

**City of Oconomowoc
Committee-Of-The-Whole**

Tuesday, January 18, 2022 - 7:10 PM
City Hall - Council Chambers
174 E. Wisconsin Ave. Oconomowoc, WI 53066
(or immediately following Utility Committee)



Notice: If a person with a disability requires that the meeting be accessible or that materials at the meeting be in accessible format, call the City Clerk at least 48 hours prior to the meeting to request adequate accommodations. Tel: (262) 569-2186.

1. Call to order and confirmation of appropriate meeting notification
2. Committee Business
 - a. Discussion on Library Policies and Statutory Authority
3. Adjourn

Diane Coenen, City Clerk
City of Oconomowoc

Notice is hereby given that a majority of the Common Council will be present at the above scheduled meeting to gather information about a subject over which they have decision-making responsibility. This constitutes a meeting of the Common Council pursuant to State ex rel. Badke v. Greendale Village Board, 173Wis. 2d 553, 494 N.W. 2d 408 (1993) and must be noticed as such, although the Common Council will not take any formal action at this meeting.



MEMORANDUM

Date: January 18, 2022
To: Committee of the Whole
From: Mark Frye, City Administrator
Betsy Bleck, Library Director
Re: Discuss Library Collection Development and Statutory Authority

RELATES TO THE STRATEGIC PLAN

N/A

BACKGROUND

At the December 21, 2022 Common Council meeting, a question was raised regarding a book at the Library and the appropriateness of its location. The City Administrator stated this would be reviewed and reported back to the Common Council.

Previous questions regarding staffing and programs will be brought forward at a future meeting.

ADDITIONAL ANALYSIS

The review included discussion with the Library Director and asking the City Attorney to provide an opinion regarding the statutory authority of the Library.

The Library has policies in place regarding this topic that were provided by email to the Aldermen on January 5, 2022.

All of these documents are attached for discussion.

FINANCIAL IMPACT

N/A

RECOMMENDATION

Discussion Only.

SUGGESTED MOTION

Discussion Only.

COLLECTION DEVELOPMENT POLICY

Goals of Collection Development

Staff develops and manage the Library's collection to meet the majority of the cultural, informational, educational, and recreational needs of those in the Library's service area. The Library builds and maintains a patron-oriented collection by anticipating and responding to community needs and expectations.

Responsibility for Selection

Responsibility for the selection of materials lies with Library staff designated by the Library Director, operating within the policies of the Library Board. Other staff members and the general public may suggest materials for consideration.

General Principles for Collection Development

The Library Board affirms the American Library Association's Library Bill of Rights, Freedom to View, and Freedom to Read policy statements in support of acquiring and managing collections.

It is the responsibility of the Library to provide circulating, reference, and research material for the general public. When indicated by community interest, the Library will develop and maintain special collections such as genealogy, local history, career information, and municipal documents.

Staff make collection decisions in accordance with the Library's mission and planning documents. Collection decisions position the Library as the preferred partner for lifelong learning, embrace diversity, incorporate both physical and virtual collections, commit to excellence in service, improve effectiveness, and remove barriers.

Staff contribute to the development of patron-oriented collections by:

- Engaging in open, continuous communication with Library patrons.
- Handling all requests equitably.
- Working with one another to understand and respond to community needs.
- Understanding and responding to changing demographics and societal changes.
- Evolving the collection to reflect current electronic and audiovisual formats.
- Recognizing that materials of varying complexities and formats are necessary to satisfy the diverse needs of Library users.

- Balancing individual needs and broader community needs in determining the best allocation of collection budget.
- Seeking continuous improvement through ongoing measurement.
- Reviewing the collection regularly to ensure it reflects current areas of community interest.
- Preserving local history materials as appropriate, such as the Library's collection of historical local newspapers.

A balanced collection attempts to represent all sides of controversial issues as far as materials, space, and budget allow. The race, religion, nationality, or political views of an author or creator; language; depictions of violence or sexual activity; controversial content; or endorsement or disapproval by an individual or group does not result in the automatic inclusion or exclusion of an item from the Library's collection. The Library may select materials that some patrons may find objectionable, and might omit materials some patrons feel are important. In either case, the Library has procedures for requesting the purchase or reconsideration of materials.

Responsibility for children's choice of Library materials rests with their parent or legal guardian. Staff's selection decisions shall not be inhibited by the possibility that some materials may inadvertently come into the possession of children.

Selection Criteria

Selection is based on the merits of a work in relation to the needs, interests, and demands of the community.

Staff follow these principles when selecting materials:

- Contemporary significance or permanent value.
- Accuracy of content.
- Authority of the author or producer.
- Relation of the work to the existing collection.
- Price, format, and ease of use.
- Scarcity of information in the subject area.
- Availability of material elsewhere in the community and Library System.
- Patron requests and the authority of the requestor.
- Popular demand: The Library should provide materials for enlightenment and recreation even if not of enduring value or interest. Staff will purchase a representative sampling of experimental or ephemeral material, but will not attempt to be exhaustive.

- Duplication of materials already in the collection: Purchase of additional copies of materials should be governed by intrinsic or historical value and need.

Textbooks

Providing textbooks and curriculum materials is generally not the responsibility of the Library. Staff may purchase textbooks for the collection when they may be the best, or only, source of information on a subject.

Gifts

All gifts to the Library are subject to the Gifts & Donations Policy.

A gift for the Library collection may consist of materials or funds. The Library encourages monetary gifts that are not earmarked for specific items in order to permit the most flexible use of the donation for the enrichment of the collection.

Gift additions must meet the same selection criteria as purchased materials. If the Library receives an offer of a gift of marginal value, staff consider processing costs and use of shelf space when accepting or declining the gift.

The Library will not affix a value for income tax purposes to any gift accepted; rather this is the responsibility of the donor. The Library will, however, upon request, acknowledge the gift by letter, and specify the type, quantity, condition, etc. of the gift for the donor's records.

Gifts that are not added to the Library's collection but that are in suitable condition shall be forwarded to the Friends of the Oconomowoc Public Library, or to other organizations when the Library Director deems it appropriate. Any items unsold by the Friends of the Library may then be donated to another organization or discarded.

Replacement

A replacement is an item purchased to take the place of an identical title previously in the collection of which the last copy has been withdrawn.

It is the Library's policy not to automatically replace all books withdrawn because of loss, damage, or wear. Need for replacement in each case is judged by two factors:

1. Existence of adequate coverage in the item's field by similar material.
2. Demand for the specific title.

Binding & Mending

Keeping materials in good physical condition is essential. Staff shall decide how to handle worn materials -whether to mend, bind, or withdraw them. Each decision is based on the actual condition of the book, current validity of its contents, availability for reorder, and cost of binding versus replacement. Replacement is preferable to binding if costs are comparable. Binding is preferable to mending if a title is expected to have long-term usefulness. Mending is done only when need is detected early, except in special cases.

Weeding

Weeding is the withdrawal of items no longer suitable or useful in the collection. Weeding is a thorough, conscientious, and continuous effort to achieve a well-balanced collection. The Library bases its weeding decisions on a number of factors, including physical condition, publishing date, frequency of circulation, community interest, and availability of newer or more current and/or accurate materials. Local history materials are an exception, as are certain classic and/or award-winning material, and material by local authors.

Request for Reconsideration of Library Materials

Library patrons' choice of Library materials is an individual matter. While an individual may reject materials for themselves, they cannot exercise censorship to restrict access to the materials by others. Recognizing that a diversity of materials may result in some requests for reconsideration, the Request for Reconsideration of Library Materials Procedure ensures that objections or complaints are handled in an attentive and consistent manner.

Adopted 6/24/2009
Revised 9/10/2013
Revised 11/12/2020

PROCEDURE FOR REQUEST FOR RECONSIDERATION

1. The patron must complete the **Request for Reconsideration of Library Materials form**. The Library will not accept reconsideration requests for materials that have been reconsidered within the past three years.
2. The Library Director will form an ad hoc Reconsideration Committee consisting of the Library Director, the selector for the subject area or format of the material under reconsideration and a full-time staff member whose name is drawn at random. The Director will designate one committee member to chair the committee. The committee will take the following steps:
 - a. Each member will individually review the "Request for Reconsideration of Library Materials" form.
 - b. Each member will individually read (view, etc.) the material in question in its entirety.
 - c. Each member will consult journals, magazines, newspapers, or other resources for reviews of the material.
 - d. The committee will hold a meeting to discuss the material in question. This meeting shall be held within two months of the filing of the request for reconsideration. The committee chair will notify the patron of the meeting, where the patron will have the right to speak.
 - e. Each member will submit, in writing, their recommendations to the Library Director.
 - f. The Library Director will make a decision regarding the disposition of the material. The Library Director will communicate this decision, along with the reasons for it, in writing to the individual who initiated the request.
 - g. For the duration of the committee's work, the material in question will remain in the library collection and will be treated the same as other library material.
3. If the patron desires further action, they may submit a written appeal to the Library Board of Trustees within ten business days. If the Board plans to address the appeal at a meeting, the Board President will notify the patron. The Board reserves the right to limit the length of public comments. The Board will determine whether the staff followed the Library's Collection Development Policy and the Procedure for Request for Reconsideration. On the basis of this determination, the Board may vote to uphold or overrule the decision of the Director. The decision of the Board is final.

Adopted 11/24/1981
Reconfirmed 3/8/1995
Reconfirmed 5/11/2000
Revised 5/12/2005

STRATEGIC PLAN

Lifelong Learning

We are committed to fostering curiosity and quenching every thirst for knowledge- it's the core of everything we do, and evident to everyone we serve.

- Find effective, innovative ways to support all learners-online, in-school, hybrid, homeschool, college students, and returning adults.
- Transition to picture book neighborhoods in new shelving.

Community Engagement

We will partner with individuals, businesses, nonprofits, and schools to deliver relevant and timely services and access to information.

- Seek innovative ways to serve current patrons and reach new ones through the pandemic.
- As senior living facility locations become more numerous, consider how to sustain the growth of Mobile Library program.
- Unveil new website to improve patrons' access to Library information.
- Library Board of Trustees supports the staff's implementation of the Strategic Plan and Mission Statement. Staff uses Strategic Plan and Mission Statement to guide decision making and to define the scope of Library services.

Diversity & Inclusion

Everyone in our community will recognize themselves in the diversity of our collection and programming.

- Ensure that staffing meets the evolving needs of our community.
- Develop and maintain inclusive, safe, welcoming spaces and services.
- Continue commitment to improving the Library facility's accessibility.

Municipal LAW

& L I T I G A T I O N G R O U P

DALE W. ARENZ, RETIRED
DONALD S. MOLTER, JR., RETIRED
JOHN P. MACY
H. STANLEY RIFFLE
COURT COMMISSIONER
ERIC J. LARSON
REMZY D. BITAR

730 N. GRAND AVENUE
WAUKESHA, WISCONSIN 53186
Telephone (262) 548-1340
Direct Dial (262) 806-0214
Facsimile (262) 548-9211
Email: sriffle@ammr.net

PAUL E. ALEXY
MATTEO REGINATO
LUKE A. MARTELL
SAMANTHA R. SCHMID
STEPHEN J. CENTINARIO, JR.
AMY E. FRY-GALOW
CHRISTOPHER SCHULZ
ANTHONY GARCIA
SADIE R. ZURFLUH

January 12, 2022

MEMO

From: H. Stanley Riffle, City Attorney
To: Mark Frye, City Administrator
Re: Administration of City Library
Mark:

You asked me to provide a brief legal memorandum addressing administration of the City Library. The answer is found in our City Code and, by reference, state statutes. The Library Board was established under §1.35 of the City Code. In subsection (2), it provides: [t]he Library Board shall have the duties and powers as prescribed in §43.58, Wis. Stats. In subsection (4), it provides ... the library board shall supervise the administration of the public library and shall appoint a librarian, who shall appoint such other assistants and employees as the library board deems necessary, and prescribe their duties and compensation.

The referenced statute, §43.58 Wis stats. sets out all responsibilities of library boards. The primary responsibilities thereunder include:

- Exclusive control of all library expenditures.
- Purchasing of a library site and the erection of the library building when authorized.
- Exclusive control of all lands, buildings, money, and property acquired or leased by the municipality for library purposes.
- Supervising the administration of the library and appointing a librarian.
- Prescribing the duties and compensation of all library employees.

The legislative intended to grant library boards considerable discretion as to how the library will be operated. The intent was to provide for direct control of operations and policies, independent of interference from the mayor, city council and City administration. The legislative history shows that the intent to keep library operations under direct citizen control and as far as possible outside the political sphere of government. This grant of independent authority was intended to protect the historic role of the public library as a source of unbiased information.

Certainly, the Common Council has charge of the annual budget of the library (with certain limitations as to minimum funding requirements set under Chapter 43, Wis. stats.), but once the budget is set, the library board and the Library Director, following policy set by the board, oversee all library affairs.

Please feel free to contact me with any questions or comments.

Yours Very Truly,

MUNICIPAL LAW & LITIGATION GROUP, S.C.

H. Stanley Riffle

H. Stanley
Riffle
HSR/sec