

Dear Library Director,

As libraries continue to evolve into information portals, educational institutions, and modern day community centers, the need for an engaged and dynamic library director is more important than ever.

You have an extremely important role to play in the success and long-term growth of your library. Whether you are a brand-new library director, or have many years of experience, establishing expertise in your role as a director will make your job much more effective. Therefore, the New Jersey State Library is sending you this annual reminder to provide you with guidance on library law issues, and point you toward our vast array of continuing education resources.

Please refer to the Library Directors and Library Trustees website to help answer most of your questions. You can access both on the NJSL's website at:

[https://www.njstatelib.org/services\\_for\\_libraries/consulting\\_services/library\\_directors/](https://www.njstatelib.org/services_for_libraries/consulting_services/library_directors/)

[https://www.njstatelib.org/services\\_for\\_libraries/consulting\\_services/library\\_trustees/](https://www.njstatelib.org/services_for_libraries/consulting_services/library_trustees/).

#### **A few important annual reminders:**

##### **Library Trustees are an autonomous board:**

The library board of trustees is an independent board, and as such, is not a part of the municipality. Library funding must be released by law to the library board by the municipality in no less than quarterly payments annually. Only library trustees determine how to spend library funds. The municipality has no say in how the library spends its funding, may not withhold funds from the library, and may not dictate whom the library may hire. See NJSA 40:54-12

[https://www.njstatelib.org/services\\_for\\_libraries/resources/library\\_law/page09-2/](https://www.njstatelib.org/services_for_libraries/resources/library_law/page09-2/)

##### **Return of Library Excess Funding Law N.J.S.A. 40:54-15**

This law requires the transfer of municipal free public library unrestricted surplus amounts above 20% of the operating expenses in the most recent available audit to municipality for its general purposes, which may include property tax relief. The NJ State Librarian must approve all applications to return funds, and the municipality may not accept any returned library funding without an appropriate and approved application from NJSL. The packet for the proposed Return of Funds must be completed every year and is found on this page:

[https://www.njstatelib.org/services\\_for\\_libraries/resources/library\\_law/](https://www.njstatelib.org/services_for_libraries/resources/library_law/)

##### **You may NOT charge room rental fees at your library**

As an entity, which is created by statute, free public libraries, only have that authority which is granted to them by the legislature. The statute does not authorize libraries to rent out their community rooms or other portions of their facilities. However, the statute does allow libraries to receive and manage donations. Therefore, in allowing groups to use your community room, you are free to include on your forms a suggested donation for use of the facility. ***Registrants may not be denied a meeting room reservation due to unwillingness to make the suggested donation.***

The above are just a few of the most misunderstood statutes in library law. When you do need additional information – you are never alone. For answers, guidance, tools and resources, you can reach out to us here at the New Jersey State Library. We help keep library directors and library trustees

informed about library law, innovative library programs, continuing education opportunities, and library legislation.

We wish you all the best as you begin or continue your important service to the library and to your community.

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