

Tennessee Secretary of State Tre Hargett



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Dear Library Board Chairperson,

The Tennessee General Assembly recently passed legislation revising the Public Library Laws of the state. This law will affect every public library in one or more ways, and your board's understanding of it is important. I am writing to advise you of the changes and to explain some of them in more detail.

This bill came as the result of a Library Law Task Force appointed in 2016 to make recommendations about updating and strengthening the laws pertaining to libraries. Members of the Task Force represented public libraries from across the state. Their recommendations were reviewed and approved by several groups, including the Regional Library Directors, Metro Library Directors, Tenn. Advisory Council on Libraries, Secretary of State Tre Hargett and his general counsel, and the state's Attorney General. It was passed unanimously in both the Senate and House of Representatives and becomes effective on July 1, 2017.

Here are the most important changes in the law for library board members to know about:

1. Number of Library Board Members -- 10-3-103 (a)(1)
The law had been amended some years ago to allow library boards of up to 11 members. It has been clarified to say that boards may have 7, 9, 11 (not 8 or 10) members, so as not to create a tie vote situation.
2. Term Limits for Library Board Members -- 10-3-103 (a)(1)
The new law states that library board members may serve two consecutive terms, and must then have a 3-year break before being reappointed. The law is effective July 1, 2017; it does not apply to any terms served and concluded prior to that date. It does apply to terms currently being served on that date. See the attached page for more information.
3. Cities over 400,000 -- 10-3-102 (c)
The cities of Memphis, Chattanooga, Nashville and Knoxville may choose to have advisory boards rather than governing boards, to reflect the current practice of larger cities. This does not apply to other cities.
4. Library Director or Administrator -- 10-3-104
The language of this section now states that the board may appoint a library "administrator." In most places that will still be called a library director. This ensures that the highest administrative official in the library is to be appointed by the board. Further, it clarifies the existing law by specifying that the administrator has authority to hire and direct the staff.

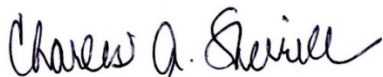
5. Library Board Management of Fines and Fees -- 10-3-104
This section states that "all monies collected" are under the management of the library board. This includes fines and fees collected for library services. It is not specified in this section, but you should also keep in mind that accounting guidelines require that revenues be deposited with the government, held separately for the library, and expended for the library in conformity with the purchasing process in place for that government.
6. Purchasing Procedures Determined Locally 10-3-106
The law stating that two board members must sign purchase orders has been deleted. Library purchasing procedures should follow those of local government or, in the absence of local government involvement, should be spelled out in library policies.
7. Regional Board Members 10-5-102 (b)
The intent of this section remains the same, which is that regional board members must reside in the county that appoints them to serve. It removes the provision that terms may be extended by permission of the State Librarian and Archivist.
8. Regional Board Duties 10-5-103
Regional Boards will be consulted before a Regional Director is hired, having the opportunity to review the resume and, if desired, meet with the candidate. Regional Directors will prepare an annual program of work for review by the board. Activity related to these plans will be reviewed at each quarterly meeting of the board. If the board wishes, they may submit comments and reports to the Secretary of State.
9. Sex Offender Monitoring 40-39-216 (a, b)
The law has been changed to give the library board responsibility for restricting library access pursuant to this law. The board may then delegate that authority to the director, depending on local preferences.

A copy of the revised laws is included with this letter.

You may recall that the legislation contained a provision regarding line-item authority and the treatment of carryover funds; however, this provision is not in line with certain standards of the Governmental Accounting Standards Board and therefore will not be a permissible accounting practice. The law will be revised next year to comport with those GASB standards.

If you or members of your board have questions about the new law, please consult with your regional library director. We stand ready to help you apply these laws in ways which will make your library continually more relevant and useful in your community.

Sincerely,

A handwritten signature in dark ink, appearing to read "Charles A. Sherrill". The signature is fluid and cursive, with the first name "Charles" being the most prominent part.

Charles A. Sherrill
State Librarian and Archivist

Guidance on Library Board Membership for Library Boards

A strong, supportive and well-informed library board is essential to the good operation of all public libraries. While the knowledge and stability of long-term members is invaluable, the fresh ideas and questions of newer board members are also needed to keep a board active and relevant to the community.

A new provision in Tennessee law requires board members to take a break after serving two consecutive three-year terms. Library board members whose terms expire can often be engaged in other roles, such as heading committees, taking charge of special projects, and serving on the boards of the Friends, Foundation or Regional Library.

Tennessee's *Standards for Non-Metropolitan Public Libraries* call for diversity among library board members. At least one member should have work experience in a technology management related field, and at least one member should be a board member of a key community service organization. By rotating members, library boards can build connections with local businesses and community partners who bring a new perspective to library services.

Over time, the rotation of members from diverse backgrounds will build a larger group of supporters knowledgeable about the library and helping to promote it in the community.

In applying the new law to existing board members, keep in mind that the law takes no notice of terms that expired prior to July 1, 2017. The following examples may be helpful:

- Member's fourth term expires 6/30/2017. Can serve two more terms.
- Member's first term expires 6/30/2018. Can serve one more term (current term counts as one).
- Member's second term expires 6/3/2018. Can serve one more term (current term counts as one, prior term not relevant as it expired before the law took effect).
- Member is serving a partial term expiring 6/3/2018. Can serve two more terms. If a member fills out someone else's unexpired term, that does not count toward their two-term limit.

Keep in mind that it is the local government's responsibility to select and appoint members to the library board. While it is appropriate for the existing board to make recommendations about renewing terms and adding members, it is important that government officials select people they trust to provide them with honest feedback about the library operation.