

# Wisconsin Library Association's Public Library District Legislation Proposal

## *Background Information*

Wisconsin state law currently establishes four methods of public library organization and governance.

- **Municipal libraries**, the method by which the majority of public libraries in the state are organized. [43.52]
- **Joint libraries**, created by an agreement of 2 or more municipalities or a county and 1 or more municipalities. The Community Library in Kenosha County and the Shawano City-County Library are examples of this method. [43.53]
- **Consolidated county libraries**, as established by a county board. The Brown County Public Library and the Marathon County Public Library fall into this category. [43.57(1)]
- **County library services**, established by a county board to serve residents in 'unlibrared' areas of the county. The Dane County Library Service is an example of this method. [43.57(3)]

**Public library districts.** The Wisconsin Library Association is proposing a 5<sup>th</sup> method of public library organization and governance as an alternative choice to the methods currently provided by state law. In very basic terms, a **public library district** is defined as an independent taxing authority that is authorized by state law to establish and operate a public library. According to statistics collected by the Institute for Museum and Library Services, nearly 15% of U.S. public libraries are organized as districts.

As are the four current methods of public library governance, the formation of a public library district is a matter of local choice.

The recommendations below propose that Wisconsin public library districts could include one or more contiguous municipalities or one or more contiguous counties. The full list of recommendations includes elements that will need to be incorporated into the bill language drafted by the Wisconsin Legislative Reference Bureau.

The Wisconsin Library Association Board of Trustees has endorsed these recommendations and encouraged the public library community to review them carefully in order to gain a clear understanding of what is being proposed. It is very important to emphasize in our discussions

that this is not a new layer of government. It is a new way to structure local property tax supported library service.

### ***Public Library District Recommendations***

This proposed legislation would create an alternative to the existing kinds of local public libraries in Wisconsin. This is not a replacement for a public library system of which public libraries are members. This is permissive legislation, providing a method for equalized tax support as voted by residents of the municipalities which comprise the library district.

#### **Organization and Planning**

- **Who may participate**

- A public library district could include one or more contiguous municipalities.
- A public library district could include one or more contiguous counties.

#### **Planning process**

- The first step in the creation of a public library district is the establishment of a planning committee.
- For municipal public libraries, consolidated county libraries, and for joint public libraries that have been established for a minimum of three years, the current public library board may initiate the conversion process. In these instances, the existing public library board would serve as the planning committee.
  - In a conversion process, the library district plan would be approved by a referendum of voters in the political jurisdictions currently served by the municipal, county, or joint public library as a whole.
  - Individual jurisdictions currently included in joint libraries or county libraries would not be able to opt out of the proposed library district.
- For a single municipal public library that has been established for a minimum of five years, the existing public library board may establish a planning committee to develop a plan for establishing a public library district that would include the area served by the municipal library and one or more adjacent municipalities that do not have a public library, provided the planning committee includes representatives from the adjacent municipalities without public libraries.
- For two or more municipal or county public libraries that have been established for a minimum of five years, the existing public library boards may jointly establish a planning committee to develop a plan for establishing a public library district that would include the area served by the two or more municipal public libraries or the two or the more municipal public libraries and one or more adjacent municipalities that do not have a public library, provided the planning committee includes representatives from the adjacent municipalities without public libraries.

- A planning committee for a county-wide public library district for a county in which a county-wide public library does not currently exist may be established by a majority vote of a county board of supervisors or by a written petition that is signed by 10% of the electors. The planning committee for a county-wide public library district shall include at least one representative from each public library board that currently exists in the county.

### **Specifics of the planning document**

- The library district planning committee would develop a detailed plan for establishment and initial operation of the proposed public library district.
- A proposed district would need a minimum population of 6,000 (Grade One Library Director Certification population).
- The plan would include the initial property tax levy rate for the public library district. At a minimum, this rate would equal the combined three year average of previous library support provided by the proposed participant(s) to the public library district.
- District libraries would be independently governed by a 9 member board elected by residents of the district area for staggered 3 year terms. The plan would recommend whether board members would be elected at-large or by sub-districts.
- The plan would provide for the method of transition from a current public library organization to a public library district.
- The plan would include a procedure for transferring employees and title to property and would address other necessary matters.
- The proposed draft would include the following language: "No person employed by a participating public library, county library service or public library system, at the time of the establishment of a public library district shall lose, because of such establishment, any salary, fringe benefit or other employment rights in existence at that time." And "If any employee of a participating employer under the Wisconsin retirement system becomes, by virtue of the establishment of a public library district, an employee of that library district, the library district shall become a participating employer under the Wisconsin retirement plan."

### **Role of the Department of Public Instruction**

- The Department of Public Instruction would be required to review the plan and issue a written opinion concerning the viability of the plan and whether it meets statutory requirement. The review would be advisory only.

### **Approving the final plan**

- If the final plan for creation of a public library district is approved by all of the governing bodies of all of the proposed participants to the public library district, the district would be created.
- If the plan is not approved by the governing bodies of all of the proposed participants to the public library district, the district could still be created by referendum in each municipality which was not approved by the governing body.
  - In a referendum to establish a public library district that includes an area in which a public library does not currently exist, the area which does not include an existing public library shall be considered as one jurisdiction in tabulating the vote on whether to approve the public library district.
  - A majority vote within this area would result in the whole area being included in the public library district.
- Upon creation of the public library district, all assets and liabilities of each public library that becomes part of the district become assets and liabilities of the district.
- If a public library is currently located in a municipal building which is shared with other municipal functions, ownership of the building shall remain with the municipality. However, the municipality shall be required to lease the current space occupied by the public library to the new public library district for \$1 per year for a minimum of 10 years.

### **Adding members to an established public library district**

- A municipality contiguous to an established public library district could join the district by affirmative vote of the public library district board and the governing body of the municipality, or by referendum in the existing district and in the contiguous municipality.
- An increase in the public library district property tax levy rate would require approval by referendum.

### **Withdrawing from a public library district**

- A municipality could withdraw from the public library district by referendum. If a municipality withdraws from the district, all assets and liabilities attributable to public library service within that municipality become assets and liabilities of the municipality.
- A public library district that includes 100% of the territory in a county may organize as a single county consolidated public library system under s. 43.24 (4) (a) and s. 43.21 of the Wisconsin Statutes.

### **Closing established public library facilities**

- If a public library district is established, an existing public library facility cannot be closed by the public library district board for a minimum of five years from the date of the establishment of the public library district unless a new public library facility is opened to serve the same area formerly served by the facility which is closed or the closing of the facility is specified in the initial plan for the district.
- A public library district board shall provide a municipality in which a public library facility is located two years notice of its intent to close the public library facility unless a new public library facility is to be opened in the same municipality.

### ***For More information***

Please direct any questions/suggestions/concerns you have about these recommendations to Paul Nelson, Chair, WLA Library Development & Legislation Committee (bennel62@gmail.com).