It’s Time to Thank Them

By John McCarthy

Four months ago, I was asked by a friend if I thought this whole COVID thing might possibly interfere with his planned trip to Disney, which would be taking place right about now. I was blissfully naive at the time and told him probably not. I wonder if he laughs at my prognostication as hard as God laughed at his plans.

Instead, New York State was plunged into, well, I doubt you missed what happened. In fact, you, as a library trustee had to change a few plans yourself. Gone were expansions, programs, and basic circulation. No more story time, listening parties, or tutor meetups. Circumstances washed away everything but one basic question. What is a library that can’t open its doors?

If you were fortunate, you had some people who could help answer that question. Did you have a director who found a way to expand your digital offerings? Did you have a librarian who set up story time on Zoom? Did a patron become a major resource for disseminating information to your community to keep people safe?

It’s time to thank them. Partly because that is what you do when people help you; but also, because they are helping you define your library’s mission. What is a library that can’t open its doors?

But there is one more reason to thank them. Thank them because it will encourage them to keep coming up with good ideas. I have a poor track record on predicting the future when it comes to this virus, but history teaches us that second and even third waves can happen, and that may lead us back to the isolation we’re only recently emerging from in this state.

Over the last few months I’ve read more e-books, watched more videos on Kanopy, and listened to more audiobooks than I have in a long time. I even brushed up on my French. My library helped me keep my mind active at a time when I needed it more than ever. I thank them, I thank you, and now it is time for you to pass it on.

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This should not be construed as legal advice for which the service of counsel should be obtained.

Q. What is the difference between “conflict of interest” and “incompatibility of office” and are these terms applicable to both public and association libraries?

A. “Conflict of Interest”- yes, the term is applicable to both types of libraries. It usually applies to a situation where an individual appointed or elected to a local government body or a not-for-profit organization does not put the interest of the organization above his/her own personal interest, but uses the position for personal advantage. A library trustee, whether elected or appointed, as a member of either an association library or public library board, should not have an interest in any contract with the organization of which he/she is a trustee, when he/she has the power or duty to negotiate, prepare, authorize or approve the contract or approve payment thereunder, or audit or pay claims under the contract, or appoint an officer or employee who has any of such powers or duties. Thus, for example, “A trustee of a free association library may not sell insurance to same” (2 OP State Compt 95, 1946).

Furthermore, “It is immaterial whether or not the trustees of an association library are public officers. They are trustees and have no right to enter into contracts with themselves as individuals at the expense of those for whom they are acting, and whose interests they are bound to guard and protect. The common law rule that no officer of a municipality or other political subdivision of the State may be interested in a claim against the political subdivision of which he/she is an official, with certain exceptions, is applicable to trustees of a free association library” (3 OP State Compt 485, 1947).

Duty of Loyalty- “Directors and officers are charged with the duty to act in the interest of the corporation. This duty of loyalty requires that any conflict of interest, real or possible, always be disclosed in advance of joining a board and when they arise. Board members should avoid transactions in which they or their family members benefit personally. If such transactions are unavoidable, disclose them fully and completely to the board…” (Right From the Start- Responsibilities of Directors and Officers of Not-for-Profit Corporations”, Charities Bureau, N.Y. State Attorney General, January, 2005 (revised) [last viewed July 3, 2007]).

“Incompatibility of office”- “Offices are incompatible at common law if, from the nature of the offices and their relationships to each other, they ought not to be held by the same person because of their contrariety and antagonism which would result in the attempt by one person to faithfully and impartially discharge the duties of one office toward the incumbent of the other…” (Op State Compt 77-935, 1977 (unreported)). Education Law s260(4) further stipulates: “No person who is a member of any municipal board or council authorized by… [Education Law s260(4)] to appoint public library trustees in any municipality shall be eligible for the office of such public library trustee in such municipality”.

Thus, “…[N]o board with the power to appoint may appoint to any position, one of its own members” (21 Op State Compt 464, 1965); “A school district treasurer who ex officio acts as treasurer of the school district public library may not at the same time occupy the office of trustee if such public library” (8 Op State Compt 379, 1952). However, there is no incompatibility in one person serving simultaneously as a member of the central school district board of education and the office of trustee of such library (1981 Op Atty Genl (Inf) 264). The two boards are independent of each other: school district voters elect candidates separately to each board. The library board operates independently of the school board; the latter has a ministerial function requiring it to turn over to the library board tax levies approved by voters for library purposes which only the library board can decide how to use.

If readers have questions about this article, or any other library related subject, either email Joe: jeisner@optonline.net or call 516-931-3868.
News from the State Library

From the Desk of Carol Ann Desch,
Coordinator of Statewide Library Services
New York State Library

State Aid for Library Construction in the COVID-19 Era

This year has been a unique and challenging time for libraries, library staff and trustees across the State and nation. State Library staff are working hard helping staff at library systems and libraries maintain service continuity and meet community needs in new and different ways, and at the same time ensure the health and safety of staff and library users.

One of many tough issues facing public libraries in the COVID-19 era is how to effectively manage the hundreds of building projects, large and small funded under the State Aid for Library Construction Program. Despite the frustrations of shuttered buildings, construction shutdowns, lack of access to supplies, tough financing and staffing issues, shifting directives from government officials and more, library board and staff leaders are working hard to make progress wherever they can. Here is some good news!

- Libraries now have an additional twelve months to complete construction project activities for projects funded in FY2017/2018 $24 million and FY 2018/2019 $34 million. Chapter 120 of the Laws of 2020 passed the Legislature and was signed by the Executive on June 17, 2020. To see the text of this new law, visit the State Library’s website at http://www.nysl.nysed.gov/libdev/fundlaw2.htm and click on New Library Laws 2020.

- Libraries may now apply for the $14 million in State FY2020/2021 State Aid for Library Construction Program capital funds. Submit a project application by the due date set by your public library system. Library system boards of trustees will review project applications and recommend funding allocations to the State Library. Projects must be completed by June 30, 2023. Public library systems must submit all system-approved applications to the New York State Library by Tuesday, October 6, 2020.

- Brand New!!!! Coordinated Projects and State Funding Up to 90 Percent for Certain Projects. Chapter 389 of the Law of 2019 allows public library systems to apply for Coordinated Projects involving multiple library buildings and Chapter 381 of the Law of 2019 provides library systems with a limited dollar amount to fund projects up to 90 percent of approved costs for libraries serving economically distressed communities.

For assistance in applying for a FY2020/2021 $14 million project, please reach out to your public library system soon. For more information about the State Aid for Library Construction Program, please check out the program guidelines and the FAQ on the State Library’s website at: http://www.nysl.nysed.gov/libdev/struct/index.html
Greetings everyone

What a myriad of policies and decisions have come to our attention since the last issue of the Trustee! I have no doubt every trustee has had to review state guidelines for reopening; safety policies and plans; plus, face concerns about library propositions and other funding issues. To add to that, we’ve had to do most of it virtually.

I think we all need to take a moment and congratulate our library staff and ourselves for maintaining services during these challenging months. None of these circumstances could have been foreseen. I think most of us have successfully worked through a steep learning curve that ultimately will make us more effective in our various roles.

I was pleasantly surprised by the results of the mail in voting process for the library propositions in my system. Voter “turnout” showed a substantial increase in total votes relating to every library and school proposition. And within those increased return of ballots, every library proposition passed. It may well be that a) the mail in option met the needs of those who likely cannot get out to vote, or made it easier for everyone to do so, and b) our patrons and community members realized the value of the library and its efforts to provide service to new and regular users. School district budget votes passed with increased support, as well. Hopefully, our residents value the teachers and schools more now that home schooling has been in place during the pandemic stay at home period.

Several other aspects of our virtual world that have come to the fore relate to the state of Internet connectivity in our communities. First, with more people using the Internet as their primary source of learning, entertainment, and communication, how can bandwidth be increased to meet those needs? Second, how can businesses/government/organizations support those community members who do not have the devices necessary to work in a virtual environment? A cell phone cannot do it all. Lastly, how can we help patrons and non-patrons learn the skills they need to participate in this virtual world? Whether users be school children, teens, professionals, or seniors, everyone needs to have basic skills to use the technology.

The questions presented are not limited to the library community. We cannot solve them, but we do play a role. Hopefully, all segments of society will work together to push for improved Internet access to all communities. The connectivity is part of the “infrastructure” now, just like roads and sewer systems. Funding needs to come from the top down. This can’t be just an issue of those who can afford it get the service. This is a matter of public benefit. No one should be left behind.

Library Trustees Association of New York section of NYLA will play a role in helping our members and the library community continue to play a vital role during the new normal. Please keep in touch with us. You’ll find updates and information at https://www.nyla.org/hta/ and www.librarytrustees.org.

Regards,

Adria [PA]
When you receive this newsletter, most of our libraries will have opened for limited services - yeah! My library, Ford Memorial Library in Ovid, is providing curbside service (well actually, walk through the lobby, pick-up service), programs that can be held outside, loan of Chrome Books through a window to use on the patio, and great WiFi around the building. We are making sure that everything is opening slowly and safely for both patrons and staff.

We held our Annual Meeting via Zoom, and the work on our long range plan has been abandoned as we plan to start again with new approaches to how we serve our patrons in a new environment - life and libraries will be different. As trustees we will have to be flexible, creative, and supportive of our library staff as we move into this brave new world!

We were delighted that under the new mail balloting system, votes for the school budget and library funding were way up and the high positive votes for both were a most welcome. I hope your votes were equally successful. Libraries and schools are clearly valued in our communities.

The transition of the Library Trustees Association Section into NYLA is still going slowly - the NY Pause, and changes at NYLA particularly with staffing, have meant that what might have been simple last year, is not so simple this year! But those issues are resolving, and we are moving ahead. We will be moving our web site to be within the NYLA site but you will still be able to find us with the old www.librarytrustees.org link. NYLA is working on restructuring the membership section so that when libraries join as an organizational member they will have the option of adding a “rider” so that all their trustees will then become voting members of NYLA and of the Library Trustees Association Section (LTAS). Please take the time to look at the site www.nyla.org and see what NYLA has to offer. It, and we, are the Voice of the Library Community - together we are stronger.

A key NYLA offering is the annual conference and LTAS will host a program on legal issues. This year, a standard conference with lots of people in close quarters is not possible, so NYLA is considering two options: one for the conference to be totally virtual and one for a hybrid event with some in-person programs and some virtual. A decision on the format is due August 1 and registrations for whatever is chosen will open August 3. I do hope you will attend no matter how - there are always many interesting programs with great ideas for trustees and the trade show of library vendors can help make decisions about how we spend our library’s money. If it is a hybrid event, members of the LTAS Board will be there to talk with you.

Another key NYLA program is advocacy, especially at the state level. Bri McNamee, Director of Government Relations and Advocacy is doing a great job of getting the Governor’s office to recognize libraries and NYLA as important. Advocacy during the shutdown is hard, but Bri has made sure that libraries are accounted for in the opening phases and has provided really great information to us (check out her COVID-19 information at https://www.nyla.org/corona-virus-response/?menukey=nyla).

She has pushed the importance of library funding as the Governor modifies the budget, and there are several legislative issues, including extending construction timelines, with positive outcomes.

I hope you and your libraries are well, safe and thinking about how we go about continuing to be a community center in these new and challenging but exciting times!

Jean Currie
President

Letter from the President by Jean Currie

The love of books is the root of all happiness
Public Libraries Respond to COVID-19: Survey of Response & Activities

Libraries Respond: COVID-19 Survey Results (May 2020)

As a follow up to PLA’s March 2020 Public Libraries Respond to COVID-19 Survey, a new American Library Association (ALA) survey of U.S. libraries documents a shift in services to support students, faculty, and communities at large during the crisis and phased preparations for the months ahead. More than 3,800 K–12 school, college and university, public, and other libraries from all 50 states responded to the survey between May 12–18, 2020.

Highlights

While virtually all libraries (99%) report limited access to the physical building, survey respondents shared leaps in the use of digital content, online learning, and virtual programs. Survey responses show that libraries are involved in community crisis response, cautiously planning for re-opening facilities, working to meet the educational needs of students and researchers, reporting increased use of digital services, and anticipating future demands.

COVID-19 crisis response: Of respondents involved in community crisis response, the majority reported new partnerships, distribution of personal protective equipment (PPE), addressing food insecurity, and sharing accurate community information and resources.

Caution with facility re-opening: Virtually all libraries have expanded virtual and phone services during the crisis, continuing a trend of library activities beyond physical walls. The survey finds that most libraries have limited access to their buildings while they work to establish health and safety protocols for staff, social distancing requirements for patrons, and processes for sanitizing materials. Curbside pickup, delivery, and by-appointment services are the most common next steps as national and state/local guidance evolve. Over one-third (37%) of respondents expect phased re-opening in June and July, and almost half (47%) are unsure when buildings will begin to re-open to the public.

Public demand for library services: Libraries overall report increased use of virtual library cards, digital content, and virtual programming. As libraries re-open, they anticipate demand for access to physical and special collections, access to computers and the internet, helping students make up for lost ground, supporting faculty and teacher needs, and application support for government services and employment. More than half of public library respondents reported they were transitioning summer learning programs from in-person to online.

What’s Next

Additional analysis and resources, including:

• Re-opening plans: with more than 1,500 responses shared about re-opening plans and processes, ALA now has a vast set of materials to review, catalog, and curate.
• Aggregate financial and staffing data
• Results by library type and peer groups

Administrators and librarians will discuss results in a free webinar on June 12 at 1:00 PM Central, with a focus on reopening practices and current and projected library budget and staffing impacts related to the crisis. A 13-minute video overview of the survey results can be viewed at https://vimeo.com/427459897. Viewing this ahead of time will provide additional information about the survey findings released last week. Register now at http://www.ala.org/united/survey.

Editor’s note: this article was extracted from the Public Library Association, a division of the American Library Association. More information can be found at http://www.ala.org/pla/issues/covid-19/surveyoverview.
While virtually all libraries (99%) report limited access to the physical building, survey respondents shared leaps in the use of digital content, online learning, and virtual programs. 

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PLA will continue to advance its communication and outreach work at the national level, communicating the value and essential roles libraries play now and will continue to play as communities recover from the crisis. In addition to its own analysis, PLA will share aggregate results and findings with key partners, including state library chapters, state data coordinators, and members of the Public Library Data Alliance.

About the May 2020 Survey

The American Library Association fielded the online survey May 12–18, 2020. The online survey link was shared widely by ALA and other library organizations. Research staff from PLA, other ALA divisions and offices, the Colorado State Library’s Library Research Service, and the Institute of Museum and Library Services verified responses and removed duplicates. Survey responses represented ~30% of public library systems, ~20% of academic libraries, and less than 20% of other library types in the U.S. [TA]