

# Executive Summary

The Board of Trustees of the Westhampton Free Library was requested to consider whether it was advantageous to have its trustees selected at public elections, or continue with the process of appointment.

The Board of Trustees, after a broad canvass of the Westhampton community undertaken through the fall of 2015 and winter of 2016, is comprised of trustees who represent the entire community. The Board has seven trustees who have volunteered to serve. The Board advertised for new trustees in the local paper, on the internet, and through e-mail solicitations. No one was prevented from applying to serve as a trustee, and no one has been excluded from the board. Public elections could not have achieved any different representation from the one the Library now enjoys. Applications to serve are always welcome, and there will always be service opportunities for those interested.

In an effort to address the call for an election, the board has conducted extensive research relating to the role of the Board of Trustees and the manner in which they are selected. We began with a survey of other Long Island libraries and discovered that there is every variety of selection. Those with elected boards conduct their elections in vastly different ways. Some trustees are elected at an annual board meeting by those in attendance. Some boards accept nominations from the floor. Some boards are elected by all card-holding members of the library.

Since there is no consistency nor gold standard set by other libraries, we turned our attention to the State, to the Board of Regents, to the Library Trustees Association of New York State and the New York State Library. It is true that in July 2000 the Regents Commission on Library Services recommended that the organization “promote the availability of local public library service to all New Yorkers and improve local support for public libraries through the formation of the Public Library Districts.” The New York State Library asks communities to consider “Public Library Districts to assure improved funding, improved services, predictable funding, increased autonomy, simplified funding, elimination of “unserved” populations.” A quick perusal of these advantages shows that Westhampton Beach has no funding, autonomy or problems with services.

According to the New York State Library those Association Libraries who do not want to lose their “private status” by re-chartering as a Public Library may “emulate the basic characteristics of a public library district by providing a process for: (a) public election of its trustees; (b) the library to secure 60% or more of its operating revenue through a public budget vote; (c) the library to ensure financial accountability by presenting annually a written budget”. Westhampton Free Library does all but elect its trustees. Should it elect trustees, it would “emulate” completely a public library. Why could this be a problem?

Public libraries have to comply with civil service and public procurement laws and regulations. In short, this means that all purchases over certain dollar amounts must be publicly bid and all employees fall under civil service. As we “emulate” a public library more and more, the possibility of a lawsuit challenging our “private” status grows. This real possibility is perhaps our greatest reservation about changing to an elected board. According to the Handbook for Library Trustees regarding lawsuits and other risks, “it is the board’s responsibility to reduce risk to a manageable level so that service programs or even the survival of the library is not threatened. A poorly managed incident, lawsuit or a judgment against the library can have consequences far beyond the immediate impact of the event.”

Our complete report cites cases which have challenged the rights of organizations to claim “private status” in an effort to circumvent the requirement of public entities. The two cases cited were resolved in favor of private status because boards were appointed, not elected.

The most emphatic claim made by those demanding an elected board is that taxpayers who pay for the library should elect its board. No taxation without representation. To this we say that the budget is approved by the public. The State has no mandate requiring an elected board. Kevin Verbese, director of Suffolk County Library Systems told the Southampton Press in September 2015 that “it is not unusual for association libraries like the Westhampton Free Library – to have appointed board members.” He noted that such library models “can work very well and do, in fact, work well throughout the state”. Furthermore, no residents of contract districts would have a vote in any event.

Nevertheless, a board accountable to the public is absolutely necessary. With this in mind the board has: 1. moved the meeting times to evenings at the public’s request; 2. written a new trustee application requesting all eligible candidates to apply; 3. widely advertised trustee vacancies; 4. appointed all three applicants as they were qualified and interested; 5. made board email addresses available to the public.

Notably, no one demanding a change in governance has declared how the library services or function will improve with an elected board. According to the Handbook for Library Trustees of New York State, “most association libraries in New York still appoint their own board members. Therefore, an important part of every association library trustee’s job is to be on the lookout for potential new members who can keep the library strong and move it confidently into the future. A board should seek out and encourage qualified candidates who can complement board strengths or fill gaps in the current board’s expertise.” The board understand the skills it needs in future trustees. The public may not necessarily.

How can library services or functions change if we elect a board? The board itself has representation of several backgrounds, talents and experience. The public-at-large might support candidates they know, those who share political or philosophical positions. Library trustees do not need to share partisan platforms or spend time campaigning for office. They need only to serve, to work hard and to consider both the library professionals and the public.

By law, the board has collective, not individual authority. “Individual trustees regardless of their position on the board, do not have the power to command the service of a library staff member, nor to speak on behalf of the library, unless they have been specifically granted that authority by a vote of the board.” Additionally, “every trustee has an ethical obligation to support an adopted board decision.” These State policies would hardly benefit from contentious public elections.

There is no surfeit of candidates clamoring to join the ranks of the Board of Trustees. With few volunteers, paltry voter turnout at all levels of government and a politicized process likely linking candidate likeability with library funding, is an election the best means of seating qualified candidates?

The following report will detail the thorough research conducted by our board. It gives background, examines the history of our library, looks at legal challenges to systems which claim to be private, but seem public. It discusses library character and points to the sudden demand for change.

At this point in time, with the service area as broadly represented as possible, there is no advantage to altering the legal structure that has served the library for well over one hundred years. Among the other duties of the board, it will continue to monitor both decisions from the courts and changes in legislation that bear upon this issue.

All action is not progress. It should always be about the long term success of the library. We have a vibrant community resource, built and sustained by public and private funds, dedicated staff and thoughtful trustees. We will continue to work together with the community to assure its bright future.