓ Recognize that all authority is vested in the Board when it meets in legal session and not with individual Board members.
- ✓ Be well-informed of developments that are relevant to issues that may come before the Board.
- ✓ Call to the attention of the Board any issues that may have an effect on the library.
- ✓ Vote to hire the best possible person to manage the library.
- ✓ Not interfere with the duties of the director or undermine the director's authority.
- ✓ Ensure that the library is well maintained, financially secure, growing and always operating in the best interests of the community.
- ✓ Declare any personal conflicts of interest and avoid voting on issues that appear to be conflicts of interest.
- ✓ Not use any part of the library for my personal advantage or the personal advantage of my friends or relatives.
- ✓ Not discuss confidential Board proceedings outside of the Board meeting.
- ✓ Not promise before a meeting how I will vote on any issue to be decided on during the meeting.
- ✓ Work to learn more about the job of a trustee and how to do it better.

Ethics Statement for Public Library Trustees ALTA and PLA

Trustees, in the capacity of trust upon them, shall observe ethical standards with absolute truth, integrity and honor.

Trustees must avoid situations in which personal interests might be served or financial benefits gained at the expense of library users, colleagues or the institution.

It is incumbent on any trustee to disqualify himself or herself immediately whenever the appearance of a conflict of interest exists.

Trustees must distinguish clearly in their actions and statements between their personal philosophy and attitudes and those of the institution, acknowledging the formal position of the Board even if they personally disagree.

A trustee must respect the confidential nature of library business while being aware of and in compliance with applicable laws governing freedom of information.

Trustees must be prepared to support to the fullest the efforts of librarians in resisting censorship of library materials by groups or individuals.

Trustees who accept library Board responsibilities are expected to perform all of the functions of library trustees.

Adopted by the Board of Directors of the Association of Library Trustees and Advocates (ALTA) and the Board of Directors of the Public Library Association (PLA), July 1985. Amended by the ALTA Board of Directors July 1988; amendment approved of by the PLA Board of Directors in January 1989.

Guidelines for Preserving Public Trust

- Encourage all trustees to attend, perform and take part in Board activities.
- Abide by the time limits of the terms of office for trustees and advise the appointing authority when those terms are up.
- Keep all library Board meetings open to the public as required by law and make sure advance notice of Board meetings is given to the public.
- Unless local government audits the library, require a CPA audit once a year or once every two years. An accountant who has dealt in municipal affairs should be used.
- Formally adopt written rules and policies. Keep them up to date and publicize them.
- Vote for proposed actions only when there is sufficient information. If a trustee abstains, be sure the minutes show the reason.
- Be sure that accurate minutes of each meeting are maintained and that votes are properly recorded. Take attendance at each meeting.
- Seek outside assistance on technical matters. Obtain the assistance of the city or county attorney or retain the services of a qualified attorney for legal matters. Ask the attorney to read the agenda, minutes, policies and resolutions passed by the Board on a regular basis.
- Publicize trustee actions. Publish minutes, reports and financial statements in local newspapers or library newsletters to inform the public. Consider placing copies of the minutes in the public library.
- Trustees should not profit from their appointment to the Board. Avoid conflicts of interest, such as a trustee acting as the Board's attorney, investment advisor, banker, insurance consultant, accountant, or a purveyor of goods and services which the library buys.