

Sustaining Equitable Public Library Service

For over 100 years, the people of New Jersey have recognized and supported public library service as a common social good. Through the passage of referenda, which guarantee that a small percentage of a community's budget is utilized for the support of library services, public library service is now accessible to nearly all residents of the state.

Our system of dedicated funding based on citizen initiative referendum has served New Jersey extremely well. Sustained broad based incremental tax increases are the foundation of providing quality library services. A 2007 survey of New Jersey residents showed support for increased funding for libraries.

New Jersey laws for establishing and maintaining public library service provide local communities with several options for library service. These laws, while providing flexibility to local communities, are based on principles of equity and reciprocity that must be maintained in order for public library service to be effective. The New Jersey Library Association strongly opposes any attempts to weaken or remove the legislation that has served New Jersey residents so well for so long.

NJLA recognizes several successful library models that allow local communities to share library services that exist in both current law and practice throughout New Jersey including county libraries, joint public libraries and interlocal services agreements or contracts between communities. NJLA has received requests for guidance for municipal officials and library boards to use when considering interlocal service agreements for contracts for library service.

GUIDELINES FOR ESTABLISHING AN INTERLOCAL SERVICES AGREEMENT ON LIBRARY SERVICES.

Although current state law does permit a library to enter into an interlocal services agreement with a neighboring town for library services, the New Jersey Library Association endorses membership in a county library or the establishment of a joint library as more viable alternatives. A joint library provides both communities with a guaranteed, stable, source of funding and also gives both communities an opportunity to have a voice in the governance of the library through the appointment of library trustees.

If a library does enter into an interlocal services agreement for municipal public library service, the New Jersey Library Association recommends the library board seek the advice of legal counsel with experience in library and contract law. The New Jersey Library Association further recommends that special attention be paid to the following guidelines:

- the fee should be based on library services to the entire community and not based on a reimbursement of the number of library card holders.
- fees from the interlocal services agreement must be paid directly to the library and used only for library purposes. The municipal library budget should not be reduced to offset the fees received from the interlocal services agreement.
- the interlocal services agreement should extend for a minimum of three years so there is continuity of service for the residents of the community
- the fee established by the contracting municipal library should equal or exceed the per capita support paid by the contractee for the year prior to the interlocal agreement.
- the interlocal services agreement is specific to the individual library and can not provide access to other libraries within a consortium.

Interlocal services agreements are now part of the Uniform Shared Services and Consolidation Act as codified at NJSA 40A:65-1. The mandatory provisions of shared service agreements are now at NJSA 40A:65-7 (see <http://www.nj.gov/dca/lgs/share/joint/jntlang3.shtml>)

GUIDELINES FOR DETERMINING A FEE TO PURCHASE A NONRESIDENT LIBRARY CARD BY AN INDIVIDUAL.

For a variety of reasons, individuals often wish to purchase a library card from another community. The New Jersey Library Association recognizes the right of every library Board to develop policies for the purchase of library service from its public library. There is no requirement in state law, however, that would require that a community "sell" its library services to nonresidents. This decision rests with the library Board officials. Library officials are reminded that local tax support is the foundation for library services in New Jersey. Decisions about fees for service to non-residents should be set so as not to undermine local tax support.

If library officials decide to offer library services to non-residents, an appropriate fee must be established. Library officials also have the right to establish various fees for different services. For example, a library may establish a "full service" library fee which would include access to all services offered by the library or it could determine an individual fee for specific services such as children's services by nonresidents. This is a local decision.

Many libraries participate in networks, consortia or reciprocal borrowing programs. Library officials should remember that any use of those services by non-residents is governed by the rules of that organization and may not allow access to its services by non-residents. Membership in such organizations is dependent on mutual and equitable local tax support among participating libraries.

The New Jersey Library Association makes the following recommendations when considering offering non-resident cards:

- the fee for non-resident library services should be set as an amount equal to or greater than the current per capita cost to support the local library.
- separate fees should be established for individual versus family access, provided that a local board chooses to offer both those options.
- the purchase of an individual library card provides that individual with access only to the services of that specific public library. Purchase of an individual library card from one library does not provide access to any networks, consortia or reciprocal borrowing agreements in which the library is a participant.